LEGISLATIVE COUNCIL

Wednesday 5 August 1998

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

PAPER TABLED

The following paper was laid on the table:

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

Office of Road Safety—Random Breath Testing in South Australia—Operation and Effectiveness, 1997.

LEGISLATIVE REVIEW COMMITTEE

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

That the report be read.

Motion carried.

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

The Hon. A.J. REDFORD: I bring up the report of the committee concerning regulations made under the Passenger Transport Act 1994 concerning small passenger vehicles and other matters.

RANDOM BREATH TESTING

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I seek leave to make a ministerial statement about the random breath testing report 1997 which I tabled earlier today.

Leave granted.

The Hon. DIANA LAIDLAW: The report has been compiled by Transport SA's Safety Strategy Section (formerly Office of Road Safety). The report is required in accordance with section 47DA of the Road Traffic Act, which provides:

(5) The Minister must cause a report to be prepared within six months after the end of each calendar year on the operation and effectiveness of this section and related sections during that calendar year.

(6) The Minister must, within twelve sitting days after the receipt of a report under subsection (5), cause copies of the report to be laid before each House of Parliament.

Honourable members will be aware that there is currently a Bill before Parliament to amend the Road Traffic Act to remove the need for the Minister to submit an annual report relating to breath testing stations. While the Bill has already passed the Legislative Council, it has not yet been addressed by the House of Assembly. Thus this report has been initiated for the calendar year 1997. It is anticipated, however, that this will be the last of such reports to be tabled. In future, as random breath testing is now an established part of police procedures, the Police Commissioner's annual report will feature reports on such activities.

RBT Operations

I advise that as part of the national road safety package, endorsed by Ministers at the Australian Transport Council meeting in May 1997 South Australia undertook to achieve a minimum testing level of one in two drivers annually, that is, approximately 500 000 tests. The report shows that during 1997 the South Australia Police exceeded that target. There was an increase in the number of random breath tests, reaching a level of 617 505 tests, or one in 1.6 drivers. This was the highest number tested in the period 1989-97, and represents a 91.1 per cent increase on the previous record year (1996). The increase has occurred in both the metropolitan areas (+76.9 per cent) and in rural areas (+127.9 per cent).

There were significant increases in the percentages of tests conducted on Saturdays and Sundays, while Friday remained the day with the highest number of tests. There was also a greater emphasis on RBT operations in the early hours of the morning, along with the targeting of specific locations, including city blitzes and cordons. These changes follow a redistribution of police resources to days, times and locations of higher drink-driving levels.

The increased scale of operations and improved targeting resulted in the highest level of detection of drink drivers over the period 1989 to 1997. Although South Australia has now exceeded its target under the national road safety package, other States are already working towards higher testing ratios, such as one in one, or even higher than that. Therefore, the South Australian goal to achieve a better than a one in two testing ratio is heading in the broad national direction.

In terms of fatalities, the level of drivers (including motorcyclists) with a legal BAC (below .05) has been fairly steady—around 64 per cent to 69 per cent since 1991. From 1989 to 1996, however, there has been an overall reduction in the percentages of driver fatalities returning higher-level BACs. I advise the Council that information regarding fatalities in 1997 has not yet been completed.

SECONDARY TECHNICAL SCHOOL

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a ministerial statement made in another place today by the Premier on the subject of the Vocational Secondary College.

Leave granted.

QUESTION TIME

AUSTRALIAN DANCE THEATRE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Australian Dance Theatre.

Leave granted.

The Hon. CAROLYN PICKLES: When the Minister announced her review into the legal structure and other working relationships of the ADT, I asked her whether she would appoint an independent person to chair that review. The Minister responded as follows:

However, regarding the review of the legal structure of the ADT, which has been commissioned by Arts SA and which has been undertaken with the full support of the ADT Board, an independent person with expertise in the arts and an individual who is respected Australia-wide has been approached and is actively considering the position.

In today's *Advertiser* there is a press release which presumably has come from Arts SA outlining that Mr Peter Myhill has been appointed to this position. It states that he is a solicitor and a business consultant but it does not mention his artistic background. So, my questions—

The Hon. A.J. Redford: He is very artistic.

The Hon. CAROLYN PICKLES: Well, my questions to the Minister are—

The Hon. A.J. Redford interjecting:

The Hon. CAROLYN PICKLES: I'm sure that the Minister can answer the questions. My questions are:

1. As the *Advertiser* has referred to Mr Myhill's expertise, will the Minister outline his expertise in the arts?

2. What is the total budgeted cost of the review?

3. Will the Minister consider expanding the terms of reference to include a review into the most important issue and the reasons behind the dispute between Meryl Tankard and the ADT?

4. What exactly are the terms of reference?

5. Given the predictable fate of the ADT's artistic directors, was any consultation had with the current Artistic Director regarding the scope of the review and its terms of reference?

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: No, from a lawyer. I seek leave to table for the benefit of the Parliament and the honourable member a copy of advice provided by Arts SA which outlines the reason for the review and the matters that Mr Myhill has been asked specifically to address.

Leave granted.

The Hon. DIANA LAIDLAW: As far as I am aware, the Artistic Director was not consulted about the terms of the review. Arts SA took the initiative as principal funder of the company of exploring that issue with the ADT Board, and this review has the full support of the board. I am not aware of its total cost, but I will seek that information.

In terms of the matters to be addressed, the honourable member will note that the review will examine the history of succession of the company's artistic directors to identify any common elements that have created particular difficulties in each of the areas of optimal performance, effective governance and cost efficiency, and I think that that matter will cover the concerns that the honourable member raised—because essentially they are succession issues.

I would highlight, too, that a person with the characteristics that I provided to the House a couple of weeks ago, a person from interstate and, principally, with an arts background was so approached but Arts SA discovered that that person could not start for about two or three months and I think the honourable member would agree that was too long. Certainly, that was the view of both Arts SA and the person approached. We need to get this review under way so that Arts SA and the board can work out what is required in terms of advertising for the new Artistic Director position and the relationship with the General Manager and the board, and those matters will arise out of this review.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: It will be completed at the end of October and Mr Myhill will start at the end of this month.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Will it make the report public? I believe that Arts SA would make that report public. It is its report. I do not think it would have anything to hide.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: Arts SA has commissioned it. I do not know what will be in the report. I hope, however, it will be a report that establishes the company on a sound and viable footing for the future so that we do not see repeats of the succession issues we have had in the past, which on all occasions have been fairly explosive.

I would highlight that Mr Myhill's business background as a consultant and solicitor has seen him work in a variety of industries in the past including film and television, education and financial services, and also aged-care. He was a member of the working party which developed the new structure for the Adelaide Symphony Orchestra. That has been established as a company owned by the ABC and it has been established with members nominated by the Minister in South Australia but appointed by the ABC and with a local input generally. So, that was a complex situation to work through and I have no doubt that Mr Myhill is the most appropriate person to undertake this responsible function.

ELECTRICITY, PRIVATISATION

The Hon. P. HOLLOWAY: My question is directed to the Treasurer. Further to his press release issued earlier today which announced that ETSA Chief Executive Officer, Mr Clive Armour, and Optima Energy Chief Executive Officer, Mr Ron Morgan, will not be employed as a CEO of any of the new power companies, will he say what is the cost of the payouts for Mr Armour and Mr Morgan? Can the Treasurer rule out that either of these men will be employed or hired as a consultant by any bidder for the purchase of ETSA or Optima before or during the sale process should the sale proceed? Finally, what is the salary and terms of appointment of the seven new CEOs of the electricity companies and who was responsible for the appointment of these executives?

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: That would be too much to ask. I do not have the precise total employment package costs of the new Chief Executive Officers with me.

Members interjecting:

The Hon. R.I. LUCAS: Can I answer the question?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: All I said before the Deputy Leader went off was that I do not have the total employment cost packages of the new executives with me. I will certainly take advice on that, but by and large all these people are currently employed by ETSA and/or Optima. The new appointments have been employed either at approximately their existing total package or at a slight increase. I am happy to take advice as to what I am able to say and not able to say in relation to those issues. They are broadly in line. At least one of them is being employed at only the same salary package that the person currently has, but some of them have some increases. I am happy to take advice on that issue. In relation to Mr Armour, as I indicated to the Deputy Leader in reply to yesterday's question, a decision was imminent and we were able to confirm the new appointments by way of public statement today. The Deputy Leader did not indicate in the press statement that I indicated that neither Mr Armour nor Mr Morgan were applicants for the positions of Chief Executive Officers of the companies that have now been established.

Members interjecting:

The Hon. R.I. LUCAS: Hold on. I am putting this on the record, because some people are seeking to make inferences which should not be made in relation to the position of Mr Armour and Mr Morgan. I want to place on the record the thanks of the Government for the work that both Mr Armour and Mr Morgan have done. I will talk about Mr Morgan in a moment, because he will have a slightly longer role with the continuing businesses. I understand that in 1994 Mr Armour came in with the task of preparing ETSA for the onset of the national market. On behalf of previous Ministers and

certainly on behalf of the Government I thank Mr Armour for his untiring efforts in preparing ETSA for the national market. I think he has done a very good job as Chief Executive Officer of ETSA, and I am pleased to be able to place on the public record in this Chamber, as I have done by way of media interview earlier today, my congratulations to him on the work he has done and my thanks to him on behalf of the Government for the work that he has undertaken.

I think that Mr Armour will continue until the end of September in the position of Chief Executive Officer of the holding company or the corporate company of ETSA while we prepare for the national market. During the month of October he will be retained by the Government, I think technically as a consultant to our Electricity Sales and Reform Unit, providing advice to the Government on preparation for the market and related issues, and he will leave paid Government employment at the end of October. His separation package is the same as will be available to some other senior executives who might not win positions within the Government. They are currently being negotiated with some of those people and have not yet been resolved, but Mr Armour's has been. He will be paid 12 months salary and he will also be paid an additional—

Members interjecting:

The Hon. L.H. Davis: On the one hand you go into bat for him and then you abuse him because he gets a payout. That's the wonderful consistency of the Labor Party.

The Hon. R.I. LUCAS: Well, I am disappointed at the snide remarks coming from the Democrats and the Labor Party about Mr Armour and his position because, as I said, on behalf of the Government I want to defend—

Members interjecting:

The Hon. R.I. LUCAS: If the Democrats indicate that they did not make—

Members interjecting:

The Hon. R.I. LUCAS: Let me be quite open about this. If the Democrats indicate that they did not make an interjection, I retract that. It must have been members of the Labor Party who made the interjections rather than one from the Labor Party and one from the Australian Democrats. I apologise profusely to the Leader and Deputy Leader of the Australian Democrats—

The Hon. Diana Laidlaw: And sincerely.

The Hon. R.I. LUCAS: —and sincerely if I have in any way maligned them by way of my earlier comment.

The Hon. Sandra Kanck: I'm overwhelmed.

The Hon. R.I. LUCAS: We're an open and honest Government. In addition, the Government will be making a lump sum payment of $50 000 to Mr Armour for loss of insurance benefits available to him if his employment had continued in its normal course. Associated with his superannuation arrangements were some benefits which are confidential. I am happy to have a discussion with the Deputy Leader if he would like a not public discussion about that. The Government, having looked at the submission, believed that it was fair and reasonable that a further lump sum payment of $50 000 be paid to Mr Armour in compensation for, in effect, losing those ongoing benefits.

As the press statement announces, Mr Armour has indicated that he believes his task has been substantially completed in terms of preparation for the market and he intends to return to the private sector. The termination agreement or arrangements with Mr Armour will ensure that there are restrictions on future employment that he undertakes for a period of three months. Also, there are further restrictions in relation to confidentiality provisions regarding the information that exists in Mr Armour's contract, which Mr Armour acknowledges as part of his ongoing responsibilities in terms of his employment arrangements with ETSA and the Government.

In relation to Mr Morgan, because of the extraordinarily difficult task that we have in relation to preparing three competing businesses to operate in the national market in the generation side of the electricity industry, he will continue in a role with the Government right through to the end of the last sale of the Optima assets, as I understand it. This therefore means that whilst he is in Government employment he is not able to act as a consultant or join the employment of any potential competitor or bidder because he will still be in Government employment through to that stage.

When we get closer to that time, which is likely to be some time in the latter part of next year, so it is likely to be at least 12 months away, we will be negotiating some reasonable and fair separation package with Mr Morgan which will similarly govern his responsibilities not only during this coming period but for any period soon after he leaves the employment of the Government.

The Hon. P. HOLLOWAY: As a supplementary question, given that Mr Morgan will continue to work for the Government for the next 12 months or longer, will he receive the same remuneration, given that his duties will now be considerably less?

The Hon. R.I. LUCAS: If the Deputy Leader is arguing that Mr Morgan should have his—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, that's the tenor of the question, that—

The Hon. T.G. Roberts: How do you know? That's an assumption.

The Hon. R.I. LUCAS: Well, he said, 'given that his responsibilities are considerably less'—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: Well, that's interesting. We'll have a look at the award provisions of others employed in the public sector when their responsibilities change and see whether the Deputy Leader of the Australian Labor Party will similarly support provisions so that people who are placed on the redeployment list in the public sector, for example, will have their package removed—possibly removed completely if you are Bruce Guerin.

The Deputy Leader of the Australian Labor Party is a member of the Government that supported a package for Bruce Guerin, someone with close associations with the Labor Party. Clearly, the Deputy Leader is suggesting that if people such as Mr Guerin and others have no work or whatever to do they should have their salary arrangements removed completely or reduced substantially. That is not the position that Mr Holloway supported when he and his Government put together that package for Mr Guerin. They locked it up as tight as a drum to protect Mr Guerin—whether or not he was doing public sector work. They actually tied it in to salary of the Chief Executive Officer of the Department of Premier and Cabinet so that it would continue, irrespective of whether or not he was undertaking work.

It is a huge double standard for the Labor Party and Mr Holloway to seek to attack Mr Morgan, who has been an outstanding manager of Optima and who will continue to provide important and outstanding advice to the Government during this process. Any inference that he will be sitting on

his backside doing very little is an improper suggestion from the Deputy Leader of the Australian Labor Party in the Legislative Council. I certainly reject any inference or imputation that the Hon. Mr Holloway might direct towards Mr Morgan and his continuing role.

RURAL HEALTH

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about rural medical services.

Leave granted.

The Hon. T.G. ROBERTS: In the *Border Watch* of Friday 31 July there is a heading 'Doctors' crisis deepens'. Mr Alan Scott, his editorial board and journalists are very concerned about the health of people in that area. Genni Marston, the author of this report into the shortage of appropriate doctors in Mount Gambier, says that health authorities are predicting a crisis, that a trial rostering system has failed and that the hospital management and doctors are locked into talks with the South Australian Health Commission to come up with a solution. The article goes on to say that there is a possible shortage of some 10 doctors in the Mount Gambier system.

In another paper in which I think Mr Alan Scott has an interest, the Penola *Pennant*, the headline states 'Penola seeks doctors'. The story says that two doctors were drawn from overseas to service the Penola area, and they indicated that they were prepared to stay for a very short time only, so the community now will be without doctors again. A working party has been set up in Penola, but as it is a public-private practice, that is, the doctors participate in private practice and then service the community's emergency needs in the hospitals, the community has taken on that role in trying to attract doctors and is offering incentives for them to settle in Penola.

For those who know about regional hospitals, a lot of voluntary effort goes into them by a lot of people, and Penola is no exception. Given that the Health Commission is negotiating with the Mount Gambier hospital—and, hopefully, the Health Commission will come to a favourable conclusion in Mount Gambier's favour on that issue—what assistance can the Health Commission give to the Penola community in locating and settling suitable doctors for the Penola hospital to overcome the shortages that they are experiencing?

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

ETSA, INTERSTATE MARKETS

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking the Treasurer, as Leader of the Government in this Council, a question about ETSA's interstate performance.

Leave granted.

The Hon. L.H. DAVIS: I am asking a question which I thought would have been asked already by the Opposition. On page 5 of today's *Australian Financial Review*, which is a journal that I am sure the Hon. Paul Holloway would read from time to time if he cuts his mustard as the finance spokesman for the Labor Party, is an article by Simon Evans headed 'Concern over power performance'. They are talking not about the Hon. Mr Holloway on this occasion but about ETSA. The article by Simon Evans states:

> Advisers working on the sale of South Australia's electricity assets are understood to have expressed concern about the performance in interstate retail markets of ETSA Corporation in the year to June 30. A team, including Morgan Stanley, KPMG and SA Treasury officials, has been working inside ETSA for several weeks and is believed to be alarmed at the difficulties ETSA encountered in retail markets in New South Wales and Victoria as it competed for contestable customers. The ETSA retail business in interstate markets is understood to have generated sales revenue of $7.1 million for 1997-98 but sustained a loss of $8.1 million on an earnings before interest and tax basis. ETSA's Managing Director, Mr Armour, said, 'The company did not release breakdowns of each business.'

And so on. I was concerned to read that, given that we understand that obviously there are risks in this newly emerging national electricity market. Has the Treasurer seen this article and has he any comment to make about its accuracy or otherwise?

The Hon. R.I. LUCAS: The Hon. Julian Stefani some time ago asked a question about a particular media story and contract.

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: No, it was not about a flying Stobie pole. I indicate to the Hon. Mr Stefani that we are getting close to providing him with a detailed response to that particularly perceptive question—

The Hon. Carmel Zollo: It was not a dorothy dixer?

The Hon. R.I. LUCAS: No, it was not a dorothy dixer. It was an insightful question, as is expected from Government members in this Chamber, from the Hon. Mr Stefani.

The Hon. T.G. Cameron interjecting:

The Hon. R.I. LUCAS: You are going deaf. The advice that has been provided to me on the interstate performance overall, rather than talking about the specific contract to which the Hon. Mr Stefani referred in an earlier question. It is correct that the information that the *Financial Review* has reprinted today is for the financial year 1997-98, when ETSA on its trading performance interstate earned revenue of $7.1 million and did record, so I am told, an earnings before interest and tax (IEBIT) loss of $8.1 million on that sales revenue of $7.1 million. Of course, that is not just the marginal cost of operating, I am told, for the interstate performance but is a proper allocation of all costs that should be attributed to the maintenance of the interstate trading arm of ETSA. To be fair, ETSA will acknowledge that it is very difficult to make much money at all on interstate trading currently.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: It does not matter whether they budgeted for it.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I can assure you that I have not been advised that they budgeted for an $8 million loss, Mr Elliott.

The Hon. A.J. Redford: How many schools could you build for $8 million?

The Hon. R.I. LUCAS: You could get a couple of primary schools for $8 million. It is a cutthroat national market. That is one of the points that the Government has been making, and the margins, as the commentators are saying, are very skinny. Certainly, the early advice I have had back on the Hon. Mr Stefani's question is that the potential profitability of that contract was a very small figure in total terms. My recollection is that the profitability for ETSA was

predicted to be about $1 000 or $1 600 on the contract to which the Hon. Mr Stefani referred in his question. I will seek further detail. As I said, we are still trying to respond to the Hon. Mr Stefani's question.

The only other point I would make is that we know that as at 15 November of this year with the start of the national electricity market 26 or 27 other companies have already sought licences in South Australia to compete against ETSA in the retail market. So, whereas under our current monopoly position ETSA has traded as a monopoly without fear of competition, after 15 November potentially we can have 27 companies competing with ETSA in the national market here in South Australia. Not only are they trading interstate, which is obviously difficult, and incurring some significant losses on their operations but also we would have a more difficult trading climate than has existed in the past here in South Australia as a result of the competition.

The Premier has indicated to the Parliament on a number of occasions that in Victoria 50 per cent of the contestable customers changed from the old SECV to new companies once the market opened up and they were able to choose from suppliers other than the old Government supplier in Victoria.

CARBON CREDITS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Environment and Heritage, a question relating to carbon credits. I ask that the question also be relayed to the Minister for Primary Industries, Natural Resources and Regional Development.

Leave granted.

The Hon. M.J. ELLIOTT: Last month (as I recall about 8 July), during Matters of Importance, I discussed the matter of trade in carbon credits and the potential for enhancing South Australia's environment through that trade. I have received a positive response from some quarters to my call for greater involvement by our State in this emerging area. Since my first speech on the issue I have learnt about several programs already under way in Australia to tackle the Greenhouse problem through this system of investing in carbon credits. This is done through the payment of compensation by carbon polluting industries for the establishment of forests to act as carbon sinks for carbon dioxide in order to counter global warming.

The conservation and land management opportunities also provided by these schemes have been recognised as huge for South Australia. Already the New South Wales Government has put together a $30 million prospectus for investment in carbon credits and has already signed up carbon trading deals with two companies. The head of Western Australia's Department of Conservation and Land Management, Dr Syd Shea, gave a paper to a conference in May this year which outlined his State's progress in this field. If this program is fulfilled, it will result in the establishment of 800 000 hectares of trees on farmland by the year 2020. Depending on the trees and their capacity to store carbon, one hectare of forest could be worth between $100 and $300 a year in carbon credits.

As Western Australia has more than 70 per cent of Australia's reported dryland salinity, the forestry program will aim to tackle this issue, as regeneration with trees and shrubs, which are deep rooted, is the only practical long-term solution to controlling dryland salinity. It is worth noting that by 1996 South Australia had already lost 402 000 hectares to salinity. That is an increase of 55 000 hectares from 1982, and it is believed that we will lose at least 600 000 hectares before salinisation levels off.

To obtain a better idea of how much this is potentially worth, the country of Costa Rica will receive $300 million in carbon credits over a 15 year period for the preservation of forests. That is 'preservation' as distinct from 'replanting', so we are talking big dollars. Carbon credits are seen by many as a useful short-term—I stress 'short term'—method of tackling greenhouse gases whilst more work is done on removing our reliance on fossil fuels.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: They're already moving, yes. Unfortunately, our Ministers haven't heard about it. I have raised these matters with the Minister for Primary Industries, Natural Resources and Regional Development (Hon. Rob Kerin) and the Minister for Environment and Heritage (Hon. Dorothy Kotz), but I ask this question because I would like a response from the Government placed on the public record in terms of what the Government is now—

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Yes, the Treasurer might like the money, too, if I find a way of getting it.

The Hon. T.G. Cameron: How many acres of trees do we have to plant so that we do not have to sell ETSA?

The Hon. M.J. ELLIOTT: Actually, it would not be a lot.

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

The Hon. M.J. ELLIOTT: Yes, Mr President. If you will protect me from these interjections, I am sure that I can get on with it. I ask the Minister to place on the record the Government's plans and whether or not it will seek to address this issue in the short term. It is likely that there will be a window of opportunity of, at the most, 10 years, and the countries that get in the earliest will clearly get the most benefit.

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

HINDLEY STREET

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Justice a question about discipline in Hindley Street.

Leave granted.

The Hon. CAROLINE SCHAEFER: Recent newspaper reports indicate that commercial property interests in Hindley Street want trading hours for licensed outlets restricted on the basis that some people who drink too much alcohol are giving Hindley Street a bad name. Will the Minister comment on whether or not the Government will agree with traders in Hindley Street to limit trading hours as they have requested?

The Hon. K.T. GRIFFIN: The Government does not intend to legislate to limit the hours of trading in Hindley Street. It is important that that be put on the record. The Liquor Licensing Act already contains provisions which allow business people, residents and others within the vicinity of licensed premises to take action either to object to the granting of a licence or to seek disciplinary action against a licensee where that licensee's business activities or patrons cause annoyance or disturbance. The provisions of the Liquor Licensing Act in that regard are quite strong.

I think all members will remember that during the debate last year on what is now the new Liquor Licensing Act we were anxious to ensure, on the one hand, that there was a proper balance between the availability of liquor through licensed premises and, on the other hand, that local residents and business people had a more than adequate opportunity to influence decisions which affected their lifestyle, convenience, and business activities. It is correct that in the past few days there have been newspaper reports about an association which I think is called the West End Association and its President, Mr George Kambitsis, who has been promoting the view that there ought to be a blanket time limit for trading some time between 2 a.m and 4 a.m. each morning.

This blanket proposal would affect both responsible and irresponsible licensees. To me, it suggests the use of a rather blunt instrument to deal with the issue of persons who might have consumed too much alcohol being in the street. It is important to recognise that there are some commercial interests represented in Hindley Street and that there are differing points of view about whether or not there should be this sort of a blanket cut-off point for the availability of alcohol. There are those who believe that it is affecting their business and who want to impose a limit. There are many others who are not unduly affected, if at all, and who are either silent or oppose that blanket limitation.

It is also important to recognise that there has been a significant amount of development, particularly in the west end of Hindley Street, with the University of South Australia and other developments which gradually are changing the character of the west end and that part of Hindley Street. The State Government has contributed some money to fund a crime prevention officer for a project in that area which seeks to identify the real problems and their causes (if they are crime related) and to develop some strategies to address them.

The Adelaide City Council recently brought together relevant parties to develop an alcohol management stategy for the whole city addressing precincts such as Hindley Street, the ASER site and Victoria Square. This group includes the council, the police, the Office of the Liquor and Gaming Commissioner, and Mr Kambitsis representing the West End Association. However, it should be noted that the group does not have representation from licensees or other commercial interests. At a meeting of that group on Monday 27 July, the Deputy Liquor and Gaming Commissioner pointed out that reduced trading hours across the board would not necessarily address problem behaviour but that action could be taken against individual licensees if nearby residents or workers were affected by noise or patron behaviour.

There is also the City of Adelaide Licensing Accord which has been in operation since July 1996. It has generally but not universally led to an increased awareness by participating licensees of their responsibilities under the Liquor Licensing Act. Better management of several licensed premises in Hindley Street where the accord focuses has been the result, but there has been something of a displacement effect because undesirable patrons are either removed from licensed premises or denied entry and are causing problems in the street in the vicinity of those licensed premises.

Proper management of licensed premises including the refusal to serve intoxicated persons, the presence in and in the vicinity of licensed premises by licensed security staff and a visible police presence are considered the appropriate strategies to address the issue of liquor related anti-social behaviour. I remind members also that Hindley Street East, that is, between Morphett Street and King William Street, is also a dry area.

The displacement effect, of course, is an important consequence and the point has been made to me that if trading hours are reduced in Hindley Street the immediate result will be a transference of the problem to other areas, in particular Rundle Street East and Kent Town. It is interesting to note that Rundle Street East, which has late night trading, enjoys a far more cosmopolitan atmosphere than Hindley Street, and it is one view that trading hours in themselves are not the problem. If the venue can operate without causing distress to the community, one has to ask why it should be caught up in an arbitrary reduction in hours.

Ultimately, it comes back to proper management of licensed premises where licensees should be acting responsibly, not serving persons who are already intoxicated and implementing policies and practices to guard against the harmful and hazardous use of liquor. In those circumstances it is more than likely we will be able to see a general improvement in the atmosphere and behaviour within the Hindley Street region.

I come back to the point I made at the outset. The Government is not in the business of requiring mandatory and blanket closing and opening hours. There is adequate power within the Act to allow persons to take action in accordance with the law, and that is where the responsibility ought to lie. It is not a matter for Government to take those sorts of actions. We can facilitate improvements and action but, ultimately, it comes back to the level of responsibility shown by those who might carry on business, own property or live in the vicinity of that location.

TOURISM

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Tourism, a question on tourism marketing.

Leave granted.

The Hon. G. WEATHERILL: The *Australian Financial Review* of Friday, 30 July 1998, highlighted a report which was conducted on behalf of the group, Australian Domestic Tourist Initiatives, and which was entitled, 'Domestic Tourism Growth Challenge 1998-2002'. The report, basically, predicts a fairly flat market over the next few years as a result of, in part, competition. The Minister for Tourism stated in the Estimates Committee on 18 June 1998 that South Australia currently receives approximately 7 per cent of the national tourist market—1 per cent to 2 per cent below the per capita share—and through marketing and better promotion we may in the next 10 years increase our share of the industry to the per capita national average. My questions to the Minister are:

1. Does the Government stand by the statements of the Minister for Tourism at the time regarding the prediction?

2. How comparable in dollar terms, per capita and overall, are the marketing and promotion strategies of South Australia as a tourist destination to other States?

3. To the best of the Government's knowledge, how many dollars of public money needs to be invested in marketing and promotion to attract each extra $1 million worth of trade from the industry?

The Hon. R.I. LUCAS: I will take advice on that and bring back an answer. I can say that the Government shares the view that more targeted and increased expenditure on direct tourism marketing will be of benefit to the State of

South Australia. In the last budget, my recollection is that the Government has approved over the coming four year plan a doubling of direct marketing expenditure by tourism in an endeavour to increase the number of tourists from other States visiting South Australia. I will get the final detail of the answers to the questions that the honourable member has asked and bring back a reply.

HINDLEY STREET

The Hon. J.S.L. DAWKINS: My question is directed to the Minister for the Arts. Further to the Attorney-General's answer to an earlier question regarding Hindley Street, what initiatives have been proposed by the Hindley Street traders to refocus the street as an arts precinct of Adelaide?

The Hon. DIANA LAIDLAW: A great deal of work has been undertaken by traders, Adelaide City Council, the community arts network and Arts SA to rebuild the image of the street, and many of the initiatives complement the work that the Attorney-General just outlined for the street overall. A survey was undertaken by that group I just mentioned and it highlighted that 21 arts organisations in South Australia wanted to either relocate to the area or to enlarge and extend their activities and put part of those activities within the West End or the Hindley Street area. It would be the only arts precinct in Australia and I should have thought members opposite would actually start to appreciate that, in terms of rebuilding the health, vitality and prosperity of the Adelaide City Council CBD region overall, the arts have the strongest potential to do so in the short term, and especially when we are able to create something that is quite different from anywhere else in Australia in terms of a concentration of arts activities.

The Adelaide Festival has already indicated that it will be moving to the Hindley Street area. Arts SA is also very keen to move from the Capita Building on Pulteney Street at the other end of town to Hindley Street.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Well, the company will remain in South Australia despite your efforts to discredit it overall. It is good to see that the company will remain.

Members interjecting:

The Hon. T.G. Cameron: Good riddance, as far as I'm concerned.

The Hon. DIANA LAIDLAW: I do not think I will reflect on those comments, but certainly a major effort, Mr Cameron, has been made to keep her here. But, if she does not want to stay or undertake the work in which taxpayers have invested—

The Hon. T.G. Cameron: She goes with my best wishes.

The Hon. DIANA LAIDLAW: Well, I do not think I want to get into this debate, but I do think, after hearing your comments, that many people may think that I am preferable as Arts Minister. I want to highlight, and I will not pursue this for long because either Mr Cameron or I will get ourselves into hot water here—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Have any ever been to her performances?

The PRESIDENT: Order! Will the Minister please answer the question.

The Hon. DIANA LAIDLAW: As I said, I do not think we will pursue this.

The PRESIDENT: No.

The Hon. DIANA LAIDLAW: And the President suggested that we do not, either.

The PRESIDENT: Order! Minister, I ask you to return to your answer please.

The Hon. DIANA LAIDLAW: I want to highlight that an arts precinct such as this would reinforce assets that we already have in the West End including the Lion Art Centre, the Jam Factory, Nexus Multicultural Arts Centre, Doppio Teatro, and Leigh Warren Dancers. I think you would have heard of them, Mr Cameron.

The Hon. T.G. Cameron: Never heard of them.

The Hon. DIANA LAIDLAW: You've never heard of them either—and I thought you were worldly!

Members interjecting:

The Hon. DIANA LAIDLAW: You are.

Members interjecting:

The PRESIDENT: Order! There are still some members who want to ask questions.

The Hon. DIANA LAIDLAW: Yes, I am sorry Mr President. There is also the Experimental Arts Foundation. The Government is spending about $27 million on building the Centre for Performing and Visual Arts in Light Square. In this arts precinct proposal, the Hindley Street traders will also do an enormous amount to link the North Terrace Cultural Institutions Boulevard and the Festival Centre area. I am very keen that we should also see the revitalisation and restoration of the old Queen's Theatre, the oldest theatre in mainland Australia, as part of this effort to refocus the arts and therefore revitalise the West End of Adelaide.

FOOD LABELLING

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General and Minister for Consumer Affairs a question about genetically modified and irradiated food.

Leave granted.

The Hon. IAN GILFILLAN: I acknowledge that yesterday the Hon. Terry Roberts asked a significant question of the Hon. Diana Laidlaw in the same area on the basis of health. This issue of genetically modified and/or irradiated food is a rising problem for consumers, and my question is therefore directed to that Minister. Two years ago my colleague Sandra Kanck moved a Bill requiring genetically modified or irradiated food to be labelled accordingly. This is not now some futuristic issue: more than 700 varieties of plant from 40 different species have already been genetically modified and many of them are available to eat. The Democrats view this as an issue of consumer choice and education: people ought to know what they are eating and have the right to make up their own mind. The Bill to label such foods did not succeed, primarily because it did not get Government support. At the time the Minister, Diana Laidlaw, explained that food standards had to be set on a national basis through the Australian New Zealand Food Authority (ANZFA).

Recently ANZFA has proposed a labelling standard which does prescribe mandatory labelling for foods that contain new and altered genetic material, but only when they are not 'substantially equivalent' to their conventional counterparts. The meaning of this term 'substantial equivalence' is to be determined by scientists so that if they believe the food is essentially the same as the traditional counterpart it will not be labelled as genetically modified. Therefore, under ANZFA labelling guidelines consumers will not be able to make this decision for themselves. The choice of whether or not to

purchase genetically modified food, to say nothing of irradiated foods, will be made for them. My questions are as follows:

1. Does the Minister for Consumer Affairs agree that the ANZFA standard as outlined is deficient in that matter?

2. Is the Government satisfied with the proposed ANZFA food labelling standard?

3. Will that standard be imposed upon South Australian consumers?

4. If it is unsatisfactory to the Government and to the people generally, why can we in South Australia not go it alone and set our own food labelling standards to ensure that consumers have information regarding genetically engineered and irradiated food?

The Hon. K.T. GRIFFIN: I will take all those questions on notice and bring back a reply. With respect to the last question about why we cannot go it alone and do our own thing and in relation to packaging, the answer is quite simply that all manufacturers of all products manufacture and package goods that are available on a national basis. So, if South Australia becomes an island with a requirement which is inconsistent with that which is required in other jurisdictions, the consumers in South Australia will either be denied the product because it will be too expensive to package it separately or more particularly will pay a premium for the variation in packaging. But in any event such differences will not be particularly effective, because there will be no restriction on bringing interstate product across South Australian borders. So, I cannot see that there is any sense in pursuing the proposition to which the honourable member referred in making South Australia different in respect of requirements for the packaging and labelling products. Given the circumstances to which I have referred I cannot see why we should pursue that objective. With respect to all the other questions, as I have indicated I will have some work done and bring back a reply.

MATTERS OF INTEREST

JAMES MARTIN

The Hon. J.S.L. DAWKINS: On 28 July I was pleased to attend the launch of celebrations to mark the 150th anniversary of the arrival in Gawler of James Martin, generally known as the father of that town. James Martin arrived in Gawler in June 1848 and became a manufacturer of agricultural, mining and railway machinery, employing some 700 men at one point. As the well recognised initiator of Gawler's early industrial success, James Martin was also widely involved in the community. He was the second Mayor of Gawler, for a total of eight years, and later served a three year term in the House of Assembly. After a considerable interval he was also a member of this Chamber for 14 years. James Martin's statue stands near the banks of the South Para River, and the archway to his Phoenix Foundry remains in Calton Road in Gawler.

The 150th celebrations focused on a photographic exhibition set up by local historian Mr George Rau. This exhibition included many of James Martin's original documents and drawings, as well as many photographs and models, particularly of many of the steam locomotives manufactured at his factory in Gawler. More than 300 local schoolchildren visited the display during the three days, as well as many adults. Gawler Councillor Sandy Davies and the Gawler Tourism and Trade Authority assisted Mr Rau in organising the exhibition, which was a showpiece of Gawler's early industrial history. The exhibition was sponsored by Bunyip Press, which is still conducted by the same family as it was in James Martin's heyday, and launched by the Mayor of Gawler, Dr Bruce Eastick, a former member of another place.

Mr Rau, who gathered his wide range of photographs, documents and drawings during his long working life on the railways, recently held a similar display at the Adelaide Railway Station which benefited the Animal Welfare League.

Members interjecting:

The Hon. J.S.L. DAWKINS: There's more there than you might think. I was also pleased to note that the Gawler branch of the National Trust has established a permanent display which celebrates the life of James Martin. This is most appropriate, given that 1998 is the centenary of the year of his death. Among many items of interest displayed are James Martin's original lathe which he used when he opened a blacksmith shop in Gawler, as well as a selection of foundry items and other artefacts dating back to his arrival in the town. I congratulate Mr Rau and those who support him in making this material available to the public. It is important that evidence of our State's history be accessible to our young people. Apart from his personal service to the State, James Martin's foundry made a large contribution to an emerging South Australia. This was particularly so in relation to the impact it had in the railway network, which was vital in the development of this State.

INFORMATION TECHNOLOGY

The Hon. CARMEL ZOLLO: Information technology or IT is one of the fastest growing sectors of the economy. As it grows, IT performs an ever increasingly important economic and social function in our State, nation and world. Information based industries will continue to grow exponentially and this growth should be encouraged. However, a smart approach is required in South Australia to ensure that suitable conditions exist to support and maintain in the long term a vibrant information economy.

As information technology permeates through our society it provides great improvements in our capacity to achieve in the speed and volume of transfer of information and provides challenges that must be dealt with expeditiously. Some of these issues include online privacy, copyright, online gambling, data security and electronic signatures. IT and its effects are one of the driving forces of change in our community. Many of these changes assist in efficiency gains and new jobs. Some have the devastating effect of job losses in more traditional areas as technology changes the employment mix.

Many people are currently excluded from access to and an understanding of IT to the extent where a section of IT impoverished people are emerging. These people are acutely feeling the stress of the IT revolution. This is illustrated in the disastrous Federal Government move to a jobs network system. A situation has emerged where people with low or no computer skills are almost entirely impeded from job search assistance because of the complexity of the self-

service computing system. This only serves to further discourage people from pursuing employment.

The primary concern that I wish to address today however is that of information technology and privacy of personal information. Personal information data is now regarded as a valuable commodity that is transmitted, exchanged, manipulated and compiled as a central activity in the emerging information age. Unfortunately, personal data is increasingly handled not only by those who have a legitimate purpose for it—that is, information amassed in a fair manner and kept fairly secure—it is also compiled by some who handle personal details in ways that may impose on an individual's privacy. Some even gain such information by immoral, unreasonable or illegal means. Recently there have been many examples of hackers breaking codes and accessing consumer details, including high security defence systems.

Due to the speed of the spread of IT systems concerns over data privacy and authenticity have remained as issues largely not addressed in this State. Last month the Victorian Government indicated that it would be proposing legislation to protect individual privacy and to promote a framework for electronic commerce. I now understand that this will go ahead. Whilst I support the intent of the Victorian action it may to some extent undermine a national approach to dealing with the issue.

I believe that if this issue is to be addressed effectively Australian Governments must work together to ensure that a coordinated approach is made to address the issue of electronic commerce and individual privacy. In discussion papers on the proposed Data Protection Bill and the Electronic Commerce Framework Bill, the Victorian Government seeks to institute legal protection for the consumer. It also tries to address some key areas of concern that it says hinders business and consumer confidence in electronic commerce.

The Bills have yet to be completed and are only in the discussion stage. Whilst I may not agree with the precise manner of the Victorian approach, it is admirable that it has taken some initiative on the matter. Where does this leave South Australia, which the Government is trying to promote as the IT State? I think it is important that South Australia should move to call for national legislation and a monitoring regime and seek a meeting of the Ministerial Council to deal with the matter. Whilst many codes exist, such as the national principles for the fair handling of personal information issued by the Federal Privacy Commissioner and the voluntary codes such as the Australian Direct Marking Association's privacy principles, they are not directly supported by legislation.

It is imperative to provide safeguards for consumers. A quick response to the need to protect consumers, business and Government will assist to raise the confidence in online, internet or e-commerce data services, and will only serve to help the IT sector grow.

WINE CENTRE

The Hon. IAN GILFILLAN: I want to raise the matter of the National Wine Industry Centre and the Government's plan for the centre which it wants to build partly on the Botanic Gardens land and partly on the former Hackney bus depot site. I share with the Government a pride in the Australian wine industry and pride in the fact that South Australia is the leading producer of the nation's wine. I welcome the commitment of funds to showcase and display our wine industry.

The very idea of a wine industry centre is something to be applauded and welcomed. However, I do not share the Government's fixation for the proposed site, and I will explain why. First, I am against alienation of the parklands, especially for commercial and industrial purposes. The proposal is to take 2.9 hectares of what is currently the Botanic Gardens and turn the land over to a profit-making concern. This is first and foremost a land grab—a grab to alienate parklands.

After the departure of the former bus depot there was an opportunity—and promises I might add from both Labor and Liberal—to return that land to the people of South Australia for its original purpose as parkland. Instead, it will be alienated to one specific industry and that industry will also grab some of what is now reserved for the Botanic Gardens.

Secondly, this is not the sort of development which is in any way consistent or in sympathy with the parklands. We are talking about a building which, on the current architect's sketches (on display this week at Yarrabee House) is about 15 metres tall—that is as tall as a four storey building—and the architect, Steve Greave, has let it be known that he is not limited to that height: it may go higher. This is a grand, expansive, large, intrusive and extravagant proposal. Our wine industry may deserve an expansive project—but not on our parklands.

Thirdly, this is a very expensive, and unnecessarily expensive, option for the National Wine Industry Centre. To accommodate the Government's wishes it will be necessary to move the State Herbarium at an estimated cost of $5 million; move the Botanic Gardens administration building at a cost of $2.5 million; and protect against flood, with earthworks of approximately $3 million. These costs are outlined in a submission to the Commonwealth's Federation Fund as recently as June 1998. The total cost of the project has gone from an original estimate of $10 million to what is now $39.7 million. The result will be an edifice befitting a mausoleum.

Fourthly, there is the issue of car parking. The proposal is to create 148 new car parking spaces along the Hackney Road frontage. All these spaces will further alienate what would otherwise be parklands. Roughly three-quarters of them will be on former Botanic Gardens land.

All this is so unnecessary when there is another eminently suitable site which has none of these disadvantages and which can accommodate a National Wine Industry Centre and vineyard without stinting on floor space or area. I refer to the Glenside Hospital site bounded by Fullarton Road and Greenhill Road. This site was not considered for the National Wine Industry Centre because it was not considered to be available until May this year, when the Government announced its intention to close Glenside Hospital.

The Glenside location has the advantage of also being in a highly central location, adjacent to parklands and the city without actually being on the parklands. The buildings along Fullarton Road are already empty and so there would be no massive costs to relocate the State Herbarium and Botanic Gardens administration building.

As far as I can tell there may be only one reason why the Government would not want to pursue the Greenhill Road/Fullarton Road option—it is not quite as central as North Terrace and fewer people might be inclined to walk there as opposed to driving. However, most visitors to the Hackney site are also expected to come by car or bus, so one extra kilometre in the opposite direction is hardly going to matter. Greenhill Road, while it is not North Terrace, is not exactly

a shabby address. It has the potential to be every bit as impressive and as befitting to our great wine industry as the Hackney Road/North Terrace site, without running the risk of alienating parklands and at quite a reduced cost to the taxpayer. I would have thought that saving taxpayers' money would have had a higher priority to the Government than building the most expensive possible memorial to the Premier on alienated parklands.

This proposal flies in the face of the Hassell report on the National Wine Industry Centre which was prepared for the Adelaide City Council and which addressed the implication of siting it on the former Hackney Tram Barn site. Section 5 (pages 8 and 9) of the report states that the Government wants a central site big enough to include a vineyard. However, the Hassell report listed 12 other potential sites—not counting the Glenside and the Old Kent Town brewery—which makes 14 sites listed in the study.

Section 14 (page 6) states that the former STA bus depot should be replaced by a mixed exotic and native Australian planting as an extension of the Botanic Gardens and park and be open to the public at all times; and that no new buildings should be permitted. Therefore, one can see that there are no pluses or ticks for that proposed site. The idea is great, but it will go in the wrong place unless the Government has enough wisdom to change its mind.

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

RURAL ACHIEVERS

The Hon. CAROLINE SCHAEFER: The May edition of the *Australian Farm Journal* published the top 200 young rural achievers in Australia, and I would like to draw the attention of the Council to the achievements of some of those people. We were very fortunate to have 23 young South Australians listed in that top 200. Time will probably not permit me to comment on all those people. However, I shall quote from the editor of the *Farm Journal*, who said:

> The main purpose is to illustrate the bush is richly endowed with young talent. I believe it provides a worthwhile read for both young and older farmers and will give them hope there is a future in agriculture, whether on or off the farm.

Some of the people named in this list include Sandy Cameron, Chief Executive Officer of the South Australian Farmers Federation; Rick Henke, who at 26 and from Karoonda is the youngest rural councillor in Australia; Nick Hillier of Hillier Agricultural Consultancy in Hynam; Trudy Huczko, whom most of us know as the Policy and Economic Adviser to Minister Kerin; Paula Jenkin of Woodside Cheesewrights; and Nick Kentish from Mount Gambier and his wife Alexi, both of whom were part of the list of 200 people. Nick is a grazier and feedlotter, and markets potatoes. He is the regional President of SAFF and a board member of Tablerite value-based meat marketing. His wife Alexi is an agronomist on the board of the Australian Farm Women's Foundation.

Rob McGavin is Manager of Jubilee Park Vineyards at Parinya and is amongst the top 1 per cent of grape growers in Australia. Ben McNamara from Tumby Bay grows and markets quandongs. He now has 7 000 trees and markets quandong products all the over the world, but he particularly exports to Japan. There is Sarah Marquis from Fox Creek Wines; David Moser, a lecturer at the Agricultural Machinery Research Design Centre at the University of Adelaide; Bill Moularadellis, who is Managing Director of Kingston Estate Wines and who was the young entrepreneur of the year 1997; Louise Stock, who was better known to many of us as Louise Ellaway from Keith, is a TAFE lecturer and was previously Livestock Executive Officer and Grains Section Research Officer for SAFF; Grant Thompson, who is the new Grains Executive Officer for SAFF and who previously held that position in Western Australia; Gabrielle Brunt from Jamestown, who is the first female auctioneer for wool sales with Wesfarmers in South Australia and who previously was the only auctioneer in Victoria; Lyn Dohle from Kingscote, who is a senior soils officer with the Department of Primary Industries; Tom Hawker of Anama Stud at Clare is noted for his research with cull ram lambs and the Rambouillet gene; Mark McLean of Waikerie, who is Vice Chairman of the Murray Mallee pig producers; Chris Parker, who is a vet and property owner from Burra; Darren Pulford, who at 27 is Chair of the Clare Valley Vine Improvement Society and who represents SAFF on the Vine Improvement Committee in South Australia; Darren Slatter, who is involved with Angus Cattle and with information technology applications for feed lotting; Zita Stokes of Naracoorte, who coordinates regional revegetation programs for the South-East; and Rob Sullivan of Hallett, who runs Greenfields stud and who is on the South Australian Young Marino Breeders Committee.

I have rattled through the 23 people. I offer my congratulations to those people but, more importantly, I spoke of them today because there is a perception that there are no young people in the bush and that we are on a downwind spin. Reading about these young people certainly fills me with hope. Our futures are in good hands in some of the people whom I have mentioned.

MOTOR VEHICLES, REGISTRATION AND LICENSING

The Hon. T.G. CAMERON: I wish to respond to a number of points made by the Minister for Transport (Hon. Diana Laidlaw) in the Legislative Council on 23 July 1998 regarding the State budget annual car leaflet recently released by my office. First, on page 115 of *Hansard* regarding the licence administration fee, the Minister stated:

> It is not, as members opposite would suggest, about raising money.

Goodness gracious me, that has to be the understatement of the year! The Minister may try to muddy the water with her statement that motorists now have the option of applying for a driver's licence for up to 10 years, but the Minister conveniently forgets to mention the $10 administration fee. The fact is that drivers' licences now cost $21 per year, and a $10 administration fee applies each time it is renewed. That is the term used by the Department of Transport (Registration and Licensing). This means that if you can afford to pay for a 10 year licence you will pay $220; however, if you are like a lot of people and can afford only to pay for your licence on a yearly basis, you will end up paying $310. I make that $90 worse off. While pensioners pay only 50 per cent of the full rate for their licences, they still have to pay the $10 administration fee. Minister, the increases were precisely about raising money and raising it from those least likely to be able to afford it.

Secondly, the Minister said that my pamphlet dealt only with motor cars garaged in the metropolitan area and that it failed to acknowledge that some lower income earners and pensioners are exempt from the payment of stamp duty on

CTP and receive a 50 per cent concession on the registration charge. If I included all the information regarding the massive increases across all sections that my office has researched, the leaflet would not have been a leaflet: it would have been a book. Instead, it was directed specifically at those who will be hardest hit by this Government's desperate grab for cash—those living in our outlying north, west and southern suburbs.

However, the Minister failed to mention that the cost of putting a four-cylinder car on the road for a pensioner has risen by $19 a year (a rise of 6.9 per cent) and by $20 for a six-cylinder car. If pensioners can only afford to pay their registration quarterly, they will be another $20 a year worse off.

I noticed in the Minister's speech that she also boasted of the amount spent by the Government on the arts, and the figure quoted was $74.396 million. I would like to remind the Minister that she wears two hats: one is called the 'Minister for Transport'. I find it incredible that, whilst the Government is lavishing money on the high brow sections of the arts, which most working people could not afford in a fit, it is cutting funding to drink driving education programs. We have a road toll—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: These are the Minister's answers to my questions. The road toll is the worst in five years and looks set to break through the 200 barrier by Christmas. However, I am sure the working people of South Australia will not mind too much because, after all, the elite must have their pleasures and the priorities must go to the arts. Minister, I find it obscene that we are spending $75 million a year on the arts while two out of every five young people in this State are unemployed and cannot get a job.

The Hon. A.J. Redford: You sound like One Nation: get rid of arts and fix employment.

The Hon. T.G. CAMERON: I would have thought that was the last group with whom the honourable member would compare me. If Pauline Hanson is up there complaining about lavish spending on the arts whilst workers are being taxed to the hilt, I would agree with her. The arts received $75 million a year, whilst this Government introduced some of the most savage tax increases on motorists that we in this State have ever seen.

The Government continues to treat motorists as though they are some kind of mobile automatic teller machine. I am pleased that the Hon. Angus Redford is here, because he does appreciate some of these things. But come the next election the voters will remember the registration and licence hikes, the massive increases in the price of public transport, the lack of spending on our roads (the lowest in this country on a per capita basis), and the misuse of speed cameras to pickpocket motorists' wallets. However, the Minister was correct in her speech about one point: I will not be withdrawing the leaflets.

NOORLA YO-LONG

The Hon. A.J. REDFORD: Today I would like to speak about the South-East Youth Development Project known as Noorla Yo-Long. I would like to express my admiration of and strong support for the South Australian police initiative in conjunction with the South-East community and its coordinator Constable Des Noll of SAPOL in relation to this important project. It is a locally driven project under the management of a joint committee in which the committee is principally involved in developing a process and a facility for the training of young people.

The committee has identified that there are long term benefits in the teaching of discipline to individuals and in relation to group goal directed activities for personal self development. The programs they have developed include physical challenges and supervised team building. They have been used specifically to enhance self esteem, confidence, life values, team cohesion and self achievement. They address specifically issues such as drug use, alcohol use, law and social responsibility and job acquisition skills.

The intention of the South-East Youth Development Project is to provide physical and group activities while addressing topics such as drug and alcohol use, law and social responsibility, the environment and job acquisition skills. It is anticipated that the participants for the program will be young people from South Australia and western Victoria, sourced from education institutions, youth groups and other organisations such as sporting bodies. Indeed, they are also working on a secondary market in relation to corporate sector organisations that want to include experiential based learning activities in employee development and leadership programs. In the period that the project has existed it has developed programs which will enable participants to experience a variety of excellent role models, be enthused to cooperate with others and strive for personal achievement.

In the past Noorla Yo-Long, which translated means a house or cave in the language of the local Aboriginal people, the Boandiks, has developed a site near Millicent and it has a number of physical characteristics contained within it, including an obstacle course and other physical activity structures. The project has received considerable support from the community, and in that regard I congratulate and acknowledge the former Government's Working Nation program, which contributed $161 000. Indeed, the community has not been backward in its support in providing donations in kind and in funds to the value of about $215 000. In fact, one program resulted in 11 of 16 long term unemployed participants gaining full time employment as a result of their participation.

The Noorla Yo-Long committee is also looking at securing further funding, and I understand that it needs about $100 000 to ensure that this well versed police initiative continues and that people's training, site development and full time employment continue and are maintained. Indeed, it is pleasing to note that the Wattle Range Council through its well respected local mayor, Don Ferguson, regularly budgets $5 000 per annum. I also understand that there is support from other community groups. I congratulate Constable Des Noll for his initiative, and the Police Commissioner, Mal Hyde, the community, the Police Department and other residents in the area.

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

GREYHOUND RACING

The Hon. R.R. ROBERTS: I rise again on the subject of the TAB and greyhound racing in South Australia. Honourable members would realise this is about the third or fourth contribution I have made on this subject and I am happy to report some progress.

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: In your kennel. I am happy to report some progress through the intervention, by request,

of the Hon. Mr Kerin, I am advised that the Port Pirie Greyhound Club will meet with the new junior Minister for Racing, and we thank him for that. I am happy to report that a meeting did take place last week with Mr Barrett, Mr Seymour-Smith, Mr Chapman, a range of other persons and the Secretary from Port Pirie. I am pleased to report to the Council that some progress is being made in the relations between SAGRA and some of the country clubs. That is good news.

As a result of a question I asked on 1 July in respect of TAB figures for a meeting at Mount Gambier earlier in the year which took place on the same night as a combined meeting of trots and greyhounds at Port Pirie, it has been revealed that the Port Pirie Secretary was unable to get these figures.

That prompted me to put questions on notice to which I received a reply only yesterday. I thank the Treasurer for that reply because he laid out a process in regard to country clubs. These people are trying to maintain a business profile in country South Australia against all odds, including the imposition of a cut of 22 meetings in the Iron Triangle area and total stakemoney reduction of $34 680. Members can imagine that these people are very concerned about the financial situation facing their industry. In the past they have always been able to get access to on course and off course figures.

Some time last week the Secretary again inquired of a Mr Mark Carey at the TAB about figures for a range of meetings (about nine meetings), but I will not go into that now. He was told that the Government—I assume that is Treasury—has given strict instructions that no information whatsoever is to be given to anybody until the scoping review of the South Australian TAB has been completed.

In the reply received yesterday the Treasurer said that the TAB would no longer provide this information, although it had done so in the past, relating to turnover on TAB off course betting activities because it is commercially sensitive information. The information is not going to change, and I point out to honourable members that the Treasurer announced he was scoping the TAB. We keep being told that the Government has made no decision about whether the TAB is to be sold, yet we now have all this clandestine activity and the withdrawal of access to figures.

However, I am advised by the Treasurer that apparently new arrangements, since my constituents were advised that the information would not be available, are being implemented and that the TAB is prepared to provide off course turnover details to the peak bodies, that is SAHARA, SAGRA, SATRA and RIDA.

I am pleased to report that, due in no small measure to the efforts of the Secretary of the Port Pirie Greyhound Racing Club and a series of questions from me (and I am happy to have played a part in that), this information has been obtained. I am thankful for the support now given by the member for Frome, Hon. Rob Kerin. We are starting to get more open information, but I draw to the attention of honourable members, and the Democrats and the Independent in particular, the very disturbing closing of access to information by this Government. One can assume only that we are going through the same process we went through with ETSA, where secret reports are being compiled and the public is being denied information which is affecting the viability of our very important racing industry in South Australia.

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

AUSTRALIAN MASTERS GAMES

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

That the regulations under the Public Corporations Act 1993 concerning the Australian Masters Games, made on 21 May 1998 and laid on the table of this Council on 26 May 1998, be disallowed.

The Legislative Review Committee has recommended that the holding motion on these regulations be removed. However, on behalf of the committee, I would like to make the point that the regulations do not contain a sunset clause. When we first considered this regulation we sought advice from the Minister on two issues: first, the corporate structure of the Masters Games; and, secondly, why there was not a sunset clause.

The Minister quite rightly sought an opinion from the Crown Solicitor, and that advice was provided directly to the committee—and for that we are grateful. The Crown Solicitor satisfied the committee completely in relation to the structure, but he did not completely satisfy the committee in other respects, although we understand that the Minister probably has no alternative other than to follow that advice.

The committee was told on behalf of the Minister that there is no finishing date or sunset clause in the regulations as it is not possible to predict with absolute certainty the date upon which the games will be properly wound up. We noted that the Masters Games are not likely to return to Adelaide for some time. However, the committee is of the view that there is no commonsense reason why a date cannot be worked out for when the Masters Games corporate structure can be safely wound up and the corporation dissolved.

It is the view of the committee that the Masters Games should be staged and that when all aspects of the games are complete the corporation should be wound up and that that date could clearly be set out in the regulations. The Masters Games corporation should not be left hanging around looking for things to do until someone decides to draft a regulation to put the corporation to rest. In the view of the committee, this is a prime example of a one-off event. The committee believes that the regulations should have included a sunset clause to ensure that the organising body for the Masters Games has a completion date established by regulation. Notwithstanding that, we understand that the Minister is following legal advice from the Crown Solicitor. In the circumstances, the committee recommends that no further action be taken in respect of this matter. I seek leave to withdraw the motion.

Leave granted; motion withdrawn.

WORKERS REHABILITATION AND COMPENSATION (MENTAL INCAPACITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 July. Page 1077.)

The Hon. A.J. REDFORD: On behalf of the Government, it is my duty to indicate that it opposes this Bill. The Hon. Ron Roberts has introduced in this place two previous

Bills identical to the current Bill. The first of these Bills was introduced into the Legislative Council on 7 September 1994 and was opposed by the Government. It was passed by the Legislative Council on 16 November 1994 and defeated in the House of Assembly on 6 April 1995.

A second Bill was introduced in the Legislative Council on 25 October 1995. Again, that Bill was opposed by the Government but passed by the Legislative Council on 29 November 1995. It was introduced in the House of Assembly on 29 November 1995 and was defeated on 11 April 1996. Both Bills were supported by the Australian Democrats in the Legislative Council, and I note that in his contribution on 22 July 1998 the Hon. Michael Elliott again supported the legislation on behalf of the Australian Democrats.

Prior to the amendments to the Workers Rehabilitation and Compensation Act in 1992, lump sum compensation was payable for non-economic loss (pain and suffering) as a result of permanent loss of mental capacity. In 1992, amendments were made to the Act to tighten eligibility for claims generally for psychiatric disabilities resulting from stress in the workplace. At the same time, amendments were made to the third schedule of the Act which specifies the compensation payable for non-economic loss. As a result of all those changes, lump sum compensation for permanent loss of mental capacity has not been payable since 1992. Indeed, on my recollection, this was part of a package which was instituted by the previous Bannon Labor Government and supported by the Independent Speaker, Mr Norm Petersen.

The legislative changes promulgated and supported eventually by the previous Labor Government were confirmed by the Full Bench decision of the Supreme Court in *Workers Rehabilitation and Compensation Incorporation v Hann* in 1994. The current Bill seeks to reverse the effect of amendments made to the Act in 1992 in relation to lump sum payments and, most importantly, has a retrospective aspect to it.

It is important to note that claims for psychiatric disabilities resulting from work related stress, which meet the eligibility criteria set out in section 30A of the Act, are compensable and eligible for benefits under the Act including weekly payments of income maintenance and medical and related expenses with the only exclusion being a lump sum for non-economic loss. As with earlier Bills, the current Bill includes a back-dated commencement provision to 10 December 1992 (the date of commencement of the earlier amendments to the Act which effectively removed the entitlement to lump sum compensation for loss of mental capacity).

The practical effect of the Bill, if passed, would be to reinstate retrospectively lump sum compensation entitlements for workers with psychiatric and psychological disabilities resulting in loss of mental capacity. The actions in 1992 were in response to the growth in stress related claims and lump sum payments for stress and anxiety claims which were the sequelae of primary organic conditions.

There are also concerns at the growing quantum being assessed by the courts for stress and anxiety disabilities following the Full Bench decision in the Supreme Court in the case of *Workers Rehabilitation and Compensation Corporation v Phillips* in 1991. Although the number of compensable stress claims, generally, has been reduced by the insertion of the new section 30A in the 1992 legislation, the ability to access lump sums for *sequelae* conditions is not dependent on satisfying the criteria in section 30A. The impact of the Bill would be that all claimants with psychiatric or psychological disabilities would be eligible for a lump sum regardless of whether or not the disability was a primary disability or a *sequelae*.

It is difficult to estimate the cost to the scheme as a result of this Bill. The number of stress and anxiety claims has reduced from approximately 514 in 1992-93 to 185 in 1996-97 as a result of the tighter eligibility criteria in section 30A with approximately 1 200 claims in total during that period. Estimating the number of *sequelae* claims which would be eligible for a lump sum payment under the Bill is more difficult as it is expected that there would be a growth in stress related *sequelae* for most long-term physical injuries. A best estimate of the number of such claims is double the 1 200 primary stress claims initially with a growth in the future. A conservative impact on the compensation fund would be an immediate increase in the liability of $20 million to $30 million with further growth in the future. This is consistent with the estimated cost of $10 million to $20 million a year quoted in Parliament on the two previous occasions when this Bill was debated.

In closing, it seems to me that the debate on this issue has taken place on three separate occasions in this Parliament. It seems to me that to proceed to allow this legislation through would create an unnecessary and undesirable precedent. It seems to me that the battle has been fought on three previous occasions and on three previous occasions the battle has been lost. In the circumstances, I would urge members to oppose this Bill.

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

MULTILATERAL AGREEMENT ON INVESTMENT

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

That this Council—

I. Opposes the Federal Government's signing of the Multilateral Agreement on Investment (MAI) until this Parliament and the people of South Australia are fully cognisant of the implications the MAI will have on policies under State jurisdiction; and

II. Urges the State Government not to support the MAI if it is found that the governance of this State is severely impaired.

(Continued from 8 July. Page 977.)

The Hon. T.G. ROBERTS: I support this motion. I suspect that in relation to paragraph II the State Government will not be consulted about what it thinks. It is my understanding that the Commonwealth will be handling the issue of multilateral agreements, in particular this one on investment, on the basis that it is a Federal jurisdiction. The Parliament of Australia has put out a little known interim report on a little known subject that has very wide implications for the future of not only Australia but also any developing nation in relation to the expectations that international capital has with some of the rules in which capital operates within sovereign nations. The multilateral agreement sets out to circumvent, if you like, the sovereignty of nations in relation to the rules of particular financial institutions, labour organisations and other bodies and how they actually go about their day-to-day business.

I will read into *Hansard* some of the findings that the Joint Standing Committee on Treaties found when it issued this interim report in May 1998, and perhaps we will then understand what the proponents of multilateral agreements

on investment actually expect. The first part of the motion, I think, is vitally important in that debate or discussion on multilateral agreements on investment has taken place, basically, in isolation. There has been very little input from the States and there has certainly been no input from constituents—people in the community who have real concern about sovereignty at this stage—and the fears of those people have been played on by those who are undermining the confidence in Governments on a daily basis.

It does not make it any easier for those who would want to defend Governments from international conspiracies which are being peddled out in the community by people who believe in an international conspiracy on everything from the ownership and control of banks through to transnational companies and other financial organisations and which are a part of the conspiracy theory run by the League of Rights, in particular, and other political organisations that run with it.

When agreements such as this are run through the parliamentary process without debate, then the people with those conspiracy theories do have some peg on which to hang their hat. It is very difficult for people who are trying to separate out the conspiracy theories from the protection of sovereignty and the protection of Parliaments and Governments to determine on behalf of their people what is in their best interests. It is difficult to separate out those arguments. The emotional attachment to arguments being placed in the public arena by the conspiracy theorists does have some value because of the cloak of secrecy that appears to surround some of the debates which occur in relation to these multilateral agreements.

A lot of UN agreements are endorsed by Federal Governments and there are international labour organisation agreements which have been negotiated at an international level and which are endorsed by labour bodies and Governments, and now we have the introduction of an investment strategy which is aimed at developing countries, in the main, and which sets out criteria about what the members are willing to do to meet their obligations in relation to support for this agreement, in particular. I think the interim report and its recommendations protect those people who have concerns for a particular period of time. The interim report sets out a recommendation as follows:

> The Joint Standing Committee on Treaties recommends that:
> Australia not sign the final text of the Multilateral Agreement on Investment unless and until a thorough assessment has been made of the national interest and a decision is made that it is in Australia's interest to do so.
> . . . [and] the committee continue its public inquiry into the MAI and provide a fuller report to Parliament at a later date.

That is one recommendation in two parts that gives us a holding motion in relation to the interim report. One disturbing matter is that part of the body of the interim report which covers issues raised in submissions. The issues raised in submissions indicate some of the concerns that individuals and organisations have in relation to the MAI, and I will read into *Hansard* some of these issues. Point 1.43 states:

> The overwhelming number of submissions oppose or express concerns about aspects of the MAI. Many are brief and provide no commentary on the agreement itself, but express broad views that the MAI will reduce Australia's sovereignty and allow multinational corporations to plunder Australian assets with no corresponding obligations on them.

Point 1.44 states:

> Many are critical of the lack of consultation by the Australian Government and the difficulty in obtaining information about the MAI, in particular, the embargo which had been placed on the draft negotiating text until recently. This has contributed to a level of concern and provided the climate for misinformation to circulate.

I do not line up and agree with the Premier of Victoria too often, but the report states:

> The Premier of Victoria noted that:
> the lack of information from the Commonwealth has, I think, exacerbated the public concern about the potential effects of the MAI, a concern which has been manifested in parliamentary questions and letters from members of the public.

Point 1.45 states:

> The following is a summary of issues of key concern surrounding the MAI which have been raised in submissions but on which the committee has not yet formed a view. These, and others, will be investigated and reported on in more detail in a further report when we have taken more evidence.

Point 1.47 states:

> Many submissions criticise the draft MAI itself for restricting Australia's ability to legislate and pursue our own policies in a number of areas including: the environment, labour standards and employment conditions, culture, media and communications, quarantine, social policy including health care and education, the rights of indigenous Australians and human rights, amongst other matters.

That is a fairly impressive list of areas of our policy development that would be overridden by any international treaty around the Multilateral Agreement on Investment. According to some pundits who have studied the intentions of the agreement, if any of a sovereign nation's policies in relation to these matters which I have mentioned interfere with the flow of investment and the ability of capital to get adequate returns—if any caveats at all interfere in that process—the country of origin, that is, the sovereign nation to which the multilateral agreement applies, can be taken to court. That is my understanding from explanations given to me. The international conspiracists would have quite a large platform to raise concerns amongst all our free thinking citizens. I think I would be up on that rostrum with them because, as you can see, those policy matters bear a large weight in forming a cultural identity and a platform for wealth creation and distribution in any single nation.

The proponents would argue that they would be able to assist a nation's development by removing any encumbrances or caveats in the way of the free flow of international capital and that *laissez faire* policies would be able to free up markets so we get a fairer distribution of wealth. They would argue that the creation of more wealth would allow the citizenry to participate and share in that wealth that is being created. That is the theory of it. I have been on this earth for some 50-odd years and have studied human nature. I have studied the way in which multinationals operate and the way in which capital movements in relation to wealth creation and distribution occur and I do not think I have seen in the past decade a more uneven distribution of capital between those who create it and those who share in its benefits.

I suspect that there will only be an exacerbation of that wealth creation and distribution problem if governments are no longer able to intervene in the movement or distribution process after wealth has been created. I am not even sure whether taxation falls into a line that could be seen as standing in the way of capital creation. It could be that a taxation regime set by a State Government or even a local government could be challenged as standing in the way of maximising profits for international capital as determined by the Multilateral Agreement on Investment.

It would be interesting to see the detail in the full agreement, because from some of these submissions it appears that no-one has seen the final agreement itself. In fact, while the joint standing committee was meeting it did not have a final document to study: it was studying a draft which kept changing. It is very difficult. In fact, taking into account the Premier of Victoria's comments about the lack of information from the Commonwealth, I think he should have gone a little further by saying that it would have been impossible for the Commonwealth Joint Standing Committee on Treaties to make any final recommendations, because the final draft was not within its province to discuss. The status of the draft is covered by point 1.61 of the interim report, which states:

> It is important to recognise that the MAI is a draft agreement which is constantly changing. Should the negotiating parties reconcile their differences and resolve their divergent views, future versions and any final agreement may vary considerably from the latest text of 24 April 1998.

One should bear in mind that this report was handed down in May 1998—only a month after that statement was made. One could ask why a joint standing committee was even discussing the acceptance of a draft document when there was no final text in front of it. I suspect that the Federal Government had to set up the committee because Treasury and Finance were heavily involved in negotiations, or at least were heavily involved in the assessment of the draft document. I am sure that a lot of people were a bit nervous about some of the actions that Treasury and/or Finance, or any other Commonwealth department, might make separate from any political assessment or overseeing regarding any recommendations that might come from the Government, Opposition or Independent members of Parliament who might want to make recommendations as to the final position and what that document meant to the sovereignty of Australia.

When the committee was set up it did call in Treasury to supply it with evidence, and this is the assessment of the joint standing committee's position on the Treasury's evidence:

> 1.54 The Treasury submission is a disappointing document especially from the department responsible for the MAI, because it does not assist us significantly in evaluating the agreement. Running to only 11 pages, it provides a quick summary of issues rather than addressing the MAI in more detail. It fails to provide, for example, systematic discussion of the implications to Australia of particular aspects of the draft text, though it asserts many advantages. Nor is there an explanation of the official negotiating position, no matter how qualified it may be at the moment. The rationale behind providing such a flimsy submission appears to be that the agreement is still in draft form. However, this overlooks two points: first, the Treasury ought to be in a position to provide the Australian people and the Parliament with a full analysis of what they have been negotiating at considerable public expense on our behalf for the past three years—

so the document has been around for some time—

> and, secondly, this inquiry has been referred to the committee both by the Senate and a Government Minister and deserves to be treated with due regard. By way of contrast, for example, the submission from the Australian Chamber of Commerce and Industry included a critique of many of the key issues in the MAI.
>
> 1.55 Similarly disappointing was the inability of the senior Treasury official responsible for negotiating the MAI on Australia's behalf, Mr Tony Hinton, the First Assistant Secretary, International Investment Division, to attend the 6 May public hearing. While it is accepted that his pre-appointment briefings as Ambassador-designate to the OECD required his close attention, his absence did not assist the other Treasury officials in presenting an appropriate case for the MAI.
>
> 1.56 The refusal of two other Commonwealth portfolios to provide a submission is also disappointing. On 20 April 1998 the Minister for Finance declined to lodge a submission on the grounds that the MAI was Treasury's responsibility. We wrote back to the Minister on 12 May 1988 requesting a submission dealing with matters relevant to his portfolio: a reservation on privatisation, which falls within the finance portfolio has been foreshadowed by the Government.
>
> 1.57 Of greater concern, however, is the refusal of the Industry, Science and Tourism portfolio to lodge a submission.

So you can see that the joint standing committee had a lot of trouble getting any evidence from expert witnesses within the Government departments. I am sure that the Minister who recommended that the joint standing committee take up the brief must have had concerns. I am sure that the other members on both sides of the House, and Democrats and Independents included, would have been concerned about the direction and flow of play in relation to Australia's role in sitting around a table and using senior Government officials to negotiate a draft document that kept changing with no input from the public at any time.

One could argue that Governments are elected to act on behalf of its citizens to make sure that their best interests are looked after and that they were doing that, but I would say that the secrecy and the veil that was thrown over the negotiating process and the failure of those people to report back at any stage to the people's representatives and the Parliament, and the Ministers to keep them informed, I think shows either a lack of will on behalf of those individuals and organisational departments that were informed or involved or a lack of respect for our system.

So one can see that if this was taken to any further stage, that is, if the Multilateral Agreement on Investment was taken to a further stage for discussion without the Joint Standing Committee on Treaties investigating and without any interim report, I am sure that there would have been members of Parliament who would have had to go to the press and try to get input from the community to make sure that a balance was provided in relation to what Australia's position was.

I thank the Democrats for providing this Council with a forum for discussing the Multilateral Agreement on Investment. I hope that those people in the community who have some concerns—and there are probably not too many because there are not too many aware that it exists—might read *Hansard*, or perhaps a journalist might be interested enough to follow the story and put in a few words so that people are aware of the joint standing committee's interim report. At least this gives South Australians a chance to have a look at it. It appears that it has been raised in the Victorian Parliament, with the comments included by the Premier.

I think the motion will be carried: I think we will vote on it today. I indicate my thanks for the motion appearing on the Notice Paper. The Opposition is only too pleased to be able to support it, and hope that we can use, if not the Council, our various offices to keep South Australians informed and make sure that people are aware of some of those actions and activities that are going on at a Commonwealth level. Let us hope we can keep the international conspiracists at bay while making sure that we are keeping an eye on our Federal bureaucrats.

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

VEHICLES, PASSENGER

Orders of the Day: Private Business, No. 6: Hon. A.J. Redford to move:

That the regulations under the Passenger Transport Act 1994, concerning small passenger vehicles, made on 22 January 1998 and laid on the Table of this Council on 17 February 1998, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

SUBORDINATE LEGISLATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 837.)

The Hon. M.J. ELLIOTT: I rise to support the second reading of this Bill. The Subordinate Legislation Act seeks to allow regulations to be scrutinised by either House of Parliament and gives them the power to disallow regulations which the Parliament considers inappropriate. It allows the finer detail of legislation not to have to be carried out within the Parliament itself and for it to be carried out in another process. These are usually matters which the Parliament feels that it can largely entrust to Government, but as a final check and balance there is the possibility of disallowance in either House. Subordinate legislation carries just as much weight as legislation carried in this place and, therefore, is not to be treated lightly.

This Bill seeks to do two things: to improve the way that this Act works, and to ensure accountability of Government. First, it seeks to increase the obligation on the Minister to report fully to the Parliament when it introduces regulations prior to the end of the normal parliamentary scrutiny process. Secondly, the Bill seeks to stop Governments from reintroducing regulations in the same form after a House of Parliament has already disallowed them. The Australian Democrats applaud both these measures.

There have been several occasions where Governments past and present have abused the Act by seeking to fast-track regulations into operation in an attempt to bypass the system of parliamentary scrutiny prior to the introduction of a regulation. Since 1992, ministerial certificates have been able to be granted to allow regulations to come into operation before the end of what otherwise would be a four month scrutiny period by the Parliament. There has been an absolute abuse of that ministerial certificate system. The fact that now between 80 and 90 per cent of regulations have come into operation prior to the end of the four month cooling-off period shows that this measure is not being used: it is being abused. It is a matter that the Subordinate Legislation Committee did bring to the attention of this Parliament. The Government's response was to say, 'Well, let us forget about the four month period.' That really is totally unacceptable because of the way in which Governments have been prepared to abuse the subordinate legislation process.

An amendment to ensure that detailed reasons are provided by the Minister responsible when this does occur is supported. This measure was supported last year in a similar Bill which passed this House but which fell off the Notice Paper due to the State election. Clearly, it is a matter that is worth raising again, recognising now that the composition of the Lower House has changed—as, indeed, has that of this place. I suspect that the composition of the House of Assembly now is likely to support the notions that are contained within this Bill.

The second amendment ensures that the parliamentary processes are not abused by Governments' continual reintroduction of regulations which have already been disallowed. Again, that is something which this Government has done on several occasions. It is a cynical exercise which should not be allowed. It wastes parliamentary time and, I would argue very strongly, is really an abuse of the whole parliamentary process. The Parliament has spoken on the issue, but the Government again seeks by way of regulation to circumvent the will of the Parliament.

On the final issue foreshadowed by the honourable member, I look forward to seeing the amendment to address the issue of partial disallowance of regulations. There is no doubt that some regulations are quite long, often cover a wide range of areas and there may be concern about only one aspect of the regulation. It seems to be sensible to be able to amend or to disallow a small part of the regulation rather than having to disallow the whole lot. With those few words, the Democrats express support for the Bill and, as I indicated, subject to the precise wording, are likely to support the Opposition's foreshadowed amendment.

The Hon. T.G. 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 1 July. Page 911.)

Motion 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. J. F. Stefani has moved the following amendment—

Paragraph 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'.

and to which the Hon. S. M. Kanck has moved the following amendment:

Insert new paragraph IA—

IA. That following a national referendum to be held in 1999, and, if passed by the required majority, this Council is of the opinion that South Australia should also adopt republican structures and that the South Australian Government should initiate a process to decide what changes would need to be made in South Australia.

(Continued from 22 July. Page 1084.)

The Hon. K.T. GRIFFIN (Attorney-General): I indicate from the outset on this particularly complex and controversial issue that on this side of the Council Liberal members of the Legislative Council are entitled to make their decision according to their conscience. It will be and always has been an issue of conscience in that respect. I suppose, like the community which this Parliament reflects, there will be differing views on a republic and on the relationship between

the States within any republic which might be passed at a referendum and the relationships with the Commonwealth.

There are some difficulties in the way in which this motion has been presented to the Council. The original motion is a bald one that Australia should become a republic with an Australian citizen as head of State. It does not say what sort of republic, what sort of powers a head of State should have, whether the head of State should be an elected head of State or how the head of State should be dismissed. It does not talk about the election or appointment, or the removal, of a head of State, which are two particularly contentious but also deeply significant and important issues that must be addressed.

What are the powers of any President to be, both expressed powers and in the context of reserve powers? Will a President have the powers of the existing Governor-General? How will those powers be identified? Will they be in a statute passed by the Commonwealth Parliament and reflected in a constitutional amendment so that they are immutable?

Will they be the subject of decision making by the High Court, allowing the High Court to interpret any written description of the powers of a President? Will the High Court, for example, also be empowered to intervene in the election of a President? Will the High Court be empowered to involve itself in the dismissal, if there is an issue of compliance with the statutory or other requirements which govern the dismissal or removal of a President? What will be the relationship of a President to the Executive and the Parliament? They are just a few of the issues which immediately come to mind.

The Hon. Sandra Kanck: That is why we need to get cracking on it.

The Hon. K.T. GRIFFIN: We are talking about a President, not the Governor. I am saying that there is a range of issues which are not in any way addressed by the bald statement that Australia should become a republic. That is the concern I have in relation to the original motion. In effect, it becomes a blank cheque. It seeks not to define clearly what the Parliament of South Australia will or will not support and, to that extent, I suggest it is much too open ended and simplistic.

The issues to which I have just referred were the subject of debate at the Constitutional Convention over a period of 10 days when an outcome was reached by a majority of the convention about the issues that ought to be put to the people in a referendum to amend the Australian Constitution.

It is interesting to note that now there are some pressures for the Commonwealth Parliament when it considers a Bill for a referendum next year to actually modify the outcome of the convention debates because there is at least some concern that the outcome is not workable or is inadequate in dealing with the many complex constitutional questions which arise out of the move towards a republic. As I understand it, the present Federal Government, and hopefully the future Federal Government, has indicated that it intends to put to the people the agreement that was reached at the Constitutional Convention, and that will stand or fall on its merits.

They are the issues in relation to the original motion moved by the Hon. Mr Elliott. When one talks broadly of an Australian citizen as head of State, I think everyone has sympathy with that principle. Constitutionally, for all practical and legal purposes, the Governor-General is the head of Australia, the head of State, by virtue of the operation of the Australia Acts, which I recollect were passed in about 1985 or 1986. In that context the powers of the Governor-General are fairly clear, although at times when exercised they can be controversial.

As to the Hon. Ms Kanck's amendment, which seeks to qualify the original motion by suggesting that following a national referendum, and if passed by the required majority, 'this Council is of the opinion that South Australia should also adopt republican structures and that the South Australian Government should initiate a process to decide what changes would need to be made in South Australia'. Of course, some work has already been done by the South Australian Constitutional Advisory Council. The difficulty of course is knowing what will be the final outcome of any referendum if there is, in fact, a referendum on the issues and structure proposed by the Constitutional Convention.

So, although the amendment urges the South Australian Government to initiate a process to decide what changes would need to be made in South Australia, in a number of important respects that process has already been commenced with the establishment of the Constitutional Advisory Council. I understand that the council's first and second reports have been published and make interesting reading. The amendment also presumes that there is something magical about the description 'republican structures'. Until they are more clearly identified and defined, it is difficult to comprehend exactly what the Council is being asked to do. What are the republican structures referred to in the amendment? That is not at all clear and again suggests a blank cheque.

On both counts, the original motion and the proposed amendment, I for one am not prepared to endorse a blank cheque. From my point of view there is no secret that, having worked with the constitutional structures which are in place in this State, I am quite laid back about the way in which they operate and whether or not ultimately Australia and South Australia should adopt republican structures. Obviously, it is incumbent upon those who argue for those structures to identify more precisely what those structures are proposed to be.

However, there is one thing upon which I do agree at present and that is that, if Australia does move from a constitutional monarchy to a republic, it would be somewhat incongruous if the States maintained their links with the constitutional monarchy. I suggest—and I have no disagreement with the sentiments that are expressed in this respect—that in those circumstances it would be either all in or all out. On the other hand, that does not mean that one should give to the Commonwealth Parliament or the Commonwealth Executive any power or responsibility to determine what the structure should be in each of the States of Australia.

In fact, the Constitutional Convention recognised that each jurisdiction should be left to its own devices to determine who should be the Head of State, the description of the Head of State for the States, how that person should be appointed or removed, and what powers that office should carry. In its first report, the South Australian Constitutional Advisory Council indicated its preferred position for dealing with a Head of State for the State of South Australia in the event that Australia ceased to be a constitutional monarchy.

So, I have a concern about the original motion and its open-endedness. It is an important issue which must be debated. I do not believe that there is sufficient substance or 'flesh on the bones' for us to pass the motion without question. The same comment applies equally to the amendment of the Hon. Sandra Kanck.

I have misgivings about the proposal of the Hon. Julian Stefani, but if one looks at it one sees that it does not presume to state what form a republic should take but acknowledges quite properly the constitutional requirement for a referendum. On the basis that the people should make the choice, because that is how constitutional amendment is made, this Council would be of the opinion that Australia should become a republic with an Australian citizen as the Head of State. There is also a commendation of the Federal Government for organising the Constitutional Convention, a sentiment about which I do not think there would be much dispute, although at the time it was proposed there was controversy about the composition of the convention and the way in which its membership was selected.

There is no doubt and no argument about the importance of the issues that Australians will have to consider. There is also, I suggest, no dispute about the importance of South Australia making decisions in the event that Australia becomes a republic to preserve its identity as a State and not to cede even further powers to the Commonwealth. Importantly, South Australia, through this Parliament and ultimately through a referendum, should be able to make its own decisions about the various issues to which I have referred. However, I suggest that until Federal legislation is passed it would be premature for us to do more than to reflect upon the issues raised by the South Australian Constitutional Advisory Council and the matters to which we will have to give attention at some time in the future. For that reason, I am not prepared to support the original motion or the amendment of the Hon. Sandra Kanck.

The Hon. A.J. REDFORD: My attitude towards constitutional change in so far as the Head of State is concerned can be described in two sentences. First, I am ambivalent as far as the constitutional monarchy is concerned and the position of Her Majesty the Queen and her successors in relation to the Australian system of government as we know it. Secondly, I am fiercely supportive of the Westminster system of government with responsible government and the supremacy of Parliament over Executive Government.

I am a strong supporter of our system of government. I believe that our system is superior than systems that I have studied in other parts of the world including those which exist in some countries of Europe. I allude to Germany, France and the United States. I well recall the debate that ensued following President Nixon's demise as a result of the Watergate break-in and statements made by commentators and certain elements of the media that Watergate would never have happened in Australia. Journalists often say that that would never have happened in Australia simply because of our defamation laws.

I agree with them, but for an entirely different reason. The reason why Watergate and the Nixon demise would not occur in Australia is that under our Westminster system of government we have a series of checks and balances and escape valves which enable constitutional crises to be dealt with quickly and the Government to get on with the business of the day.

No small measure of that can be laid at the feet of our Westminster system of Government. The motion states, in part, that Australia should become a republic and in that regard I am ambivalent. It then goes on to state, 'with an Australian citizen as Head of State'. I have had drawn to my attention an article written by Sir David Smith, who was a senior official for a series of Governors-General in Canberra over a number of years, and I am conscious of the fact that there would be few people better qualified to talk about the role and responsibility of a Governor-General or, indeed, a Governor in our Westminster system of government.

Indeed, last week I was privileged to hear an address by the Hon. Richard McGarvie, former Governor of Victoria, an outspoken critic in the republican debate, a former Supreme Court judge and, indeed, a former luminary in the Labor right in Victoria. He made a comment about the role of a Governor and, indeed, a Governor-General in the Westminster system of Government. During the course of his address, he was asked a question about what knowledge he had when he first took up the position of Governor in the State of Victoria, bearing in mind that he was a man well skilled in politics and well skilled in the law, having been a Supreme Court judge. In response to a question about how much he knew about the role of the Governor prior to taking up that office in Victoria, he said:

> As Governor, I found it difficult to discover certain things, but I was assisted by the official secretary and the Clerk of the Executive Council. I assiduously read; other Governors suggested what I should read.
>
> When I started as Governor we did not have conferences of governors which had been proposed in 1904 by Governor-General Tennyson, a former Governor of South Australia. He thought there should be conferences of the Governor-General and governors, but they do not like rushing into things! After a proper pause of 90 years, conferences started to be held in 1994. Governor Leneen Forde and I were two of its strong proponents and Governor Michael Jeffrey was a strong supporter. Now, every year, the governors meet and exchange experiences, as you are doing here. They learn from other practitioners and are encouraged to discover that others are doing much of the same.

What Sir David Smith said in an article in the *Australian Constitutional News* published in July of this year about the role of the Governor is interesting. He makes a series of propositions as follows:

> Australia achieved full independence from Britain and became a sovereign nation some time between 1926 and the end of World War II. Australia is already a sovereign and independent nation and becoming a republic cannot and will not make us more independent . . . In seven years of seeking to remove the Queen from our Constitution the republicans have not been able to agree on who or what to put in her place . . . The Governor-General by virtue of the provisions of the Australian Constitution and particularly section 61 is our constitutional head of State and has been since 1901. Because the Governor-General is appointed by the Queen on the advice of the Australian Prime Minister and is not elected either by the people or by politicians, his allegiance is to all the people and not just to those who might have voted for him. Our Constitution confers the constitutional powers on the Governor-General in his [or her] own right and not as a surrogate delegate or representative of the sovereign. The Queen cannot and does not perform any of the Governor-General's constitutional duties—not even when she is in Australia. The Queen cannot and does not direct the Governor-General in the performance of his [or her] constitutional duties. The Governor-General continues to perform his [or her] constitutional duties even when the Queen is in Australia. The Governor-General does not consult the Queen before he [or she] performs any of his [or her] constitutional duties. The republic will not give us an Australian Head of State because we have had one for nearly 33 years since Lord Casey became Governor-General in 1965.

If one accepts the view of the eminent Sir David Smith and if one looks at this motion, it is difficult to understand how we cannot say that we do not already have an Australian citizen as a Head of State.

I am interested to know precisely what a Governor or a Governor-General is charged to do. In his address last week, the former Governor of Victoria, the Hon. Richard McGarvie,

said that there are five main responsibilities of a Governor in our Westminster system of Government. He said:

> The first responsibility is to place in position a Government that is capable of governing because it has the support of the majority of the Lower House [and in South Australia that is the House of Assembly]. . . The second responsibility is to exercise the great constitutional powers of a Governor in accordance with the advice of Ministers of the elected Government.

In that sense, he makes the point that a Governor is required to follow that advice because of the basic constitutional convention that a Governor is liable to dismissal at the instance of the Premier if that advice is not complied with. He continues:

> The third responsibility is that of counselling Ministers.

In that regard he referred generally to the position of the Governor and the Governor in Council. He indicated that Governor in Council exercises an enormous range of powers and on occasions the Governor provides advice during the course of those meetings. In his speech, he said:

> This Australian practice is something that grew from Sir Paul Hasluck, the architect of modern governorship in Australia. One of the most satisfying experiences of my governorship, during the time the Kirner Government was in office, and later when the Kennett Government was in office, was finding how Ministers responded to something like that and lent over backwards to ensure the thing was done correctly. The community quite underestimates the constitutional decency of Ministers. It was very satisfying to see.

That somewhat undermines some of the cynicism about Governments and Ministers of the Crown that seems to arise from some quarters in our community. He continued:

> The fourth of the responsibilities is to operate in exceptional circumstances the protective mechanism of the reserve powers.

He indicated that there are circumstances where a Governor might be required to act. He gave the example of the situation well known to us all that occurred in 1975 in Australia when the Senate denied the Whitlam Government supply. He also referred to similar events which occurred in 1952 in Victoria and early in the 1940s. In relation to that fourth responsibility he said:

> In many countries that emergency power involves the head of state taking over Government. The frailties of humankind have demonstrated that when that occurs it is very hard to get government back from the head of state and to a democratic state. Our system gives the Governor power only to bring about two results—that is, to refer an intractable situation to either one or other of the two decision making centres of democracy: the Parliament or the electorate. If it is the appointment of a Premier, Parliament decides whether it will give the majority support to the Premier. If it is something like the refusal of supply, it is a dissolution and the electorate deals with it.

He went on to say that there is a fifth important role for a Governor and that is to improve and extend the knowledge of our democratic system and how it works. In relation to that issue, he said:

> To the discredit of the generation to which I belong, we have failed to teach civics, to teach about our system of government for 30 years, and these days very few students learn anything about history.

I have to say that from my personal perspective I wholeheartedly agree. One of the greatest challenges facing our education system in the next generation is to bring back history as a discipline and a study for all our students so they well understand the basis upon which our great democracy in this country is based. Mr McGarvie also addressed us on his view of the convention that took place earlier this year. I have to say that, as a disinterested observer, I found it to be one of the most healthy and constructive forums that I have had the privilege to watch. Indeed, I think that, whatever one might think of the result of that convention, no-one could dispute the fact that it improved and enhanced the general knowledge of the Australian community and the Australian public on the role of our democracy and how it works. Indeed, it is an issue that has concerned me for many years.

The Hon. M.J. Elliott: It should be a regular event every five or 10 years.

The Hon. A.J. REDFORD: The honourable member interjects and I would have to say that I wholeheartedly agree. I will digress for a moment. I was extraordinarily disappointed in those cynics who commented about the costs of the Constitutional Convention. Whether you are an economic rationalist or however you describe yourself, you cannot put a value on the importance of our constitutional institutions, whether it be Lower Houses, Upper Houses, State Governments, courts, the independence of the judiciary or the doctrine of the separation of powers and the many other important safeguards which we hold so dear and which enable the Australian democracy to be so strong. Indeed, Richard McGarvie said:

> The standard of the republic debate has been appalling. There has been a total lack of expertise and one of the reasons has been the changed position of members of Parliament. It was a miracle when we got our Federation at the start of this century. It has been a miracle that we have made it work as we well as we have since. We got it because most of those who were concerned in the design of it were members of Parliament. In the constitutional convention that was held in 1897 in Adelaide, about a century ago, I took out the figures and nearly all the members were current members of Parliament who understood all about the way our Westminster type democracy works.

I have to make this comment—and I am sure I am in more positive company than if I were making this comment in other forums—that the value of our politicians, the value of our political skills and value of our political experience collectively has been sadly underestimated in this country. If one looks at the history of how our Federation was developed and if one looks at some of the skills that we as members of Parliament from all persuasions bring to bear on many of the issues, I have to say that we are and historically have been extremely skilled, and I think we have well served the Australian public in the nearly 100 years of Australian Federation. There was a sting in what the Hon. Richard McGarvie said, and to be fair I should read out the sting. He said:

> But those were the days in which members of Parliament were leaders of community thought. It has changed. The media has changed it. It is now possible for members of Parliament to know from talkback radio and from the polls what the community thinks. So, members of Parliament now wait until they see the polls and listen to talkback radio, and then they adopt that as their policy. Both sides do it. The result is that instead of leading as they did a century ago they have sat back to wait until the community has decided, and the community, which has not been taught civics for 30 years and which learns no history, has had to rely on the leadership of theorists who have never had practical experience. The result has been appalling.

He went on to say—and I have to agree from my observations—that the most important contributions made at the Constitutional Convention on my judgment came from politicians both current and past. They have worked with the system, they understand the system and its shortcomings and they also understand the checks and balances and how effective they are within the Australian system of Government. In relation to developing that argument (and in this context he was addressing a group of members of Parliament) he went on to say:

If you read the report of the republican advisory committee you will find that none of the problems and difficulties that for the first time were ventilated officially, although some of them had been ventilated before in the press, were ventilated at the constitutional convention at the start of this year. What has happened is that despite people being very good citizens—there are no villains in the piece, no-one is wanting to damage our democracy—you only learn about the way a parliamentary system works by being involved in it, as the members of this audience know, and it has been left to people of theory whose learning has come from books to give the lead. So, debate in Australia has been on such a superficial level that it has amounted to little more than suggesting to people that the choice is, 'Do you want as a head of state a lady in London or a resident for president?'

I have to say that, until the Constitutional Convention in the broader community and the populist debate that has been the level and standard of debate, and that is why I found the level of debate at the Constitutional Convention so welcome. Indeed, he went on and talked in his contribution last week about the appalling state of knowledge in Australia concerning our system of Government:

Educationalists, governments and education Ministers have let us down badly, and we have let ourselves down by not bringing pressure on them because, as the civic expert group headed by Professor Stuart Macintyre reported a couple of years ago, for 30 years we have not taught anything about our system of government. Indeed, that report acknowledged that you would have to start by teaching the teachers, because they had not learnt either.

He goes on to say:

. . . if you believe in democracy and if you accept what I said earlier that no-one forces you to support democracy, you only support it if you are confident in it, then you must know about it.

In that regard I cannot but wholly endorse the comments that were made. It would be remiss of me if I did not congratulate the Liberal Government on the establishment of the South Australian Constitutional Advisory Council. As advisory councils charged with that sort of responsibility go, I think it produced one of the more outstanding documents in relation to the governance of this country. That was acknowledged by the Hon. Richard McGarvie in his contribution, and again I quote what he said:

The South Australian Constitutional Advisory Council produced a good report in September 1996 in which it pointed out that, had it been necessary to go to the Party rooms of the Government or the Opposition, only much later would South Australia have had as governors an Aboriginal, somebody without a knighthood, somebody who was divorced, and a woman.

Richard McGarvie then proceeded to talk about some of the concerns that he had. I know that in some respects he was trounced by the politically correct brigade at the Constitutional Convention because he suggested that there should be a council of constitutional elders made up of people above a certain age and, therefore, based on the politically correct brigade, they were not suitable people and everyone had to go back to the drawing board. That was the only criticism of his model that I detected. If his model were the one that was being put to the Australian people in the not too distant future I would be out there advocating a 'Yes' vote and a republic. As it stands, I will not.

In response to a question about what role that courts should take in the area of our Constitution and in particular the constitutional process, he said:

If you brought the courts into the political process—and this is the great error of those who are in favour of codification, which I am totally against—it would bring the courts into the political and constitutional process in a way that would be as damaging to that process as it would be for the courts.

I wholeheartedly agree with him. He then referred to the nature of constitutional crises and how they ought to be dealt with. He acknowledged that Mr Keating recognised that when he put forward his model in 1995 and elected not to have the reserve powers codified. Mr McGarvie continued:

Things have to be solved quickly. Politicians are very good at doing it. I am a great admirer of political skill—we have had plenty in Australia and we have still got plenty. Say you had a situation where the courts were brought in, you would have the political process put on hold while there were court proceedings, while there was an appeal—appalling! That is a very effective sanction. . .

I think that Mr McGarvie well understands the role of politicians in our system. It is quite refreshing to see from his close perspective how he acknowledges the role that we all play in the constitutional fabric of this country. This may not be directly on point, but he was asked a question about whether or not we ought to have State Governments, and he indicated that 30 years ago he had a view that there should no longer be State Governments. He said:

I would like to tell you a little story. If you had asked me this question 25 or 30 years ago I would have said, 'Get rid of State Governments and instead have the Commonwealth and regional assemblies.' After that, I became a judge of the Supreme Court, and judges and courts these days have a lot to do with both Commonwealth and State law. Very often it is necessary to have some change to enable the law to operate effectively because judges see it very well, or it is necessary to prevent some change being made in a Bill that is before one of the Parliaments.

I found out that the process of having an effect on Government was vastly different between the Commonwealth and the States. If it was State law, the judges having decided that it was desirable to have a change or prevent something occurring, the Chief Justice would invite the Attorney-General, of whatever side of Parliament, to have lunch, would explain it, and usually because judges are pretty careful people, their propositions were usually accepted, and within six months it would have been made.

At the Commonwealth level—impossible! You could not get to a Minister, you could not get past the bureaucrats. The bureaucrats had all visited American law schools and knew how the American system works; they did not have a clue about how our system works. I suggest you read the Federal Sentencing Act if you really want an example of Federal legislation as against State legislation. So that changed my mind and all the thinking I have done since.

It is pleasing to see that even at a rather senior stage of a career as eminent as that of the Hon. Mr McGarvie's that he has the capacity to change his mind.

In summary, I am ambivalent in so far as the constitutional monarchy is concerned but I will fiercely support the Westminster system. Unfortunately, it is my view that the model proposed by the Constitutional Convention does to some degree put at risk the Westminster system of Government and how it currently operates, and there is a risk that there will be an undue concentration of power in the hands of one individual in this great country. If the referendum question is put along the lines of that which was recommended by the Constitutional Convention then I will not be voting for it and will be actively campaigning against that model.

It was the Hon. Richard McGarvie's view that the constitutional referendum proposed by the Federal Government will undoubtedly fail. It was his hope that there would be a subsequent Constitutional Convention in which there would be a greater proportion of politicians and people who have worked closely with the system and that a referendum would take place in the year 2005 and that that referendum, in all probability, would be successful.

That is a pretty game opinion in our current political climate with the volatility that we are all experiencing, but I think when one looks at it from the perspective of 1998 it may prove to be an accurate one. I oppose the motion moved

by the Hon. Michael Elliott; I support the amendment moved by my colleague the Hon. Julian Stefani; and I oppose the amendment moved by the Hon. Sandra Kanck.

The Hon. CAROLINE SCHAEFER: My contribution, as always, will be brief, but this time probably more brief than usual. The only reason I am speaking to this motion is because it is a conscience issue within our Party and I think it is important that a number of us put down our attitude to it. I believe that sooner or later Australia will be a republic and therefore I support the amendment of the Hon. Julian Stefani in congratulating the Federal Government on organising a Constitutional Convention. I do not believe that a system that has worked well over the history of the country should be overthrown lightly or replaced with something that none of us have discussed or thought about at this stage.

For that reason, I will not support the Hon. Michael Elliott's motion—not because I have any great affinity or lack of affinity with the royal family in England. I do not, as do many people, believe that they are an antiquated anachronism, nor do I think that they are vital in any way to the future of Australia. It is my belief that, in fact, we have had an Australian head of state for many years. However, I—

The Hon. T. Crothers interjecting:

The Hon. CAROLINE SCHAEFER: Well, that is probably the best example of all. Briefly, my position is that I am very much in favour of the Westminster system as it now operates in Australia. However, I recognise that the next generation, my children, have even less affinity with the British royal family than I and that, eventually, we will have a different system of deciding on a head of state. However, there needs to be much more discussion and public education and that nothing should be done until we all are very clear as to what the replacement will be. The old saying, 'If it ain't broke, don't fix it,' probably applies in this case in that we are not sure what a new system would be. The Hon. Angus Redford spoke eloquently on this, and I agree with almost everything he said.

I do not think that having a republic is simply a matter of chopping the Queen off the top of the pile as head of state and going merrily on. For that reason, and at this time, I will not support a move to a republic and I will not support the Hon. Michael Elliott's motion—

An honourable member interjecting:

The Hon. CAROLINE SCHAEFER: Yes, I do agree that the people should decide, but it should be after we have some idea what the Government of the day intends to introduce. As I say, I will not support this motion at this time.

The Hon. T. CROTHERS: They say that confession is good for the soul. I have a confession to make: I am a reformed monarchist who, as all good Irishmen ought to be, is now a republican. I place on record the reason for my Damascus-like conversion. Given the things I witnessed in republican nations such as France and the United States, where the Presidents of those republics hosted $10 000 and $20 000 dinners in respect of their re-election, I determined that to have the sort of monarchy that has existed for over 1 200 years now in Britain—and if one were born to the purple—there was a lesser need for the type of corrupt practices which I believe existed then and which still exist in the Government corridors of power, particularly as it relates to the Presidency in the United States of America and France.

My view changed abruptly when I saw the profligate spending of the two adopted princesses of the Royal House. I saw those two princesses spend millions of pounds of taxpayers' money on holidays and clothes, when tens of thousands of their young unemployed countrymen and women were living in cardboard boxes along the Thames Embankment and in other draughty alleyways throughout every major city in mainland United Kingdom in one of the most severe winters that had been seen in Europe for many years. That brought me up very abruptly and made me turn from a monarchist, and a pretty serious supporter of the monarchical system, into a republican.

It is therefore of no surprise to members of the Council that I support the Elliott proposition as amended by the Hon. Sandra Kanck and do not and cannot support the proposition moved by the Hon. Mr Stefani, because it does nothing to the debate on republicanism except mark time as, unfortunately, this Government has been doing in this State now for some time—taking two paces forward and two paces backward. It adds nothing to the debate on the substantial motion standing in the name of the Hon. Mr Elliott: it is merely a technical device to take the debate off the Notice Paper. As such, I cannot support shady political tactics of that nature.

The Hon. T.G. Roberts: You have never been involved in anything like that!

The Hon. T. CROTHERS: It is enough to make a husky pup go back to its mother, isn't it—the cold! Anyhow, that is enough levity for the time being—

The Hon. L.H. Davis: That was so bad it didn't even deserve an interjection.

The Hon. T. CROTHERS: It deserved an interjection from you now, though; it woke you up. Anyhow, it is important for the history of republicanism throughout the English speaking world in order to address properly the contents of what should constitute the debate of republicanism within Australia. The—

The Hon. L.H. Davis: Do republicans wear boxer shorts along the Kanck model?

The Hon. T. CROTHERS: I will show you mine if you will show me yours.

The Hon. Carolyn Pickles: The mind boggles.

The Hon. T. CROTHERS: It does indeed. I have not seen it myself in years! Anyhow—

Members interjecting:

The Hon. T. CROTHERS: Such is my global expanse.

The Hon. L.H. Davis: You are a fine advertisement for mobilisation.

The Hon. T. CROTHERS: Yes. Anyhow, I want to canvass as quickly as possible the history of republicanism in the English speaking world. Of course, the first republic in the English speaking world was the United States of America. The then infant 13 colonies reeled against the imposition of Government from London and put up a couple of not unreasonable demands which were totally ignored by the Government. In those days, the Monarch, the King or the Queen, had much more say in running the day to day affairs of the State than is currently the case. King George III, who was on the throne at the time, was a man who suffered absolute madness from time to time: he had a periods of clarity and periods of madness. It was against that backdrop that the 13 colonies rebelled and succeeded in winning their independence in the war of that night.

Britain learnt many lessons from that and, in respect of the rest of the colonies, determined that it was better to give some autonomy rather than have it taken away by a revolution—as occurred in the old 13 colonies. To that end, in the early 1860s Britain granted Canada a form of considerable

autonomy in respect of Canadian independence. Britain did the same thing again in respect of Australia in the late 1890s, giving effect to that on 1 January 1901. Of course, we did not have total independence. Up until 1941, defence and foreign affairs still lay very much within the province of the home Government in London. Of course, as would seem to be inferred by the Stefani amendment, republicanism in Australia is not new.

In fact, Reverend Dunsmore Lang, a Presbyterian clergyman, was an avowed republican back in the early part of the nineteenth century, and one of his doughty opponents, very much pro monarchial, was an ancestor of a former Minister of Aboriginal Affairs in one of the Menzies Governments, Billy Wentworth. Wentworth even went so far as to suggest that Australia should have its own aristocracy. This led to opponents of that proposition calling a monster meeting in Hyde Park, and an Irishman by the name of Foley, a gifted writer who unfortunately died very young, coined the term 'bunyip aristocracy'. Unfortunately, while that term was coined in the early part of the 1800s (perhaps about 1850), we still have to this day in our midst representatives of some of the bunyip aristocracy. That is their right. If they want to be of that ilk, so be it.

One of the problems that confront Australia is the very nature of the state of governance prior to Federation. We then had six infant struggling colonies, including Queensland in the 1840s, struggling with their own autonomy. They had their own Parliaments, and in those days, although it is not widely known, with the exception of South Australia, the person occupying the position of State Premier in most States was the Prime Minister.

The Hon. L.H. Davis: This is a lovely bit of history, but what about the motion?

The Hon. T. CROTHERS: If you think it is so nice, would you be so good as to listen without interjecting? Thank you.

The Hon. L.H. Davis: I am trying to get you back to the motion.

The Hon. T. CROTHERS: There are no problems: I am perpetual motion itself—watch me. See if you can pick up the blurs; unsinkable, too. The person who was regarded as the Premier was in fact Prime Minister. One of the problems when the colonies came together to form the Federation in those days, and even to this day, was (and indeed still is) that people said they were a South Australian, a Victorian, a Queenslander or a New South Welshman. However, the reality in a nation of 18.5 million, when we are surrounded by populations running into the myriad hundred of millions, is that for us to maximise our effectiveness we must all act as one.

An honourable member: One nation!

The Hon. T. CROTHERS: Are you talking about the pearls of Pauline there! We must all act as one, otherwise we diminish our standing in the community. I hope that a move towards republicanism will bridge that gap which has been slowly diminishing but still exists and which was given currency at the time of Federation, when each person regarded themselves more as a citizen of a particular State than as a citizen of this Australian nation.

I think that Australia has the capacity to become a great nation. I will not see it, but my grandchildren will. It will not just happen; it has to be made to happen.I think support of the republican system will go an awful long way, certainly within the next generation, to changing that culture of 'I am a South Australian, a New South Welshman or whatever,' and people will have more regard to their nationality as an Australian.

When we look at the American republican system, I never cease to be amazed that when the *Star Spangled Banner* is played, no matter whether a person comes from Oregon, Washington or New York State, Americans will stand up with their hand on their heart and give the necessary patriotic obeisance to the national anthem. That just does not happen here in Australia, and it is probably due to the fact that the American Republic was born with fire and sword, where we had it pretty well given to us by the British, who had learnt their lessons from the bitter experiences of 1778 in the United States.

The Hon. L.H. Davis: We have an uninspiring national anthem.

The Hon. T. CROTHERS: It is not that long ago since we had our own national anthem, I remind the Hon. Mr Davis. Members should also know that, because this is a constitutional question, it will have to go to a referendum. History tells us that, unless supporters of a particular proposition stand united in a collective sense on the matter, they will not get the referendum up. Certainly, I am making the assumption that, because the Hon. Mr Stefani moved his amendment to the motion (and I think it is a fairly safe assumption, unless I am told otherwise), he is a republican supporter. As to his amendment, we can see he is congratulating the Liberal Government on its calling together the convention. That is not only wrong, because of the divisive nature of the proposition, but it is also wrong in fact.

I explained earlier that republicanism is not a new thing in Australia. In the 1960s a political Party was formed and its main policy thrust was support of a republic. It still exists, but only with a handful of members. In fact, it was Paul Keating who brought the matter to the fore again in the early 1990s through the statements he made. John Howard said he was a monarchist and had to be dragged screaming and kicking to the Constitutional Convention. I seek leave to conclude my remarks later.

[Sitting suspended from 5.58 to 7.45 p.m.]

The Hon. T. CROTHERS: In resuming my contribution to the Elliott motion on republicanism, I was mindful of a snide interjection made by the Hon. Legh Davis—

An honourable member interjecting:

The Hon. T. CROTHERS: Yes, I was mindful—when he said it was a nice historical precis I was giving. Let me remind the honourable gentleman of that oft quoted comment that those who ignore the lessons of history are doomed to repeat them. Further, I would remind him of another salient famous comment of Dr Johnson, when he said:

> Oh patriotism, what foul deeds are committed in thy name.

The Hon. L.H. Davis: Why don't we get the stuff back for you at the zoo, where you belong.

The Hon. T. CROTHERS: Well, if you ever go to get it, they won't let you out. I want now, if I may, to turn my attention—

The Hon. L.H. Davis: This is a Labor stunt, not a Liberal stunt.

The PRESIDENT: Order!

The Hon. T. CROTHERS: You would have to be a very small 'l' liberal. I want now to turn my attention to the Kanck amendment and place on the record some of the rationale that underpins my absolute support for that amendment. I will

qualify that later, but not in respect of the honourable member's amendment. My problem will be if the other States do not agree to the same changes within a time period such as South Australia has done. I am mindful that, if they do not impose them with us, again we will have the saga as occurred prior to federation of narrow rail gauge versus broad rail gauge and all sorts of other rail gauges in between, as each State, acting unilaterally in its own right as a former colony of Great Britain, determined on the widths of its rail gauges to the eternal economic detriment of this nation as a whole and some of the States in particular.

That is the problem I am confronted with in respect of the Kanck amendment: if the States do not collectively move in respect of that matter, then it brings us back to the problems that we have always had of each State acting in its own selfish best interests to the detriment of the nation. We must understand that, as economic prosperity and the health of Australia goes, so goes the economic prosperity and health of the States. Further, I would add that it is my hope that amendments such as the Kanck amendment will, over a generation or so, stop this position where South Australia continues to assert that they are South Australians first and Australians second, and the same thing can be said not only with respect to this State but to every other State and Territory of this Commonwealth of nations. It is my hope, as I said—and it bears repeating—that overseas investors who play off one State against the others in respect of maximising the subsidies they can attract for placing that investment in another State will be brought to an end over a generation of republicanism. But it can be brought to an end only if the States have the same constitutional Head of State, each and every one of them, that has been endeavoured here in a watered down form from time to time, both by the previous Government—though the now Government opposed it—and by the present Government—though the present Opposition then opposed that—in trying to bring into some uniformity the statutes and laws that govern the day to day goings on within each State. In my view, that will in no small measure lead to overseas investors not being able to look on the Commonwealth of States as they currently exist as some form of treasure chest or some form of oyster into which they can dip their greedy and manipulative fingers.

The current narrow parochial interest of States acts to the overall detriment of the health, wealth and prosperity of the nation as a whole. We have to look only at the economic benefits and the largess that has flowed to the nation from the Snowy Mountains scheme. That scheme was set up and its works bridge two States at least—New South Wales and Victoria—and it certainly assisted South Australia at that time with a more regular flow of water into what has often been observed as the driest State on the driest continent on earth. Having said that, I point out that the divisive parochialness that exists between the States then takes me to a position where I look at the Murray River waters agreement. South Australia, being at the bottom end, does not always get what the agreement says. We get all the effluent that flows into the Murray River coming over our borders, and time and again because we operate as separate States, albeit there is a Commonwealth representation, we get what is left. We get the crumbs from the table of Queensland and New South Wales, and then lastly Victoria. That is an unmitigated disaster and again highlights the lack of effectiveness when States operate in a unilateral fashion.

We can also turn our attention to the position of the Adelaide to Darwin rail link. We now have a businessman—I do not know which of the Eastern States he is from—proposing a rail link from Victoria through New South Wales into Queensland and across the Northern Territory. When one looks at the proposition of the Adelaide to Darwin rail link—and I am sure the Minister for Transport will agree with me—given that we already have our link from here to Alice Springs, given that, as I understand it, the corridor has pretty well been thrashed out, and given that there is in the kitty already $300 million of Government moneys from the Northern Territory and South Australia and the Federal Government ($100 million), such a suggestion is an economic farce as is the one that is being put forward by, I think, this Victorian businessman.

That is the sort of thing that can happen when States act unilaterally and not in the best interests of the nation. I know for a fact that there are huge mineral projects, both here and in the Northern Territory, located not far from the proposed Adelaide to Darwin rail corridor which have not been touched but which, I am assured, will take off when the rail link is completed. Do not forget that the States have had an agreement with the Commonwealth since 1911 when they handed over the responsibility for the political administration of the Northern Territory to the Commonwealth Government, but this rail link has never eventuated under successive governments of all political hues, mine included. It is an absolute disgrace, when we consider the necessity for such a rail link, given the opening up of our Asian markets and the potential defence needs of the area, that we have not as yet managed to put our differences into one common melting pot to ensure that, in the interests of the nation, that rail link is built forthwith.

The other point that I wish to make in respect of the Kanck amendment is that, because of our small population and the fact that we have only, I think, 11 Federal seats—Western Australia is in a similar boat in comparison with the more heavily populated Eastern States of Queensland, New South Wales and Victoria—we have been ignored by successive Federal Governments, perhaps the Howard Government more than most.

That is one of the reasons I find it strange that we have a proposition standing in the name of the Hon. Mr Stefani to support the Coalition Government when we know—and it bears repeating—that John Howard (an avowed monarchist) had to be dragged screaming to the Constitutional Convention. It was only pressure of opinion—he is an avid reader of public opinion polls although he did not do too well with One Nation—that forced him to call that constitutional assembly.

There is no doubt that over a generation or two of going down the republican track people's viewpoints will change. The Kanck amendment will assist that matter greatly. However, I caution the Hon. Sandra Kanck because I believe that we cannot afford to make the same mistakes that we have repeatedly made where States and Territories act unilaterally. They must act collectively to give the same form of effect to a republican form of Government at State level, and they must do that within 12 months of each other; otherwise we fall into the broad versus narrow gauge problem. I believe that the Hon. Sandra Kanck's amendment is a great step in the right direction. I give it unswerving support and I congratulate the honourable member on moving it.

I also believe that the Elliott proposition is very good and ought to be supported in this Chamber irrespective of Party lines. The Elliott motion as amended by the Hon. Sandra Kanck ought to be supported in this Chamber and in the other place irrespective of Party political considerations because of

its breadth of vision. The fathers of federation, such as Sir Henry Parkes, our own Cameron Kingston, and the first Prime Minister of this nation, Alfred Deakin, had to work very hard to bring about the sort of change that they envisaged in the best interests of this nation. They were people of vision. I hope that in this Chamber we have people of vision of sufficient strength to carry this proposition.

In summary, I have given my reasons for not supporting the Stefani amendment, but they bear repeating. I will not support it because of its narrow, sectarian, political evasiveness. It is simply aimed at being a smart amendment to stifle the debate in both Houses on the Elliott proposition as amended by the Hon. Sandra Kanck. As I have said, I suspect that the Hon. Mr Stefani is a republican because he saw fit to amend the major proposition by congratulating the Coalition Government on calling the Constitutional Convention. I do not have a crystal ball, but the use of that verbiage leads me to believe that he is republican. I do not know whether I am right, but I suspect that I am. If I am right, it is wrong of him to turn this debate into a Party political matter, because history tells us that, in respect of the referendum which will have to be held over this issue because it is a constitutional matter, if we who support a particular referendum question do not act collectively invariably and inevitably the question will be lost at a referendum.

It is an entirely different question in respect of the Kanck amendment. That amendment, quite correctly in my view, deals with the State referendum on this matter as a separate issue because there is a difference between having a republican constitution federally and a republican constitution at State level. There, unity of purpose will become even more paramount and important because there just might be enough skeleton remnants of those old parish pump State rights issues amongst the community that will prevent such a referendum in this town from getting through at State level. That is possible. Therefore, the question will assume a different form relative to that matter.

Those are the reasons why I support the Elliott proposition as amended by the Hon. Sandra Kanck. It is with considerable joy that I do so. I congratulate both Democrats on the proposition that they have moved and amended. I cannot support the Stefani proposition because if his amendment gets up it will assuredly damage the possibility of the republic getting up at a subsequent referendum. It is too narrow, it is too Party political, and it is sectarian in the extreme.

This matter is an issue of conscience. Therefore, I say again to all members: put aside your Party political concerns on this issue and support the proposition for what it is worth. I call on all republican supporters on both sides of this Chamber to do that, because if this Elliott-Kanck proposition is carried it will maximise the effectiveness of the referendum that must be held on the constitutional question of the monarchy versus a republican State.

You will maximise the opportunities of such a proposition, of such a united front in this Parliament. The message that will give to the people of South Australia will be very positive for those who support the republican cause. So, I call on all members from all sides of the Council to recognise that fact, to support the proposition, to defeat the Stefani amendment as being too narrow and too parochial and thus likely to damage in the extreme a future referendum in this State. I support the proposition.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I wish to make a couple of comments arising from the Hon. Trevor Crothers' references to history, his plea for us to learn from history and his claim that to ignore history is to repeat mistakes of history. I would, essentially, agree with both statements. I am disappointed, however, that he has such a short memory in terms of recent political history, and, in particular, in calling for a united front on issues such as this motion, and accusations against the Prime Minister, saying that the Prime Minister was dragged kicking and screaming to the convention.

As a student of history and if he looks back at the record, I think the honourable member will find that the Constitutional Convention was promised by the Hon. Alexander Downer when he was Leader of the Liberal Coalition some years ago and that the Party continued with that promise when the new Leader, the Hon. John Howard, became Prime Minister. Notwithstanding his personal views, the Prime Minister provided a conscience vote on this issue. He put it to the Parliament and provided a conscience vote—something that the Labor Party rarely provides its members, or if members have different points of view it makes it very difficult for them to be comfortable within that Party. I would also remind the Hon. Trevor Crothers, although he seems a little distracted at the moment, that the Labor Party in the—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Well, I say to ignore me, like ignoring history, is a mistake. I remind the Hon. Mr Crothers that the Labor Party in the Federal Government did vote against the Constitutional Convention. Do you remember that?

The Hon. T. Crothers: What was that?

The Hon. DIANA LAIDLAW: The Labor Party voted against the establishment of the Constitutional Convention.

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: Now you come into this place and talk about the Prime Minister being dragged kicking to establish the convention, when it was in fact the Prime Minister who supported this Federal Government's taking the convention motion to the Parliament. So, it is basically unsound, incorrect and unfair for the Hon. Trevor Crothers to have made those statements tonight. If it had not been for Senator Harradine and the Greens changing their mind we would not even have had a Constitutional Convention.

The Hon. T. Crothers interjecting:

The PRESIDENT: Order! The Hon. Trevor Crothers will cease interjecting.

The Hon. DIANA LAIDLAW: I think it is disappointing that the Hon. Trevor Crothers, who does generally have a respect for history, has been so distorted in his perspective on this issue tonight. I would have expected better. To call for a united front when the Labor Party has so deliberately played politics with this issue and with the Constitutional Convention is very disappointing.

The Hon. Trevor Crothers also said that this State is being ignored by the Howard Government more than most. I remind the Hon. Trevor Crothers that it was this Government alone that put forward the funding for the Adelaide-Darwin railway; the extension of the Adelaide Airport runway was a project the Labor Party said it wanted so desperately but it was never able to secure federal funds. This Federal Government did provide the State with the funds. Equally, there is the $136 million for the Crafers project. These are major transport projects which join this State competitively to the outside world, domestically and internationally. In terms of

a perspective on history it is important that those facts be put on the record. I want to return to the motion, which I found—

The Hon. P. Holloway interjecting:

The Hon. DIANA LAIDLAW: Yes, of course I do, because I have been keen to speak to this issue for some time. I intended to speak briefly, but I think if Mr Crothers had stopped talking before dinner and not continued after dinner we may have had a better contribution overall. I support Australia becoming a republic and I have long done so, and I would have been more active in the republican movement but for my parliamentary and workplace responsibilities. I was born in Oxford of Australian parents. I had a British passport until about 15 years ago when I got into this place. I proudly have an Australian passport today.

I have enormous respect for the traditions of the Westminster system, democracy principles and Public Service that we have inherited. Members only have to look at countries from Bangladesh to India and around the world, the debt that the western world and the democratic world owes to the Westminster tradition is one of the most enduring features for peace in this world. As part of that democratic tradition and Westminster system, what has been so outstanding has been the checks and balances that the system has provided, whether it be the High Court at a Federal level, the Supreme Court at the State level, the Federal Parliament with two Houses, or the State Parliaments with two (the exception being Queensland, which is often an exception to the rule).

The Governor-General and the Governor both play an instrumental role in the checks and balances and the protection of democracy, freedom of speech, association, religion and the like. I very strongly believe that the strengths of the current system must be maintained in any future system and I believe the checks and balances can be so maintained if we are of such a will. So, in transition to any new system, I strongly support a minimalist view of a republic and I also strongly support a recognised Australian Head of State.

I think the system that we have today, which is so confusing at the international level in terms of who is actually the Head of State of this country, is not one that we should actively promote into the next century. I applaud Mr Howard and the Liberal Government, Senator Nick Minchin and all who have strongly promoted debate on this issue, notwithstanding their views. It is those sorts of things that I hope will endure into the next century. They are certainly a critical part of a democracy. They can only be sustained in my view—this freedom of speech and respect for the view of others—when there are checks and balances in the system.

The Hon. T. Crothers interjecting:

The Hon. DIANA LAIDLAW: I would respect your views if they were an accurate reflection of the facts. I also congratulate the Hon. Julian Stefani for recognising the fact that the Federal Liberal Government played such a critical role in organising the Constitutional Convention. If the Labor Party had its way in the Federal Parliament we would not have seen such an exercise and we would not have seen such debate. I think many of us learnt a great deal from it. I would indicate that my preference is for the Hon. Julian Stefani's amendment; if that is not passed I would be voting for the amendment moved by the Hon. Sandra Kanck. I must admit that I am not sure in what order you plan to put those amendments, Mr President. That would be quite critical to me in the way in which I would be voting on this matter.

The Hon. R.D. LAWSON: I see myself as a constitutional evolutionist, rather than a revolutionary. The strength and genius of our constitutional system as we know it and the genius of our system of law is a reflection of the fact that it has evolved over many hundreds of years.

I deprecate the way in which the current constitutional debate was initiated by the then Prime Minister, Paul Keating, who by means of that debate sought to divide the country for his own political advantage and that of his Party. He sought to put constitutional issues on the agenda for political advantage, and I think that was an appalling way in which to obtain the sort of consensus that is necessary in order to have an effective evolution. He should have adopted mechanisms which were more inclusive and should have allowed the debate to proceed in an ordered fashion.

The Federal Liberal Government under John Howard is to be commended for the policy it has adopted of calling for a constitutional convention, encouraging a process of discussion and giving a commitment for holding a referendum before the end of next year—a fact which is recognised in the amendment proposed by the Hon. Julian Stefani.

I would certainly not describe myself as a republican. I certainly do not believe the title of the nation should be 'the Republic of Australia'. I think the title 'the Commonwealth of Australia' fits very well the ethos of Australia and captures the spirit of our nation. I would never regard an Australia with an elected, nominated or otherwise appointed Head of State as a republic, notwithstanding the fact that we might have adopted some form of republican model. Australia is a Commonwealth and long may it be a Commonwealth.

Not all of our constitutional arrangements have served as well as the arrangements relating to the Head of State both of the Australian States and of the Commonwealth. The arrangements about the Head of State or—more correctly, the monarch—have worked well. No-one, in my submission, can reasonably point to anything at the very pinnacle of our constitutional apex not having served the community well. You cannot say the same for the constitutional arrangements between the States and the Commonwealth of Australia.

The compact that was reached between the States in the 1890s, whose centenary we are about to celebrate, has not worked very satisfactorily in many respects. There has been a steady erosion of power, responsibilities and functions from the component States to the Commonwealth. The arrangement that we now have by that process of erosion has resulted in a one-sided, almost dysfunctional system; in fact from time to time it is dysfunctional. Once again I do not believe that revolution is the way to overcome those difficulties. An evolutionary process should be adopted—one in which there is full discussion across the whole country and the interests of all are taken into account.

I think the South Australian Government is to be congratulated on promoting constitutional debate in our community with the establishment of the South Australian Constitutional Advisory Council, which delivered its first report in September 1996 entitled 'South Australian Proposals for an Australian Republic'. This council was chaired by Professor Peter Howell of Flinders University and comprised a number of distinguished South Australians from across the community. Fran Awcock, the State Librarian; Joy Battilana; Vickie Chapman; Patrick Conlon; Rosemary Craddock from the Local Government Association; Michelle den Dekker, the Hon. Dr James Forbes; Audrey Kinnear; Michael Manetta, a young barrister: Matthew Mitchell; and the Solicitor-General, Brad Selway, QC, comprised a very competent council with a broad perspective of views, not only legal,

constitutional, governmental and political, but across the wider community.

On this occasion it is unnecessary to outline the council's recommendations both in that report and in its second report which was published in December 1996 and which was entitled 'The Distribution of Power Between the Three Levels of Government in Australia and the Importance of Education and Consultation in Constitutional Reform'. I suppose the only sour note to the second report was the rather ill-tempered dissent from Mr Conlon, which delayed the publication of the document for some considerable time. I congratulate the State Government on establishing that council and I congratulate the council on the very worthwhile reports that it produced. I commend those reports to all members of this Chamber when, in the fullness of time, we will be having further and more detailed debates on the issue of our constitutional structures.

I regard myself as a constitutional evolutionist, and I believe that we have now come to the stage of evolution when it is appropriate for us to adopt a new constitutional structure. I think that the Howard Government's appointed Constitutional Convention last year was a great success in widening the community's understanding and appreciation of constitutional issues. I must say I had quite some reservations about the composition and prospects for that council when it was first appointed, and one would have to say that the result of the convention itself was not singularly clear or successful. But, notwithstanding the somewhat confused result and the fact that towards the end of the conference there was something of a shambles, I thought the process itself highlighted the fact that we can have a sensible debate in this country.

After that convention and at this stage I support the appointment of an Australian Head of State by a mechanism yet to be determined. Personally, I would favour the appointed model of a Head of State, and I think there is a good deal to be said for the McGarvie model, notwithstanding the criticism that that received in the Constitutional Convention. But I think it is a sensible solution to a very real conundrum.

I strongly support the amendment proposed by the Hon. Julian Stefani. The Federal Government ought to be congratulated for organising the Constitutional Convention because it is the one device that has made it possible for the debate to continue. Without that there would have been continued division and the issue would not have progressed, and I think that would not have been to the advantage of our country and our international reputation.

The infirmity, it seems to me, in the amendment proposed by the Hon. Sandra Kanck is its reference to the adoption of republican structures in South Australia. I think it is inevitable, and the South Australian Constitutional Advisory Council acknowledged, that if Australia has an Australian head of state it would be entirely appropriate for South Australia to adopt the same model.

As I say, the infirmity of the Hon. Sandra Kanck's proposal is the description of 'republican structures'. It would seem to me to be entirely impossible for South Australia to adopt one republican structure that was inconsistent with that which is adopted nationally. For example, it would seem to me to be nonsensical for the Australian head of state to be appointed by the Federal Government and South Australia to adopt a system under which the head of this State would be not appointed but elected.

The Hon. M.J. Elliott: That might be the decision.

The Hon. R.D. LAWSON: I don't believe that would be a sensible solution to a problem; I believe that would be productive of uncertainty and that it would lead to a misunderstanding in the community of our constitutional structures, which should be as simple as the nature of the case allows. So, I cannot support the amendment proposed by the Hon. Sandra Kanck in the way in which it is presently proposed. I do not really oppose the sentiment behind the Hon. Sandra Kanck's amendment, but I believe that it is too loose in its language to allow me to support it. Therefore, I will be supporting the motion and the amendment proposed by the Hon. Julian Stefani.

The Hon. P. HOLLOWAY: I was not going to participate in this debate but, as most other members have done so, I will make a very brief contribution. I will be supporting the motion of the Hon. Mike Elliott and the Hon. Sandra Kanck's amendment. I will not be supporting the Hon. Julian Stefani's amendment because I think it is unfortunate that he brings politics into it to the extent that he mentions the Liberal Government.

By all accounts the Constitutional Convention was very successful, and from my reading of it members from all sections of the community cooperated and out of that a genuine attempt was made to achieve the best result. When the history of this country is written, it will be recorded its due part in the process of reform. But I think it was most unfortunate that during the debate the previous Prime Minister, Paul Keating, was denigrated for his role in the movement towards our becoming a republic. I have never been a particularly great fan of Paul Keating, but I think it should be said that, in relation to the republican movement, he certainly put this issue on the agenda.

The whole point is this: whenever you have a major movement such as this, a major change in our society, it always needs someone to break the ice—someone to take the political risks. There is no doubt that in the early 1990s Paul Keating took immense political risks in bringing forward this issue. I think it was most unfortunate that the Hon. Diana Laidlaw criticised Paul Keating for trying to divide the country by bringing up this issue. Rather, I would have thought that it was Paul Keating showing some vision and taking a fairly great risk in bringing it forward.

I think we should all remember back to the early 1990s when we had a situation where Liberal Leaders around this country, when they were asked, were not prepared to say what their views were on a republic. About five or six years ago, I remember that John Olsen or Dean Brown—I cannot remember which Leader it was at the time because they have both had a couple of goes at it—were not prepared to commit themselves to what their views were on our becoming a republic because it was considered so politically dangerous and risky at the time.

I do not want to over-emphasise Paul Keating's role. When the history of this country is written, I am sure that he will get due credit for raising this issue in the first place and for putting it on the agenda. Howard will get his due recognition for the conference, although again I suggest that we would not have had this conference unless it had been put on the agenda at the previous election.

Those of us who remember what happened at the 1996 election will know that the Liberal proposal to set up this conference was really an attempt to defuse the issue. It was quite clear at the time that Prime Minister Howard (or Leader of the Opposition Howard as he then was) saw this confer-

ence as a way of burying the republic. He has changed his views, I believe, and good luck to him and all credit to him. However, the point is that if we are to have a balanced debate about a republic let us not take a selective history but let us look at all of those who have played a part in it and give credit where it is due.

I support the motion without the political element in it. I think most Australians now accept the fact that we are moving inevitably towards a republic. We certainly have to look, as the Hon. Sandra Kanck has suggested, at the implications of that for this State, and I am sure we will do it. So, let us get on with the job and let the historians write about who has made the greater contribution towards our becoming a republic.

The Hon. M.J. ELLIOTT: I rise to close the debate on this motion. I moved this motion soon after coming back from the Constitutional Convention in Canberra and was looking in the first instance to seek support from this Parliament on the question of the republic itself, and that was what the first part of the motion was about. At the time I spoke, I also indicated that I would be looking for a further amendment which has subsequently been moved by the Hon. Sandra Kanck to address the second matter.

At this stage I do not intend to further debate the question whether or not Australia should become a republic, because I have had ample opportunity to do so. However, in relation to the amendment moved by the Hon. Sandra Kanck, I was concerned that, should the national referendum be passed, the State should be in a position to act immediately.

I note that the Government has in the past had a Constitutional Advisory Council and that it has reported and done good work. But what is critical about this motion is that we need to make a decision not about whether or not the State will become a republic but about, if Australia becomes a republic, whether we should as well and what form it should take. That is something that we should be doing in parallel with what is happening at the Federal level. Already, the Constitutional Convention has made a decision about the form on which the legislation will be based and which will go to the people.

Therefore, except for detail, the form has been largely decided already. Therefore, it is incumbent on the State to move in parallel so that we make a decision—and it might be a decision as suggested by the Hon. Mr Lawson—to adopt essentially the same structure as that at a Federal level. I do not disagree with that proposition, but we must at least make that decision. The amendment moved by the Hon. Sandra Kanck is consistent with that notion, but we have to make the decision. It is a decision which will have to be debated in this Parliament and, very importantly, in the community. We are not obliged to adopt the same structure. Inevitably, there will be a need for some differences and we may adopt essentially the same structure, but that decision needs to be made.

So, that is all that I sought to achieve by way of my motion: to state a position of the State Parliament's support, first, of Australia's becoming a republic and an Australian citizen as Head of State and, secondly—and importantly—of recognising that at a Federal level there is now some momentum in terms of getting the potential structure decided. In fact, that has largely been done already. We in South Australia need to do the same thing. Even those people who are opposed to the republic need to recognise that we would look slightly foolish if the referendum which activated the Federal legislation was passed and we then set about the process of saying, 'Well, we will have to become a republic; what are we going to do?' Clearly, that is a nonsense. We really have only 12 months in which to do it, and these things do not happen overnight. In the circumstances, we in South Australia need to get things moving.

In relation to the Hon. Julian Stefani's amendments, the second part of his amendment has been picked up within the Kanck amendment, referring to the referendum in 1999—

The Hon. J.F. Stefani: At least it clarified the motion.

The Hon. M.J. ELLIOTT: Absolutely.

The Hon. J.F. Stefani interjecting:

The Hon. M.J. ELLIOTT: Sorry, I am just getting to that point. I am giving you all due credit. I just said that we picked up the second part—

Members interjecting:

The Hon. M.J. ELLIOTT: I want to heap piles of due praise upon the Hon. Julian Stefani. I was just getting to those words. The point that the honourable member made there was accepted and, indeed, adopted by the Kanck amendment. In relation to the first part of the honourable member's amendment, the motion that I moved was political in terms of referring to the issue of a republic but was not political in a Party political sense. I am not seeking to make it so now. The Constitutional Convention turned out to be a success, and I have spoken about that in this place previously. I agree with many of the Hon. Angus Redford's comments in that regard. By way of interjection, I suggested to the honourable member that perhaps those conventions ought to happen more regularly—and he agreed.

Unfortunately, in the first instance the Government did not—and I am only responding to the amendment that is there—expect it to work as well as it did; in fact, the convention was meant to kill off the issue. Privately, that has been conceded by a number of people within the Liberal Party. As it turned out, it was successful. I have commented on that in the past. I will heap praise on the Liberal Party if it decides to hold these sorts of conventions more regularly—and I think it should.

The Hon. Mr Lawson talked about the evolution of our Constitution and also said that there are deficiencies. There are very clear deficiencies, particularly in relation to the relative positions, powers, etc. of Federal and State Government and, it could also be argued, local government. There are these issues that really do need to be addressed urgently.

We need a Constitutional Convention process where meetings are held on a regular basis—somewhere between five and 10 years—where the most important constitutional questions can be put and, hopefully, removed somewhat from the Party political process, and that certainly happened within the Constitutional Convention. It was interesting to watch people from one Party voting differently. In fact, the politicians voted quite freely all over the place. Some of the delegates elected on tickets were the most inflexible. However, be that as it may, I do support the concept of direct election of many of the delegates. The problem was that this Constitutional Convention had one question only, namely, whether one was for or against a republic. It was a complex question requiring many changes to the Constitution.

My guess is that there are many other issues which are not as complex, although probably every bit as important, but which could be debated at a single convention where you will not have a single ticket trying to cover all the issues and where people who are elected ought to show perhaps even more flexibility than we saw from many of the delegates at that time. At the end of the day, most people who participated

agreed that it was a worthwhile process. Certainly, it was a learning process in terms of how to run such a convention. As the Hon. Angus Redford said, it played a very important part in the development of awareness by Australians of their own Constitution. Unfortunately, Australians are quite ignorant of their own Constitution, as they do need to understand it. If they understand their Constitution, they will also have a greater awareness of the whole political process in Australia and of what we have whilst at the same time perhaps allowing the sort of evolution that needs to occur, as referred to by the Hon. Mr Lawson.

As I said, I was seeking to keep Party politics out of it. I have made some positive and negative comments about the convention itself and have said that I hope there will be more. I urge members to support the motion and to support the Kanck amendment which, as I said, picks up the second part, but not the first, of the Stefani amendment.

The Council divided on the Hon. Mr Stefani's amendment:

AYES (7)

Davis, L. H.	Dawkins, J. S. L.
Griffin, K. T.	Laidlaw, D. V.
Lawson, R. D.	Redford, A. J.
Stefani, J. F. (teller)	

NOES (11)

Cameron, T. G.	Crothers, T.
Elliott, M. J. (teller)	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Pickles, C. A.	Roberts, R. R.
Roberts, T. G.	Weatherill, G.
Zollo, C.	

PAIR(S)

Schaefer, C.V.	Xenophon, N.

Majority of 4 for the Noes.

Amendment thus negatived.

The Council divided on paragraph I:

AYES (15)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Elliott, M. J. (teller)
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Laidlaw, D. V.
Lawson, R. D.	Pickles, C. A.
Roberts, R. R.	Roberts, T. G.
Stefani, J. F.	Weatherill, G.
Zollo, C.	

NOES (3)

Dawkins, J. S. L.	Griffin, K. T. (teller)
Redford, A. J.	

PAIR(S)

Xenophon, N.	Schaefer, C. V.

Majority of 12 for the Ayes.

Paragraph 1 thus carried.

The Hon. Sandra Kanck's amendment to insert new paragraph IA carried.

Paragraph II passed.

The PRESIDENT: The paragraphs will be renumbered.

The Council divided on the motion as amended:

AYES (16)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Elliott, M. J. (teller)
Gilfillan, I.	Holloway, P.
Kanck, S. M.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I.
Pickles, C. A.	Roberts, R. R.

AYES (cont.)

Roberts, T. G.	Stefani, J. F.
Weatherill, G.	Zollo, C.

NOES (3)

Dawkins, J. S. L.	Griffin, K. T.
Redford, A. J. (teller)	

PAIR(S)

Xenophon, N.	Schaefer, C. V.

Majority of 13 for the Ayes.

Motion as amended thus carried.

TRADE PLATES

Adjourned debate on motion of Hon. Sandra Kanck:

That the regulations under the Motor Vehicles Act 1959 concerning trade plates, made on 13 November 1997 and laid on the table of this Council on 2 December 1997, be disallowed.

(Continued from 25 February. Page 437.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): The Hon. Sandra Kanck has moved to disallow regulations under the Motor Vehicles Act in relation to fees for the issue of trade plates. The trade plates system introduced from 17 November provides for the applicant to nominate the categories of vehicle for which the trade plate is to be used. The vehicle category based system replaced the previous 'general' and 'limited' trade plate system. Moving from the dual plate system to a vehicle category based system meant that some reapportionment of fees was unavoidable. As a result, there were winners and some losers. It is anticipated that the vehicle category based system will be revenue neutral. Therefore, the overall fees paid by industry will essentially be at the same level.

The previous system allowed for a trade plate to be used 'for any purpose directly connected with the business carried out by a trader'. As a consequence of the wording of these provisions, the use of trade plates in practice was extended to business vehicles and many activities argued as being connected with the business. That the provision should allow for such extended use as home to business travel by the holder of the plate or allow the use of unregistered business vehicles for purposes such as the collection or delivery of spare parts was clearly not originally intended. As such, both the Registrar of Motor Vehicles and the Commissioner of Stamps have expressed concerns about the previous system.

The regulations now prescribe the purposes for which a trade plate may be used and exclude all other uses. In comparing the total fee previously paid—plate fee and insurance—with the current system, some plate holders may consider that there has been a significant increase in the fees. However, the previous plates bore little relationship to the types of vehicles being driven. There was no parity between the vehicles being driven and the actual registration charge applying to the vehicle; for example, the same fee was payable irrespective of whether the trade plate was used for heavy vehicles or for motor cycles, and this was clearly unfair.

The fees for each vehicle category are currently $300 for heavy vehicles; $200 for light vehicles; $41 for trailers and caravans; and $24 for motor cycles. No fee is payable if the trade plate is used solely for farm implements and farm machines. The new plate fees for each category are not cumulative. The plate fee payable is the fee that applies to the highest category of vehicle for which a trade plate is required. The previous fee for the use of a trade plate was $275 for

'general' and $43 for 'limited'. General trade plates accounted for 80 per cent of all trade plates issued; therefore, 80 per cent were paying $275.

Plate holders who nominate the heavy vehicle category now pay a higher plate fee of $300. Those nominating for other categories pay a lesser fee than that previously payable for the general trade plate, that being $275. The vehicle category fee of $300 for heavy vehicle is the minimum fee prescribed under the national heavy registration charges. The fee is equivalent to the registration charge for a two axle truck, but the holder is authorised to use the trade plate on any truck or prime mover irrespective of the number of axles. The heavy vehicle registration charges, developed by the National Road Transport Commission, are set at a level to recover the damage that heavy vehicles cause to the road network. Heavy vehicle registration charges range from $300 to $5 500. A considerable concession has been afforded to trade plate holders by allowing the plates to be used on the same range of heavy vehicles at the minimum fee prescribed for those vehicles.

Unfortunately, I suspect that changes to the compulsory third party (CTP) component for trade plates, introduced at the same time as the new system, may have created a perception that the fee for the issue of some trade plates had significantly increased. This is particularly the case where the trade plate is to be used for heavy vehicles. Under the previous trade plate system, a single CTP premium was payable, irrespective of whether the trade plate was used on heavy vehicles, light vehicles, motor vehicles, or farm implements or machines. No premium was payable on trailers or caravans, and this remains the case.

In examining the new trade plates system, the Third Party Premiums Committee, which is an independent body with members representing vehicle owners and the insurance industry, considered that a single premium was no longer appropriate. The committee therefore determined that the CTP premium for trade plates be aligned with the premium that would be payable on the registration of the highest category of vehicle nominated to be used. The total fees now paid by trade plate holders will more closely relate to the level of access afforded and the level of risk to the CTP fund.

I want to also take the opportunity to foreshadow some amendments to the motor vehicles regulations in terms of trade plates, and the foreshadowed amendments to the regulations to be introduced shortly will prescribe that trade plates may be used only by repairers on temporary loan vehicles, provided the repairer is a licensed motor vehicle dealer and the vehicle is being offered for sale to the public. It will also establish a 'special purpose vehicles' category of vehicle for the use of trade plates.

By way of explanation, I advise that the State Taxation Office has recommended that the use of trade plates on loan vehicles should be limited to those vehicles that are in stock for the purpose of sale or demonstration which, if they were registered, would be eligible for exemption from the payment of stamp duty under exemptions 1 and 2 (demonstration and sale of motor vehicles) of schedule 2 of the Stamp Duties Act 1923. It is therefore proposed to amend the regulations so that a trade plate can only be used on a loan vehicle provided the repairer is a licensed motor vehicle dealer and the vehicle is being offered for sale to the public.

The effect of the proposed amendment will be that the trade plates cannot be used on vehicles operated as permanent loan vehicles. These vehicles would therefore need to be registered. However, the repairer will be advised to use a trade plate on a stock vehicle that is required to be operated as a temporary loan vehicle when the permanent loan vehicle is already on loan to another client. If the repairer does not have a permanent loan vehicle, the trade plate may be used on any stock vehicle that is being offered for sale to the public.

Although no registration fee component is payable when a trade plate is required only for farm implements and farm machines, the same benefit is not provided to other categories of special purpose vehicles. It is therefore proposed under the new regulations to vary the farm implements and farm machines vehicle category so that it incorporates all special purpose vehicles. The special purpose vehicles category will cover all other vehicles not captured by the heavy vehicles, light vehicles, motor vehicles and trailer categories. That category will therefore encompass such vehicles as tractors, forklifts, front-end loaders and mobile cranes.

Although the Hon. Carolyn Pickles will move the adjournment on this matter, I understand that the debate on this disallowance motion may not be advanced further. Other than some initial disquiet, which I have indicated probably related more to the fact that there was some change and also that CTP increases were advanced at the same time, I have not received any representations on this matter for many months and I believe that the issue is no longer of concern because people have become used to the new categories.

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

PUBLIC FINANCE AND AUDIT (APPOINTMENT OF AUDITOR-GENERAL AND REPORTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 May. Page 773.)

The Hon. K.T. GRIFFIN (Attorney-General): The Bill deals with two discrete issues: the appointment of the Auditor-General and the release of the Auditor-General's Reports. Clause 2 of the Bill deals with the appointment of the Auditor-General. The proposal is that the appointment should be made in accordance with the procedure which has already been adopted by the Parliament at the instigation of the Government in relation to the appointment of the Electoral Commissioner and the Ombudsman.

In 1993, Liberal Party policy stated that the Liberal Party would introduce legislation to allow Parliament to appoint the Ombudsman, the Auditor-General and the Electoral Commissioner. In its last term, the Government introduced legislation to involve Parliament in the appointment of the Ombudsman and the Electoral Commissioner. Up to the present time, the Government had not introduced similar provisions in relation to the appointment of the Auditor-General. The provision in the Bill is consistent with the Government's policy as stated at the 1993 State election.

The Hon. M.J. Elliott: And the previous election also.

The Hon. K.T. GRIFFIN: Yes, but no policy was announced in that respect prior to the 1997 election. However, as I have said, the Bill in respect of the appointment of the Ombudsman is consistent with the Government's policy. I think the Liberal Party policy is generally acknowledged as a proper policy, and I indicate that the Government will support that part of the Bill.

Since proposing the policy, however, I think it has become obvious that, if there is not an agreement on a nominee for this and other positions covered by the Statutory Officers Committee, it may be that in the future positions may well remain vacant. One of the difficulties in the way in which we have sought to approach this matter is that it depends upon the goodwill of members of all Parties in both Houses. If there is antagonism, obviously there may well be a stalemate which may only then be resolved by either some hard and fast talking or amending the legislation if we can get a majority of members to agree. Notwithstanding that, the principle upon which clause 2 of the Bill is founded cannot be resisted.

The second part of the Bill deals with the release of the Auditor-General's Reports. The Bill seeks to insert a new provision which would allow the Speaker or the President to furnish a report from the Auditor-General and other documents to the members of the House of Assembly and the Legislative Council if no sitting day is programmed to occur within the next seven clear days after receipt of the report.

The Bill extends the immunities and privileges of the Parliament to the report as though the document had been laid before Parliament. It is obvious that the honourable member has introduced this provision because of the debate which occurred in the election period prior to the 1997 State election in relation to the Auditor-General's Report. It is worth reflecting on what occurred. The annual report of the Auditor-General was delivered to the President of the Legislative Council and the Speaker of the House of Assembly pursuant to section 36(2) of the Public Finance and Audit Act 1987.

During the course of the election campaign, the Opposition called for the release of the report. Advice was sought by the President of the Legislative Council from the Crown Solicitor as to whether the report should be retained until it was tabled in Parliament on the first day of the new session or whether the President could act in accordance with Standing Order 454, which provides that reports customarily laid before Parliament and printed shall be forwarded to the President and, if received within two months of Parliament's prorogation, distributed amongst members.

Sections 36, 38 and 41A of the Public Finance and Audit Act make specific provision for the way in which the reports and other documents of the Auditor-General are to be transmitted to the President of the Legislative Council and the Speaker of the House of Assembly and also detail the obligations of Parliament once any such reports or documents are delivered to them. Section 38 of the Public Finance and Audit Act provides:

> The President of the Legislative Council and the Speaker of the House of Assembly must not later than the first sitting day after receiving the report and other documents from the Auditor-General under this Part lay them before their respective Houses.

The advice of the Crown Solicitor was that the Public Finance and Audit Act does not envisage distribution of the report when Parliament has been dissolved. There is an implication to be drawn from section 38 that neither the President nor the Speaker shall publicly release the report until it has been laid before the respective Houses. This implication is strengthened when one compares the terms of section 38 with those of section 41A of the Public Finance and Audit Act which makes provision specifically for the case in which a report of the Auditor-General on a contract summary is provided to the President and Speaker at a time when Parliament is not in session or is adjourned.

The Crown Solicitor advised that section 12 of the Wrongs Act affords an absolute defence to an action for defamation in relation to the publication of any report which either House of Parliament has deemed fit and necessary to be published and has authorised to be published. The Auditor-General's report may in the ordinary course of events be expected to contain frank commentary on the way in which various persons have conducted their duties, whether public servants or otherwise, and upon the stewardship of the public sector and the efficiency and economy of the use of public resources, the Crown Solicitor advised that it would be extremely risky to assume that nothing in the report could found an action for defamation and that it would be most unwise for it to be published without the protection of section 12 of the Wrongs Act. Similarly, persons publishing extracts from the report would not have the protection afforded by section 12(3) of the Act.

In order for section 12 of the Wrongs Act to be activated, one of the Houses of Parliament must specifically authorise publication of the particular report or other document and deem its publication to be fit and necessary. The Bill purports to address the issues identified by the Crown Solicitor, although it takes a different policy stance from that of the Government. The Government is of the view that the existing provisions are appropriate and adequate and that this part of the Bill should not be supported.

The Government's view is that the role of the Auditor-General can be quite clearly distinguished from that of the Ombudsman whose reports arise from complaints about administrative acts and arise from complaints by individuals. The Auditor-General has a wide ranging whole-of-Government responsibility and, as such, has traditionally reported to the Parliament and not in the way in which the Ombudsman may from time to time release individual reports for the purposes of dealing with individual administrative Acts.

It is for that policy reason that the Government has taken the view that it is inappropriate to meddle with the long established provisions of the Public Finance and Audit Act in relation to the publication of reports and that for that reason this part of the Bill should be resisted.

The Hon. M.J. ELLIOTT: I thank those members who have indicated support for the Bill and note that the Government is supporting at least part of the Bill. As it is its policy, one would have hoped it would. I am disappointed, however, that there is some resistance to amendments to section 38. The reasons given last year, I think, were open to debate and open to legal interpretation as to why the report of the Auditor-General could not be released to members of Parliament. But, I do think it is important, while this Parliament at least in recent years has been meeting without long breaks, last year because of the election campaign the break had been extremely long and we can never tell what might happen in the future. A Government in Queensland some years ago sat 11 days in a year.

I would argue that if we have gone to the trouble of ensuring we have an independent Auditor-General, an office which has the absolute confidence of the Parliament and the public, the Government should not be in any position to perhaps frustrate a report which has been prepared. I think that Parliament is not just the physical structure; it is made up of component parts. I think each individual member of Parliament has a right to see a document. The fact that Parliament is not sitting at the time, in my view is no reason why a document prepared by the Auditor-General should not be made available to the members of the Parliament. Clearly, if there was to be a sitting day within seven clear days there

is no special reason that the report should be circulated, but in other circumstances I have not heard any good justification from the Government as to why the report should not be circulated. I hope that this Bill will, indeed, pass the second reading and remain in tact through the Committee stages, and I remain hopeful it might also receive swift passage in the other place.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. K.T. GRIFFIN: I indicate the Government's opposition to this—and very strenuous opposition. The view of the Government is that it is fundamentally an issue of public policy, but that does not necessarily mean, of course, that the Government has always got public policy issues right. However, in this respect I argue that the Auditor-General has traditionally made his reports to the Parliament for very good public policy reasons. If for example the Auditor-General makes very significant criticism of a Government department, an individual or even a Minister, and if the report is just circulated out into the public arena, there is no opportunity at all for anyone who might be the subject of criticism to respond fairly with the benefit of parliamentary privilege to what might otherwise be a defamatory statement.

One must have a fair go in this business, and it does not matter whether you are a Labor or Liberal Government: if you end up with an Auditor-General's Report which might be a special report in relation to a particular matter such as the Flower Farm or in relation to the whole of Government accounts presented in an annual report, and if there is highly critical comment, it is fundamentally unfair for that to be sent out to all the members through the President and the Speaker. It gains the full immunity that comes with parliamentary privilege, even though it is not tabled in the Parliament. We end up with a situation where anyone who is maligned may have to wait two, three or even four months, depending on the period for which the Parliament may not be sitting, to be able adequately to defend himself or herself through or by a member with the benefit of parliamentary privilege.

I know there was a big political controversy prior to the State election about whether the Crown Solicitor's advice was right or wrong, and some pretty nasty things were said about the Crown Solicitor, whose advice incidentally I agreed with as a matter of principle, not as a matter of politics. Those who one day will be in government ought to think pretty carefully before they support this provision in the Bill, because ultimately it will come back to haunt them. We will end up with fundamental injustice in respect of those people who might be defamed, that is, criticised and, by virtue of that criticism, defamed, but with all the protections which the report is given and without all the protections which are provided for someone to respond to what that person or a Government department might regard as unfair and unreasonable criticism by an Auditor-General who may just have happened to have got it wrong.

The Hon. P. HOLLOWAY: The Opposition supports this clause. I really do not agree with the Attorney-General. I can understand partly what the Auditor-General is getting at, but if we go back to what happened at the last election we will recall that it was on the basis of that Auditor-General's Report that this Government decided that it needed to sell the Electricity Trust. That may not be true; in fact, many people might say it is not true. Nevertheless, if that report was so profound that it changed the Government's view, should it not have been available to the Government and the people of this State months before it was? I would have thought that that right to know would far and away outweigh any problems of people being defamed, as the Attorney-General described it. When the Auditor-General's Report is tabled in this Parliament it then attracts parliamentary privilege. If this amendment is carried, as soon as that report is released it will attract parliamentary privilege. If somebody is defamed—

The Hon. K.T. Griffin: There's no forum in which people can respond.

The Hon. P. HOLLOWAY: I understand what the Attorney-General was trying to say, but the only people who can respond are, of course, the Ministers of the day.

The Hon. K.T. Griffin: There is no reason why someone cannot ask a member of Parliament to respond on their behalf.

The Hon. P. HOLLOWAY: The point is that there will be ample opportunity when these reports come in. Look at some of these reports we are debating now: this very evening on the Notice Paper is the Auditor-General's Report, about which we are still having a debate, when it was tabled some six to eight months ago. So, the Parliament is not always the quickest vehicle in the world.

The Hon. K.T. Griffin interjecting:

The Hon. P. HOLLOWAY: Well, this Parliament finally got to debate the Auditor-General's Report this year. It was the report for the 1996-97 financial year. It was well over six months before this Parliament had an opportunity to debate that report. I really do not believe that the point that the Auditor-General is getting at is all that significant. I might also make the comment that in my experience the Auditor-General has always been very careful and couched in his language. A responsible officer such as the Auditor-General is not at all likely to abuse his position in the way that is being suggested by the Attorney-General. Certainly he will disagree, and strongly at times, with actions taken by departments, but sooner or later that will come into the public arena and sooner or later it will be the subject of debate.

I make the point that it is better that we have that debate sooner rather than later. I think the right to know in this case more than outweighs any difficulties to which the Attorney-General is alluding. That is the very reason why we have an Auditor-General, and we give him such wide powers so that he will bring to public notice—I would have thought as soon as possible—any irregularities as he sees them within the system. That is why we give his report parliamentary privilege: so that he can make those sorts of comments without fear or favour, but hopefully with professional competence. I believe it is in the public interest that those comments should be made as soon as possible. If any people are aggrieved by that, they will certainly have the opportunity to address it in due course.

The Hon. K.T. GRIFFIN: The Hon. Mr Holloway is arguing from the perspective of hindsight. No-one is arguing about the right to know or not to know, but one is arguing about fundamental justice.

The Hon. P. Holloway: Justice delayed is justice denied. We need this information soon.

The Hon. K.T. GRIFFIN: There you are: the honourable member justifies the argument I am putting. As the honourable member says, we are just winding up the debate on noting the Auditor-General's Report, but it was tabled straight after the election. In normal years it is tabled in September and members can debate it as they see fit. If they want to move a motion to note it earlier than the Government

puts it on notice, they can do so. Anyone who is aggrieved can do so, through a member of Parliament, or if it happens to be a member of Parliament he or she can answer immediately with the benefit of parliamentary privilege.

The point I make is that, whilst the Auditor-General is presently cautious, who knows what will happen in the future? We should remember that we are making this law for a long time in the future and not just tomorrow. We must be particularly careful about the way in which we might potentially create a problem of abuse of a person's ordinary rights. No-one is saying the report should not be public or that the Auditor-General should not be frank. I am the last one to suggest he should not be perfectly frank, but I also believe that—

The Hon. P. Holloway: It should be timely, though.

The Hon. K.T. GRIFFIN: Of course it should be timely, and it is timely when it is presented to the Parliament. In a sense he is an officer of the Parliament and he presents his report across the spectrum of Government to the Parliament—and that is the proper way to go. The moment he gives it to individual members he is giving it to them as members and not as the Parliament as such. Your amendment seeks to enable this to be out in the public arena, emblazoned over the front pages of the newspapers and on all the television screens. You know what it is like: the worst possible parts will be picked out and, if it is critical of individuals, they will not be able to call him a scumbag or anything defamatory: they will have to be circumspect in their response and they will not have a fair opportunity—

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: No, not necessarily. You can say what you like in here, except that you cannot say anything which is objectionable to a member, a judge, a member of the other House or a former member. In the Government's view this provision is fundamentally flawed and we oppose it vigorously.

The Hon. M.J. ELLIOTT: As with many things, there is a question of balancing a couple of matters. There is no question that the issues raised by the Attorney-General are worthy of consideration but, as I said, it is a matter of balance. I agree with him that we do have to make laws not just for now but for the future. I made the point that there have been other jurisdictions where the Parliament has sat as little as 11 days in a year. We do not know that that will not happen in the future in South Australia.

If there is a matter of very real substance that is in an Auditor-General's Report there should not be the capacity to frustrate its release simply because the Parliament is refusing—and that could be the situation—to meet. I should say that any sensible Government would seek to ensure that Parliament—and I am sure that we can ensure that that happened—was meeting around the time when at least the major reports came out. I realise that it cannot ensure that it will always sit within seven clear days of other reports coming out. Frankly, I think the risk that is being talked about by the Attorney-General is a relatively small one.

The risk I am talking about, I suppose in terms of occurrence, we would hope is a small one, but I suppose we are balancing the question of the possibility that an individual might be denied justice as distinct from the whole community and the whole parliamentary process being denied justice, and the very fabric of what we believe in being put at risk. That is the sort of balance about which we are talking here; and, yes, I am looking to make laws not just for now but for the future, and I have learnt from experience.

An Auditor-General's Report has laid unopened for quite some months, and I do not believe that should have happened. In this case it was because the Government had called an election but, as I said, in another case it could be simply because at the time we have a Government that is ignoring the Parliament, as used to happen in Queensland and as could happen here in the future, although we all hope that it does not.

For that reason, we need to ensure that the Auditor-General's ability to report to the Parliament (and I include all members of the Parliament as component parts of that) should not be frustrated by the Executive Government's decision as to whether or not Parliament will sit.

The Committee divided on the clause:

AYES (10)

Cameron, T. G.	Crothers, T.
Elliott, M. J. (teller)	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Pickles, C. A.	Roberts, R. R.
Weatherill, G.	Zollo, C.

NOES (8)

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

PAIR(S)

Roberts, T. G.	Redford, A. J.

Majority of 2 for the Ayes.

Clause thus passed.

Title passed.

Bill read a third time and passed.

FREEDOM OF INFORMATION (PUBLIC OPINION POLLS) AMENDMENT BILL

Adjourned debate on motion:

That this Bill be now read a second time.

to which the Hon. A.J. Redford had moved the following amendment—

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

(Continued from 1 July. Page 927.)

The Hon. M.J. ELLIOTT: The Australian Democrats support this Bill, which aims to increase accountability in government. We seem to be having a bit of that tonight—and it is a good thing, too. This Bill was introduced by the Hon. Michael Atkinson last year following community concern about the use of Government funds to pay for public opinion polls which were then not able to be accessed by the community. The initial concern relates to the use of public funds for opinion polling on the outsourcing of management of South Australia's water utility in 1995. Given that the Liberals were elected in December 1993 on a platform of open and honest government, fully answerable to Parliament and the people, the Liberals' failure to release the opinion polling results at the time was another broken election promise.

The Government claimed the documents need not be released as they were immune from the Freedom of Information Act. The Act provides a mechanism for the people of South Australia to gain access to public information. It is

therefore through an amendment to this law that the Parliament can now hold the Liberals to account by putting beyond doubt the availability of public opinion polls under the Freedom of Information Act.

As to the amendment moved by the Hon. Angus Redford to refer this Bill to the Legislative Review Committee, I do not believe that it is necessary. The issue is very clear and it is one that is quite capable of being dealt with by this Council without further advice. It appears to me that the issues raised in the Bill are not matters which require detailed investigation by the committee but that any questions raised by the honourable member can be sorted out during debate on this Bill. Ultimately, we must ensure that we respond to the community's desire and right to open and accountable government. This is just one element to ensure this. I hope that this Council is equally supportive of other measures that are being sought to ensure that the people of South Australia have greater confidence in our political system, in our system of governance.

The Hon. G. WEATHERILL secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: AQUACULTURE

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the report of the committee on aquaculture be noted.

(Continued from 8 July. Page 982.)

The Hon. CAROLINE SCHAEFER: As a former member of the Environment, Resources and Development Committee and someone who over the years has taken a great interest in the aquaculture industry, I feel it fitting to make some remarks on the report; indeed, I have sought preliminary answers from the Minister's department to some of the recommendations. I stress, however, that a full response will be sent to the committee. While I am vitally aware of the necessity to monitor carefully these new industries to prevent environmental chaos, it also needs to be noted that in many cases they have saved rural economies. In particular, I note the huge and favourable effect oyster farming has had on the economy and employment base of Eyre Peninsula. I also note the tuna industry, which has brought additional employment and wealth not only to the fish feedlotters but to those who build the cages, supply the food and do the diving.

It also needs to be noted that the people who began these industries are pioneers. They are at the cutting edge of aquaculture technology anywhere in the world and, as such, they will make mistakes. It is impossible for them not to make some mistakes. However, the sustainability of their industry is more important to these pioneers than to anyone else, and they are vitally aware that their industry must be environmentally sustainable in order for it to last. They have a greater interest than anyone in a sustainable environment. I have some sympathy for the committee, because I am only too well aware that very often committee hearings and reports take so long to bring down that their findings have already been acted upon before reports are released. They reflect the concerns of the public at the time at which they took evidence, but as a rule the public has also spent some time speaking in other quarters and, very often, by the time the recommendations are brought down they are already in the past tense.

However, I would like to comment on some of the recommendations and measures which have been undertaken already. The committee has asked for more transparency in assessment processes, but the department claims that assessments are subject already to the most rigorous of processes, with clear guidelines outlined under the Development Act. Aquaculture applications are definitely subject to much more rigorous control and public consultation than their land based counterparts. Many applicants have told me that they believe the process to be unnecessarily stringent, causing costly and time consuming delays. I am not saying that this is necessarily the case. Of course there must be very stringent criteria, but perhaps in this case if no-one is happy a good compromise has been reached.

As the committee must now be aware, a major review of aquaculture management is under way, and many of its recommendations or concerns expressed within the report are already being taken care of under that review. Recommendation 2 is that the planning approval process should not be application driven. Recommendation 3 talks about greater resources being applied to environmental assessment as part of the approval process. Recommendation 6 is that a more comprehensive vetting procedure be implemented so that incomplete development applications are returned to the applicants prior to forwarding to agencies for comment. All these recommendations are currently under review by the department, and many of the concerns that have been expressed will be addressed in that review process.

Recommendation 8 talks about the endorsement of codes of practice for all aquaculture industries. I am surprised that the committee was unaware of the large amount of industry involvement in organising codes of practice. In fact, codes of practice have been prepared by the freshwater crayfish industry, the oyster growers and the tuna industry and are currently undergoing the endorsement process by PIRSA and the EPA. As an aside, earlier this year I was pleased to be able to launch for the Minister the voluntary code of practice for the marine scale industry. Again, this puts the lie to the presumption that all people involved in aquaculture or fisheries are irresponsible. Like any other industry, there are some who are irresponsible, but it is my view that the majority of the practitioners of these codes are responsible operators who would like to be able to hand on a sustainable industry to their children.

There are some recommendations with which I simply do not agree. Recommendation 9 is that the EPA should licence all onshore aquaculture ventures that produce fewer than one tonne of fish per year. Does this mean that if I have a few yabbies in my dam I have to pay a licensing fee? As long as I can remember, people have criticised Governments for too much red tape. There are any number of licences and codes of practice and plenty of red tape anyway for anyone who wishes to become a commercial operator. I cannot see how one could feasibly apply a licence to anyone who happens to have a few fish in their dam or, as I have said, a few yabbies or a few marron. Nor can I see that fiddling about at the edges with such small quantities really should be the concern of the Environment, Resources and Development Committee. I am sure the committee will be pleased to know that many of its recommendations have in fact been acted on already.

Recommendation 11, for the acceleration of the development and use of a database, has in fact been done. A major aquaculture upgrade of the fisheries and licensing management system database is under way. Recommendations 12 and 13 have also been acted on. Recommendation 12 is that,

if there has been no development of an aquaculture lease within 12 months, then that lease lapses. That is already a requirement under the Development Act and has been for a number of years, that is, that operations must begin within one year.

Recommendation 13 is also under review. This recommendation asks for the limiting of the ability to speculate on aquaculture leases and I think most of us would have some sympathy with that. However, as I say, it is under review and there are courses being undertaken which will remove speculation on aquaculture sites. Recommendation 14, asking for greater emphasis to be placed on-shore aquaculture operations, is also being undertaken. The department recognises and encourages on-shore development and has initiated a number of projects to facilitate on-shore development. I was surprised in some ways at the Hon. Michael Elliott's criticism of SARDI, because I have been down there—and I am sure he has as well—and he would be well aware of a number of projects which are specifically R&D projects to encourage on-shore aquaculture development.

Recommendation 20 asks for the immediate commencement of a Government tuna environmental monitoring program. SARDI is, in fact, finalising such a program at the moment. The same applies to the request for an oyster environmental program. The aquaculture group already has a dedicated compliance officer, with a number of powers, including powers under the EPA, to assess and verify environmental monitoring compliance. Recommendation 23, which the Hon. Michael Elliott mentions in his speech, is somewhat of a puzzle to me, because it asks that all data collected in environmental monitoring programs be publicly available and yet I am assured that all data currently collected, that is all data, is publicly available.

The committee expressed concerns about marine mammal entrapment and, indeed, I am sure most of us would share those concerns. Certainly, there are concerns expressed to me by a number of fishers and aquaculturalists that they need to protect both seals (which are known robbers and predators and which are at greater risk) and also dolphins. However, I know that a number of deterrent experiments are already taking place, funded by both the State Government and by some of the interested industry groups. There is also a marine animal interaction working group, which is made up from members of the industry, Government and non-government organisations. This group already provides advice to the Government on a number of the issues of concern that have been raised in this report. A national workshop which was hosted and initiated in South Australia by the Marine Animal Interaction Working Group and by PIRSA discussed issues raised in recommendations 25 and 26. License conditions have already been amended to reflect the identified changes such as the requirement for a smaller mesh size and thicker twine and better hanging procedures and the removal of the requirement for a predator mesh from the licence conditions. Members would be aware that the nets often trap these mammals and are lethal to them.

The committee has asked in recommendations 30 and 31 that PIRSA initiate studies to identify market opportunities and that a customer needs analysis be undertaken. I am sure they will be pleased to know that work is currently under way with studies being undertaken for abalone, scallops, marine fin fish and mussels. The Seafood IDB has identified quality and marketing issues as the priority. However, the department has also employed a number of client managers whose work will encompass answering and servicing investor inquiries. I believe, as I am sure the Government does, that the customer needs analysis is a good idea and I have been assured that it will be implemented.

I am sure the committee will be equally delighted to know that recommendations 33 and 34 are already part of the process. Education workshops have been undertaken in conjunction with local government and PIRSA Aquaculture Group has initiated a Regional Development Board Chief Executive Officers' Aquaculture Forum, which meets to discuss and address issues such as the regional development board and government roles in the aquaculture industry development, so that these people can take back the latest information for those involved with the industry. I note that the committee has already commended the good work of TAFE, the Fisheries Academy and the universities in providing excellent aquaculture and marine science industry training requirements. I also note that the committee commented on the good work at perhaps a younger entry level being done by the Cowell Area School.

I understand that research and development work is already being undertaken in Western Australia on juvenile tuna and the possibility of breeding tuna in captivity, just as work has been undertaken in South Australia on whiting and snapper and some other species. It would therefore be a pointless doubling up of research work in South Australia to implement recommendation 35, which recommends a tuna hatchery and breeding program be set up in South Australia. As a grain farmer of many years I was very excited when I learnt of the substantial project which has been under way for some time to produce artificial pellets based on grain to feed tuna, as opposed to using all pilchards. I understand that the project is well under way and being supported by the Government.

I finish my remarks by commending the committee on its long and comprehensive investigation into the aquaculture industry and by commending the Government on the fact that so many of the recommendations in this report have already been acted on and in many cases, in fact, were in place long before the report was published! I suppose my concern, as a former member of this committee, is what I perceive to be an underlying view that there is something inherently wrong, or perhaps corrupt, about the developing aquaculture industry, simply because there have been some environmental mistakes. And I stress—they are mistakes. They are not problems borne out of some form of corruption or greed. I conclude with my opening remarks, that no-one is more vitally involved in the sustainability of their environment than those who seek to make a living from it. I would ask, therefore, that environmentalists, conservationists and members of the committee bear in mind that those who seek to make their living from primary industries, whether it be fishing, farming or pastoralism, are not the enemy; but in fact are those who wish to work hand in hand with practical sustainability.

The Hon. J.S.L. DAWKINS: I rise to thank those members who have contributed to the debate and, in doing so, I echo the comments made by the Hon.Caroline Schaefer. It was a long and comprehensive inquiry and she contributed considerably to it prior to last year's State election. I also thank the Hon. Mike Elliott, the Hon. Paul Holloway and the Hon. Terry Roberts for their contributions to the debate. I commend the motion to the Council.

Motion carried.

ELECTORAL (ABOLITION OF COMPULSORY VOTING) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 4 August. Page 1179.)

The Hon. J.S.L. DAWKINS: I am aware that legislation of this nature has been before the Council on a number of occasions. However, this is my first opportunity to contribute to it. In thinking about my speech this evening, I was reminded of a visit I made to China in 1993 as a member of an Australian Political Exchange Council delegation.

The Hon. A.J. Redford: And a fine ambassador you were.

The Hon. J.S.L. DAWKINS: Thank you. That visit was actually led by a member of Mr Terry Roberts's faction, and very well, too. During that visit we were well hosted by representatives of the Chinese Government. One of the things that all of us from the four Parties that were represented on that tour noted was the fact that these people, while they were well versed in the role of government in that country, they had no concept of the right to vote. Voting can hardly be a right if one can end up in gaol for failing to vote. If voting is a right, then surely citizens must be free to choose whether to exercise it, without fear of breaching the law, that is, the right to vote must logically entail the right not to vote.

Last evening I listened intently to the contribution from the Hon. Terry Roberts on this legislation. In his opening comments, having waited for some hours for another piece of deliberation to be concluded, he said it was like waiting with the pads on to bat. That sporting analogy made me think of another incident which has influenced my view on this legislation. I once recall handing out how-to-vote cards for the Liberal Party in what was a relatively Labor stronghold, but the location does not necessarily influence the story. I well remember a man, probably in his late twenties or early thirties, coming along to vote. He stood before the row of people handing out how-to-vote cards and in full public view flicked a coin in the air to determine the way in which he was going to vote. To my mind, if that is the way that gentleman had to determine his vote, I do not know that he really needed to be there.

The debate to date has included considerable discussion and debate about which countries have compulsory voting and which have non-compulsory voting, and how many numbers there are on either side. I have heard one country mentioned which is on both sides of the fence. However, it is interesting to look at some countries in the world which have non-compulsory voting and which still have a quite significant turnout at the polls. I refer to just a handful of countries with a non-compulsory voting system that do have more than 80 per cent turn-outs. These include Sweden with 86.8 per cent; New Zealand, 88.2 per cent; Italy, 82.7 per cent; Iceland, 87.3 per cent; Denmark, 84.3 per cent; and Austria, 84 per cent. Of course, Austria was quoted earlier by someone on the other side of the Chamber as being a compulsory voting country, but in the information I have sought it is listed as being non-compulsory. However, we will not continue that debate now.

We have also had the assertion from members opposite that we ask people to vote once every four years. In my mind, the truth is that we compel them to attend the polling booth rather than asking them to vote. However, in considering this compulsion, I found it interesting to note the details of the stages of compulsory voting action taken following the 1996 Federal election. At that election, the number of apparent non-voter cases investigated was more than 519 000. Of them, more than 162 000 cases were removed following errors, advance written valid excuses, overseas electors who did not vote and late declaration votes. That left a total of more than 356 000 people. Then 100 347 notices were returned undelivered. That brings the total back down to a little over 256 000.

A total of 200 939 electors provided a valid and sufficient reason for not voting, or their claim to have voted was substantiated. That brings the total down to 55 705. Of that, 29 127 electors paid the $20 administrative penalty, bringing the total back to 26 578. Of that number, 10 197 warning letters were issued. Then, further information was requested from 117 electors, and 413 cases required no further action or the notice was returned undelivered. That brings the total down to 15 851. The 15 851 penalty notices were not answered or were answered and the elector chose to go to court. Of these, 6 573 were not proceeded with. This left a total of 9 278 summonses being issued for failure to vote.

The complexity of this process is significant and obviously extraordinarily time consuming. It also raises the question of cost. While the official figures relating to the action I have detailed for the 1996 election were not available, I understand that in 1993, the cost of the process was almost three times the amount of the fines and penalties collected.

In my view non-compulsory voting would induce a less exclusive focus on marginal seats and a much wider spread of grassroots campaign activity. Overseas experience with voluntary voting, particularly in Holland, suggests that it would be unlikely that the introduction of voluntary voting in State and Federal elections in Australia would result in a significant drop in voter turnout. Most Australians would continue to vote. Prior to the introduction of voluntary voting, Holland had virtually the same level of average turnout as is currently the case in Australia—94.7 per cent in Holland and 94.3 per cent in Australia. The average turnout in Dutch elections since 1970 has been 83.7 per cent. It is reasonable to forecast a similar turnout in State and Federal elections in Australia after the end of compulsion, although turnout in Federal elections may be slightly higher than in State elections.

The removal of compulsion may well result in a greater focus on mainstream issues in election campaigns. Parties could not afford simply to concentrate on scaring swinging voters away from their opponents and would need to put more effort into maintaining their core base. That can only be healthy for our political system. I have pleasure in supporting the Bill.

The Hon. A.J. REDFORD: I support the second reading of this Bill. I congratulate the Attorney-General for his foresight, his courage and, above all, his persistence. We all know that great reformers need to be persistent. I have absolutely no doubt that the Attorney-General falls into that category. Indeed, I now have some modicum of understanding of the sort of frustration that former Premier Don Dunstan must have felt when in his perception the Legislative Council obstructed many of his main reforms.

It has been claimed in some quarters that Don Dunstan was a great reformer. I know that the Attorney-General will also go down in South Australian history as a great reformer, and we will write books and articles about the sort of obstructionist behaviour with which we have been confronted

on so many occasions by members opposite, including the Australian Democrats.

I have spoken on this issue on previous occasions. I will not canvass all the arguments that I have put on those occasions, but I will refer to some of them. I remind members that I support this measure for three reasons. First, we all have a democratic right not to vote. Secondly, I believe that it encourages greater participation in the political process. If one compares the membership of political Parties, particularly the major political Parties of Australia which are at an all time low, with membership of the great parties in the United States and the United Kingdom, our performance is lamentable. I am sure that the Hon. Terry Cameron will nod his head at this. One of the most frightening aspects of our democratic process in this country is the historically low levels of rank and file members of the once great Australian Labor Party (now polling about 22 per cent in rural South Australia) and the Liberal Party.

I do not need to remind members opposite of the enormous annoyance and disruption that was created in the lives of ordinary working people in the electorates of Elizabeth, Bonython and Ramsay where members of the Australian Labor Party—the sort of machines that we are used to—jockeyed for positions. The consequence for the ordinary person in the street was that they were forced to give up a significant amount of their time to turn up, have their name crossed off and vote, all to suit the convenience of the powerbrokers of the ALP. I have enormous sympathy for those working people whose daily lives were substantially and severely disrupted simply for the personal advancement of some politicians, whose names I must say I forget at this juncture.

Many of the remaining issues have been adequately covered by other members on this side, but I think some of the comments made by the Hon. Ron Roberts deserve special attention. I commend the Hon. Ron Roberts for actually conducting a statistical analysis. Obviously, he read *Hansard* and discovered that 42 000 people were potentially liable to prosecution as a consequence of not voting in the 1997 election and 33 000 in the 1993 election. If prosecutions were carried out at that level in terms of speed cameras, we would have the Hon. Terry Cameron putting out another brochure and developing significant publicity. He is strangely quiet on this issue.

The Hon. G. Weatherill: What's he got to do with this?

The Hon. A.J. REDFORD: The Hon. George Weatherill interjects. I understand that perhaps I am a bit above him, but the point I make is that every time we have an election we are creating potential criminals out of 42 000 people, two State electorates, as a consequence of this legislation.

The Hon. T.G. Roberts: Name one that went to gaol.

The Hon. A.J. REDFORD: The Hon. Terry Roberts says, 'Name one that went to gaol.' The Hon. Terry Roberts is well aware of the one-man campaign that Tom Prowse conducted at Millicent.

The Hon. T.G. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member is correct. Tom Prowse did not go to gaol because someone anonymously paid the fine. It may well have been a member of the Hon. Terry Roberts' family, because I know for a fact that Tom Prowse was never going to pay that fine because being the true civil libertarian that he is he believed that he had the right not to vote.

The Hon. R.I. Lucas interjecting:

The Hon. A.J. REDFORD: The Hon. Rob Lucas says that I may have flushed out the Hon. Terry Roberts. I do not think that is fair, although there are some people in the Millicent region about whom I must say I have some grave suspicions regarding where that cheque came from. The other reason advanced by the Hon. Ron Roberts was that in his view people vote for only three reasons. He said that the first reason people vote is because they think they will get something out of it and that the second reason is because it might cost them. I think he was referring to the fine or the penalty that currently exists and was instituted under the Labor Party's regime. The third reason he gave for why people vote is because they hate the politician that is representing them. What a cynical performance on the part of the Hon. Ron Roberts who believes that the only reasons Australian citizens—ordinary working people, people bringing up families, people seeking to better themselves and people taking a strong and vibrant interest in our democracy—vote are that they hate politicians, they might get fined or they think they will get something out of it. The Hon. Ron Roberts sadly misunderstands and underestimates the South Australian voter and the ordinary members of the South Australian public.

Is it any wonder—and I know that I have covered some issues on this topic previously—given the honourable member's political performances in the past—the faction switching and those sorts of activities that he has undertaken—that he has such a cynical attitude towards ordinary people in this community? The honourable member referred to a person from New Zealand whom he met at a function. The person from New Zealand was a member of Parliament, and that person said that he had obtained 32 per cent of the vote. The Hon. Ron Roberts said:

> That was 32 per cent not of the total vote but of the number of people who voted, which was 83 per cent, a very good turnout for New Zealand. By any measure, 68 per cent of the people who took the trouble to vote on that day did not support the member who was eventually elected.

That is a remarkably similar figure to the vote that the Labor Party obtained at the last State election: 68 per cent of people did not want the Labor Party at the last State election, yet nearly half the Lower House comprises Labor Party members. That had absolutely nothing to do with any difference between voluntary or compulsory voting that exists in Australia or New Zealand. It is a *non sequitur*, but then it would not be the first *non sequitur* that has been delivered to this place by the Hon. Ron Roberts.

We then got into some discussion about the seat of Custance, the member for Custance, Ivan Venning, and his neighbour, the Deputy Premier. It ill-behoved the honourable member to delve into the politics and the internal machinations. I often talk to members of the Australian Labor Party. There are those in the independent faction who cannot wait to tell me things and keep me informed, and then there are those in the machine who cannot wait to tell me things and also keep me informed. As I understand it, if we are going to get into this sort of thing—and I am not sure exactly how it was relevant—the honourable member should not be throwing this sort of rubbish around.

As I understand it, at the moment Ralph Clarke is not in a strong position. I understand that plans are being made as we speak. I understand Murray De Laine is in real strife. I understand—and we will all be disappointed with this news—that even the Hon. Ron Roberts has some problems internally within the Australian Labor Party. However, the honourable

member is very cocky about that because under the current electoral system he thinks that he has another six or seven years to go—but then again there is no guarantee that there might not be some reform of this place—before he will have to go back to his State Council. As I understand it, given the current configuration of the State and the fact that the machine is so successful, the Hon. Ron Roberts might have some difficulties of his own.

In any event, there was some discussion in the debate on this issue—which I understand the Hon. Sandra Kanck listened to without any interjection—about whether or not this place ought to be abolished. I point out to the honourable member that, in this debate on compulsory voting and the existence of Lower Houses and Upper Houses, perhaps instead of abolishing the Upper House we ought to consider seriously abolishing the Lower House. In that case, if we are looking at a single cameral system, we have undoubtedly, on the basis of the Democrats—if you accept their argument, and I do not—a fairer electoral system. In fact, if members are looking at cost savings, they will be far greater as a consequence of the abolition of the Lower House than the Upper House, and indeed with the system of voting that we have we could more easily and more strongly justify a situation of non-compulsory voting.

In my view, if members surveyed average South Australians and asked them to explain how voting works in the Upper House and how our preferential system works, they would not find more than 5 per cent of people who understood how it worked. I mean, it was all well and good for the Hon. Ron Roberts to criticise that hard-working New Zealand member of Parliament for getting 32 per cent of the vote, but, at the end of day, not one of us in this place—other than those who head major political tickets—get more than a handful of votes. If members look at it and analyse it on the same basis as the Hon. Ron Roberts did in the context of this place, members will see how silly is his debate and argument.

This is a Bill about freedom of choice. It is a Bill about democracy and, in my view, if it is successful, it will enhance and invigorate our democracy. Indeed, it might be said on the part of some people that some of the support for One Nation would quickly drift away if there were non-compulsory voting. Indeed, perhaps in the eyes of some it might even lead to the demise of the Australian Democrats, but such is the price and the cost of democracy, and in my view this can only be of assistance to our democratic process.

The Hon. CAROLINE SCHAEFER: I believe that we will not have proper democracy in this country until we have voluntary voting. I am very tempted simply to say, 'Refer to page 305 of *Hansard*, Thursday 24 March 1994.' At that time, I put down my views quite clearly. However, I commend the Attorney-General. He epitomises the old saying, 'If at first you don't succeed, try, try and try again.'

I find it very comforting when so many people throughout the State ask me, 'Why are we living an anachronism? Why are we the only English speaking democracy in the world which retains compulsory voting?', and I can say, 'Our Attorney-General has presented this Bill and tried three times to move us into the twenty-first century, but has been blocked on each occasion.'

One of the criticisms levelled at voluntary voting is that no-one will turn out, yet the figures show that in the majority of countries which have voluntary voting the average voter turn-out is 80 per cent. We downgrade both the commitment and the intelligence of the electorate if we think that we are so superior that they do not care enough that they will come to vote. I think that is an insult to the voting public of South Australia.

I believe that voting is a great privilege. People all over the world die for the right to vote, yet we think so little of the voting public of South Australia that we still compel them to vote. I do not propose to say anything more than that. Once again, I expect that this Bill will be blocked, but history will show that the Liberal Government in South Australia made three valiant attempts to move us into a proper democratic state—

The Hon. Sandra Kanck: Four.

The Hon. CAROLINE SCHAEFER: Three with this Bill and one for non-fines. I am reminded of my former speech when I said how disappointed I was in the Democrats who claim to be democrats and who claim to keep us all honest—

The Hon. A.J. Redford interjecting:

The Hon. CAROLINE SCHAEFER: Yes, it is wonderful; I do not have to do any research, because I have done it several times before—to which the Hon. Anne Levy commented, 'No, they just keep bastards honest.' They all must think we are, because they have continued to block this legislation, with the help of the Labor Party, consistently over two Parliaments.

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

STATUTES AMENDMENT (FINE ENFORCEMENT) BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 1001.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): I support the second reading. The Australian Labor Party supports in principle the intent of the Bill and, as the Attorney will probably be well aware, our policy on this matter is to keep fine defaulters out of prison. In that respect, we support the Bill. Notwithstanding that fact, the Opposition considers certain elements of the Bill before us to be somewhat draconian and, therefore, more information is required.

I agree with the Attorney in his comments that fine enforcement and expiation is a difficult issue and subject to controversy, although at times such controversy and media attention is unwarranted. Fundamentally, it is my view (and the view, I am sure, of the majority of South Australians) that, if a member of society breaks the law and a penalty is imposed in the form of a fine, payment should be made.

As the Attorney has acknowledged, however, in a just society such penalties should not be imposed without a recognition of the social and personal hardships that affect a person's capacity to pay such a penalty. I am aware of the serious problems associated with the enforcement of fines, which include the following: poor rates of payment in South Australia compared with those in other States; the use of community service as an alternative for those wishing to avoid payment; a general inefficiency associated with administering such a process of enforcement; and the lack of a coordinated whole of Government approach.

There are a number of questions I would like to put to the Attorney for debate and discussion before the Opposition gives its full support to the legislation and, depending on the

nature of his responses, we may well move amendments on some of the clauses. My questions are as follows:

1. In relation to punishment imposed by the Penalty Management Unit, can the unit sell the principal place of residence of a defaulter?

2. If the Penalty Management Unit enters a defaulter's debt on a certificate of title, can it only sell up on a debt of $10 000 or more?

3. Will the Attorney please clarify the power of the Penalty Management Unit to obtain a warrant to seize personal property?

4. Is there a list quarantining essential items such as baby furniture, beds and so on?

5. Does the legislation include a provision for the Penalty Management Unit to formally contact the debtor before an order is made about handling of a debt?

The Opposition appreciates the inherent difficulties with a certain percentage of defaulters who go out of their way to make themselves difficult to reach. However, I believe that some formal attempt, at least, should be made.

I refer to the Law Society's comments regarding the retention of the present discretion of judges and magistrates in determining the period for the defaulter to pay. I would like to quote from some of the comments of Mr John Harley, the President of the Law Society, of 24 July.

The Hon. A.J. Redford interjecting:

The Hon. CAROLYN PICKLES: It is interesting that in relation to another Bill the Hon. Mr Redford has made some very disparaging comments about the Law Society and its lack of cooperation with members' approaches. When I am dealing with a piece of legislation, I write to various people, and I have always found the Law Society to be very prompt in its replies and very courteous in its dealings with me, and particularly Mr Harley, who always responds. I do not always agree with his comments, but I certainly find them informative. Mr Harley states in his correspondence:

> Under the present system as stated, the process of obtaining a period of time greater than 28 days within which to pay is quick, expeditious and cheap. It occurs at the same time as consideration and imposition of penalty, with the advantage of a high quality adjudicator, a magistrate or judge in whom the defendant would have confidence to be fair and impartial and before whom the defendant directly appears. Under the proposed system there is a long, tortuous and complicated process involving written arrangements, enforcement actions, rights of review and further rights of appeal, after all of which the defendant may eventually get back before a magistrate to put what he can now put at a present sentencing hearing literally within minutes.

He goes on to state that the Criminal Law Committee of the Law Society:

> . . . recommends that the present discretion of judges and magistrates be retained and that this can be done with little effect on the rest of the structure of the Bill, the procedures of which could apply to a fine subsequently not paid within the ordered time.

I therefore ask the Attorney: why does the Penalty Management Unit not work within the boundaries set by the judiciary in this case? Will the Attorney clarify the appeals mechanism that a debtor has against a decision by the Penalty Management Unit? Does a debtor have the right to appeal to the magistrate in the event of a legitimate grievance with the PMU?

Finally, the Opposition is very concerned about the clause regarding the need to quarantine Social Security payments. However, given that most Social Security payments are made into a bank account, at what point is a Social Security payment considered to be savings in a bank account? I have had a private conversation with the Attorney, who has indicated that he will respond expeditiously to these questions. The Opposition supports in principle the notion of keeping fine defaulters out of prison but this must not come at the cost of great social hardship. I support the second reading.

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

A quorum having been formed:

The Hon. IAN GILFILLAN secured the adjournment of the debate.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from page 4 August. Page 1178.)

The Hon. R.R. ROBERTS: I support the second reading of this Bill, which is a companion to the Bill passed in this Chamber last night after a long and tortuous Committee stage. I did not avail myself of the opportunity to speak on that Bill last night but it was my intention to raise a number of issues in respect to this Government's record regarding the police services and police workers in South Australia over the past four years. Given the long and tortuous debate in this Council last night about this matter, many of the issues have been covered and there has been some sensible amendment in respect of these matters.

For some time as someone who lives in a country area I have been concerned about the effect of Government policies in respect of police and policing in country areas. This Government came to power in 1993 with great promises to the community with regard to community safety and police numbers in an attempt to convince the voters of South Australia not only that it cared for the public's safety but also that it would modernise the police force, properly resource it and get more police out onto the beat.

There is no more classic example of the failure of this Government to deliver on its promises than the promise to provide extra police. Police numbers have been well documented and clearly there are now fewer police now than in 1993. They are inadequately resourced and their budget has been slashed to the point where an article in the *Police Journal* by Brett Williams, headed 'Former Secretary back in blue', states:

> Police management should try to ease the pressure on its work force by dealing more constructively with Government, according to the former Police Association Secretary, Mr Peter Parfitt. And that pressure, Parfitt believes, comes as a direct result of a grossly inadequate police budget.

There it is. It continues:

> 'I have never seen a department so badly off financially'. . . 'And the Police Department should be saying that not just to the Minister and the Government but long and loud to the public.'

That is the opinion of someone who is not of my political persuasion but who is close to the issue and is a very astute observer of what has been going on in policing in South Australia.

Last night I mentioned briefly that I was appalled at the attitude of this Government. It has tried to introduce changes to the police force, it has compared police officers with public servants when it wants to and then it has made martyrs of

them. They are public protectors and they are workers and, as workers, I have a great affinity with their needs as a work force. There is no doubt that police officers want properly resourced and adequate backup for their service. I do not think and I am sure that the public do not think that police are ordinary public servants. They need to be properly paid and they need to be properly protected in their day-to-day working lives. There is no more important area where attention ought to be paid to occupational health and safety than in the police force in South Australia.

I raise one issue to make the point about the Government's attitude to the police—not just as public protectors and inadequately funding their operations and providing the resources to do the job that the public expect, but in its history as employers and in the development of policy. When it was pointed out some years ago that there was an inadequacy in the WorkCover legislation to cover psychiatric and psychological disabilities, on behalf of the Opposition I introduced Bills to rectify the fault. There is no doubt that there was an oversight in the package of amendments sponsored by Mr Norm Peterson, when he was Speaker in the Bannon Government, in respect of psychiatric and psychological disability, sometimes called chronic post traumatic stress disorder.

When Parliament looked at WorkCover in 1993 and when we looked at stress, I decided that no situations are more stressful than those in which police officers are put from time to time. There was long and tortuous debate, even longer than the debate we had last night, about stress, and the Hon. Mr Elliott agreed with the Government in reducing accessibility to stress claims in South Australia. I will not argue that case again because it was very clear.

We have pointed out on a number of occasions the difference between stress and permanent psychological or psychiatric disability or post traumatic stress syndrome. This is a clearly identifiable condition which can be measured and which affects people in violent situations and in rape situations and it affects people who work late at night in petrol stations that have been robbed on a number of occasions. It is a very common disability and it happens too regularly in the police force.

I want to pay particular attention to a situation that occurred in Port Pirie a couple of years ago when a female police constable was left on her own in a police station in charge of three male prisoners. The police and the Government claimed that she had a radio, and there were job specifications. The upshot was that this 23 year old was left there and, although I do not want to go through the fine detail of the situation, she was severely beaten about the head and traumatised to the extent that it was feared she would die.

On his first examination, her doctor told her that she would have a fractured skull at least. He was astounded that her head, considering how pulverised it had been, did not have a fracture of any sort. She went through extensive medical operations and some 30 sutures had to be inserted in her head just to contain those wounds. That was bad enough.

I now refer to duty of care. I again refer to an article by Brett Williams in the *Police Journal* where the victim talked about what happened after the event and the sort of care that she experienced. In my experience, this is a classic case of a post-traumatic stress syndrome situation and someone with a psychological or psychiatric disability. I shall relate some of the things that she experienced. After she returned to work she entered her own personal chamber of horrors. She experienced relapses, flashbacks, and became acutely aware of noises while working alone on nightshifts. We have a situation where she came within an inch of losing her life but where she was still working alone in the police station at night. If that depicts a duty of care, I am afraid I am not convinced.

To relieve her anguish, she sometimes called on her on-road colleagues by radio simply to hear their reassuring voices over the air. Extraordinarily, one day shift she was confronted by eerie replications of the circumstances which preceded the attack. So, this traumatised worker who suffers from post-traumatic stress syndrome has been put into exactly the same situation. She said:

> I had a prisoner in the cells and all the patrols had gone. I remember thinking: 'This is happening all over again.'

She picked up the telephone and rang upstairs. On this occasion there was the reassuring voice of one of her work mates, a detective who was working upstairs. She was able to contain the obvious terror that she was suffering at that time, but, in reality, she was very far from okay. Her flashbacks were intensifying as she became plagued with horrific nightmares. Eventually, she plunged into depression. So, this worker was getting worse and worse. She said:

> I remember ringing Ian Wells [the psychiatrist] one day only two or three months after the incident. . . 'I feel like I'm going crazy here. I'm just crying at the drop of a hat—what's going on?'

She was referred to a Port Augusta psychiatrist. However, after a few consultations with him she lost confidence with that process and stopped. Of equal sadness to her at the time was the superior's order not to use either police time or vehicles to attend consultations. Here is someone trying to get themselves back on the road, yet she is confronted with this stupid situation where she cannot use police time or resources to rehabilitate herself when she is back in the work force trying to do just that. That illustrates the sort of backup, demands and budgetary constraints put on the police force that put her in this situation. She fled the station in tears and drove to an isolated area of salt flats. She said:

> I remember sitting over there in the car crying. And I remember feeling my gun against my hip and thinking: 'I could just stick this barrel in my mouth and blow the back of my head out.'

Fortunately, she did not do that. She went home, telephoned her psychiatrist again, explained that she had just contemplated 'topping' herself and pleaded with him to do something. She then went through a series of illnesses, and in a desperate attempt to rehabilitate herself took on a job in communications. But everywhere she went she felt as though she was a walking target. She had numerous medical procedures; I will not go into all of those. In desperation, she pleaded with SAPOL for some unpaid time away from work to try to get it together, because she loved her job. The resurrection of her career was her only priority.

SAPOL again rejected her plea. Left with few choices, she opted to alter her hours and work only part time and engage in study outside SAPOL. Here is someone who is really trying to get their life back together and with very little backup. After six months she found that this regime was not helping and her debilitating condition, later diagnosed as chronic post-traumatic stress disorder, worsened. On simply seeing or hearing police cars her heart would start 'racing' as if she had done something wrong. Her disposition became one of total nervousness and, in addition to her existing ills, she developed rashes and, totally unable to cope, in 1996 she began a period of leave under WorkCover.

That was hardly successful and she expressed some disappointment in that process. Initially SAPOL offered this 23-24 year old person a lump sum pay-out of $24 000 for the ruination of her career and life-long suffering with post-traumatic stress disorder. That is what this Government and its policy provided for this public protector at the age of about 23 or 24 years. Disagreements emerged about whether her pay-out should be calculated on the basis of her full-time or part-time employment. We had an argument about whether we ought to pay compensation on the part-time employment, which she was able to perform only in an effort to rehabilitate herself. We had an argument on that basis.

One can argue this case because this Government, with its policy towards its workers, including police officers, prescribes just that. Time dragged on until a meeting was held with WorkCover in whose hands the matter had been placed. Tanya Hunter attended with her solicitor and was amazed and further traumatised by the proceedings. In her presence she was always spoken of in the third person. It was as though she was some patient with a mental disease who did not understand. She said that she could not believe that such a process goes on and that she was left totally numb. She states:

> People let the process go on, and it affected me mentally and psychologically for so long. It was almost like they were saying I was trying to rip them off, and all I was trying to say was: 'Can't you see that my career is totally stuffed? I didn't join the department just to be a statistic in the end.' The process was just so ugly.

Nonetheless, further bargaining resulted in a revised offer, which Hunter considered in consultation with a solicitor. At that stage, quite clearly, this patient—who I would assert suffers from post-traumatic stress disorder; she now has a psychiatric disability—was frustrated with the process. She said:

> I'm so sick of this. I'm going to take it—I just want to get out of this so much.

Included in the deal was $500 for her future medical expenses. She was awarded compensation amounting to less than $17 000 for the ruination of a career which could have stretched over 40 years and, under present legislation, there is no chance of righting that wrong.

I will not refer to the details of another Bill because it is before this place, but that is the remedy for the Tanya Hunters and other police officers who are traumatised in the course of their duties. Throughout the entire saga Tanya Hunter felt completely let down by SAPOL, which is quite distressing to me because even the South Australian Police could not get her through it. Hunter, who I am told is now 26, expected to feel elated and relieved when she signed her resignation on 13 May this year, but perhaps even she under-estimated just how much she liked her police work, and deep inside her burned a desire to continue as a police officer.

Signing on the dotted line in the solicitor's office proved to be one more trauma to endure. She could barely write and left the office in tears. Here is a victim of this Government's treatment of workers. How does that fit into this Bill? We see the other side of industrial relations, employee working conditions and occupational health and safety matters.

When it comes to the Police Complaints and Disciplinary Tribunal, the Government is quick to get in here and introduce a Bill. At this late stage I refer to amendment of section 39—Charges in respect of a breach of discipline—and the proposal here is that section 39 of the principal Act be amended by striking out from subsection (3) 'beyond reasonable doubt' and substituting 'on balance of probabilities'. This Government stands condemned on a failure of duty to care and a failure to provide a properly resourced and adequate police force for South Australia, and it is getting worse by the day. The saga goes on. Just a fortnight ago the Mayor of Port Pirie had to come out publicly and condemn the latest cuts and reductions in resources and facilities for the police force in Port Pirie. Whilst we as politicians will have disagreements with any police force from time to time, by and large I have great respect for the police force in Port Pirie. Its clean-up rate is better than almost any other in South Australia.

Where will the police be when the Government finds a breach in discipline? There will no longer be the normal standards for people going to court, where the matter in question must be beyond reasonable doubt. The Government now wants to provide for a lower burden of proof, at a time when police officers are working under stress, are under resourced and under paid. The Government wants a lower burden of proof so that it can impose penalties. I only wish the Government would attack the problem of providing adequate resources for our public protectors with the same vigour it uses in other areas. With people who are working under stress and who are put into life-threatening situations on a daily basis, and with people like Tanya Hunter, I wish the Government would pay as much attention to providing proper resources, proper back-up and working conditions as it pays to other matters, so that we do not have a situation where people are put under this kind of stress.

As I said earlier, this Government has shown a great disrespect for the public in its *laissez faire* approach towards policing in South Australia. The Bill we put through the other day talks about contract police. The Government wants to get coppers on the cheap: it wants a K-Mart police force when the public is screaming out for proper protection. The police portfolio has been put in the hands of a junior Minister, yet this is the Government that went to the people saying, 'We will protect you and provide more policing.' What does the Government intend to do? We could have the ridiculous situation where, if we are not careful, every time people telephone the police they will be told, 'We'll see if we can get someone; we'll go to a labour hire firm to see if we can get a policeman.'

This is a disgraceful situation in South Australia. We will have the K-Mart cops with the Keystone Cabinet. It is not good enough, and the people of South Australia deserve better. Our police officers are in the front line for the public of South Australia and deserve proper resources and protection. They do not deserve the attitude reflected by the Government's actions indicating that they are 'only public servants'. They have never been public servants. The legislation has never shown them as public servants. Police need different protection and they need that protection so that they can provide the services that the public expects in a safe and proper way. The police deserve a Government committed to resourcing them properly and looking after their health and wellbeing.

I conclude my remarks by supporting the second reading. I commend to honourable members the amendments to be moved by my colleague the Hon. Paul Holloway with respect to the burden of proof, in particular. I think it ought to be beyond reasonable doubt, because we are talking about ending the career of a policeman, just as we have done with Tanya Hunter. I support the second reading.

The Hon. IAN GILFILLAN secured the adjournment of the debate.

ELECTRICITY CORPORATIONS (RESTRUCTURING AND DISPOSAL) BILL

Adjourned debate on second reading.
(Continued from 23 July. Page 1132.)

The Hon. CARMEL ZOLLO: For the benefit of members who may not have seen the *Stateline* program several weeks ago, and for those who may not be aware of my life-long commitment to the Labor Party, I will quickly get the formalities out of the way and again put on the public record that I am opposed to the sale of ETSA and that I will be voting against this Bill. No matter how much is paid to spin doctors and how much misinformation they peddle, the majority of people do not accept the privatisation of fundamental services such as water and power. No matter how many different ways the *Advertiser* comes up with ways of saying that they support the sale, assisted by a not very independent Cliff Walsh, the opinion polls appear to budge little. As has already been pointed out by others, it is sickening to hear people with glib American accents extolling the virtues of privatising our power industry, while trying to pass themselves off as independent experts.

Is anyone able to trust information from those who are extremely well paid and who will reap huge rewards if the sale goes ahead—a success fee of around $30 million for the sale of Optima/ETSA. Can we really trust a pair of fast talking consultants holding a fistful of dollars and two local advisers who carry a lot of baggage from previous exercises they have been involved with, despite any other talents they may or may not bring to this particular public relations exercise? John Spoehr from the Centre for Labor Research, University of Adelaide, believes that the threats by the consultancy firms that global competition will crush us is nonsense, and I would contend that this is a far more independent view than the one pushed by the Government and the consultants.

What are we really concerned with in this debate—how fast we can retire State debt, or whether South Australians are capable of continuing to generate, transmit and distribute power at a competitive price? South Australia has been part of the Victoria-New South Wales electricity market for more than a decade and signed up for the national electricity market on the basis of continuing Government ownership. We certainly did not sign any agreement on the basis of a possible private consortium—or did we?

So, what has changed in the past few months in the generation, transmission and distribution of electricity? I suggest absolutely nothing. In the prospects of this State in terms of employment growth, sadly, the same: nothing. The issue really is that the ETSA sale is linked in with the reduction of debt and not its viability—not whether ETSA is a viable, smart resource belonging to the South Australian community. And, of course, there is no certainty as to how much of the unknown return will go to retire debt. There is more than ample evidence that it can stand alone as a smart, viable resource, and this is really the problem. It has been targeted because it is a smart utility.

There are many in our community who believe—for example, like John Spoehr—that the risk of public ownership is not great. South Australia has complied with the National Competition Policy and Electricity Reform Agreement, so there is no risk in the loss of the $1 billion of competition payments. Spoehr makes the point that the global electricity market is likely to contain as many public as private players. European experience is showing that the public electricity corporations are competing successfully in highly competitive markets—and why would they not? They have all the infrastructure already in place and all the expertise.

For more than 50 years ETSA has provided an effective service to all South Australians. It led to the industrial development of the State. It met and continues to meet its community services obligations and provides an ever increasing profit, which is returned in full to the South Australian people. These are things that a private company was unwilling to do, or could not do, and led to the creation of ETSA by a Liberal Premier after the Second World War. Perhaps this is really at the heart of the Liberal Party's problems. The very public internal divisions in the Party do not just go back to the split of the Liberal Movement days but are much deeper than that. With nothing else working, this Government is ostensibly promoting the retirement of debt to solve our problems and inject money into our economy. We are told that the sale proceeds will go into schools, education and job creation and to retire debt.

We are told it becomes a financial decision based on the realities of our time. I would suggest that such thinking is fraught with danger, because it is still a very calculated risk. The calculated risk is when one looks at the bigger picture—in this case, the long-term future of South Australia's utilities and the benefits that flow from the ownership of the smartest utilities of them all. That really is the problem. When an industry is profitable and performs well, it is ripe for intervention and takeover. Otherwise, let's be honest, no-one would be interested in its purchase or lease. If a profit was not involved, private companies would not be interested in either running or owning a utility.

This Government has already signed the management of our water and sewerage services to an overseas consortium. Australians can run a grand prix or the Olympic Games but not apparently a relatively small water and sewerage system. What utter rubbish! The EWS had been doing it very well for more than 100 years. With time, the department naturally needed to be restructured. It had occurred and was starting to make profits before its outsourcing. What do we now have in return? A newly created SA Water Board stacked with people of obviously the same political persuasion as this Government, at an annual cost $400 000; increases in the CEO's salary and that of other executives by obscene numbers to oversee fewer employees, reduced jobs, increases in prices, and EWS accounts now being changed in line with normal business practice, with two weeks to pay instead of three and only one reminder notice. And the question of accountability is often still a confused one.

Now we are being asked to agree to more of the same—except that ETSA would be totally out of the Government's hands. The reality is that we can only ever have one set of water/sewer and electricity mains and they are, therefore, natural monopolies. Therefore, why swap Government monopolies for private ones, especially when you take into account that a Government owned utility's profits are always available for balancing budgets and meeting social obligations in both town and country, where the bottom line for private companies is always profit, often sent overseas? Kenneth Davidson wrote, in the *Age* of 3 August 1998:

> Distribution is the rich plum on which the privatisers have set their eyes in New South Wales, the ACT and South Australia.

We are increasingly learning that deregulation and market forces do not always provide the best and cheapest service.

Take the banking industry and the reducing and costly service and commitment it now provides, particularly to rural Australia. We also saw the example of the recently sold Overland train service to Melbourne. When the Minister was asked about the reduction in frequency of services, she shrugged her shoulders and said that it was now a private company and it, of course, had to make a profit.

How will consumers be better off under a privatised ETSA? By cheaper prices and guaranteed service delivery? These have not shown to be true, either interstate or overseas, as shown with the recent Auckland failure with its privatised power management. Amanda Hodge of the *Australian* recently wrote:

> Power prices in the newly deregulated Sydney and Melbourne markets rose 2.6 per cent in the past 12 months and were bound to rise further as other States joined the national grid, an independent analyst has warned.

Many examples of electricity deregulation around the world show that market forces will not automatically send electricity costs lower. Even if prices do drop, they sooner or later rise again.

The Government's pamphlet *ETSALE* tells us more misleading information:

> Competition means you can make a choice based on better service and competitive pricing.

The distribution of power to homes and most industry is via a single distributor network—unless the Government has intentions of allowing the installation of further lines, above or below ground. Therefore, I am curious to know how any single private consumer is able to be provided with true competitive delivery of their power system, because it can only be delivered from alternative sources by the one system of existing lines, which leads one to wonder just how much individual choice any one consumer in any suburb of Adelaide will have.

There are many similarities between the State Government ETSA sale and the Federal Government Telstra sale. Both are ideologically driven, both want the money to use to help their re-election prospects, both involve very profitable public enterprises, and neither can guarantee that fully privatised ETSA and Telstra will meet their community services obligations, particularly to rural areas. The sale of Telstra in particular is a tragedy. Communications is the boom industry of the new millennium, a virtual licence to print money.

Despite the untruths spread by the Federal Treasurer and the Federal Minister for Communications, most telecommunications systems around the world remain either partly or fully under government control. But suddenly only 49 per cent of Telstra will now be sold, not because the Liberal ideologues have seen the light but because rural Australians through their National Party representatives are not convinced that a fully privatised Telstra can guarantee services to rural areas, despite Government assurances and billion dollar subsidies.

It is similar in respect of Australia Post, because the Federal Government will now only partly deregulate postal services. Of course it is only the profitable areas in which private enterprise is interested. Who, after all, could deliver a letter for just 45¢ to some of the most remote areas of the world?

In South Australia the EWS and ETSA have been the two icons which together are vital for the development of the State. The EWS has acted as a unique statewide authority providing essential service at the same price to everyone throughout South Australia. But how much longer will it be before SA Water is completely privatised and differential prices are charged in different areas of the State to reflect the true cost of services?

The Opposition has in the past supported or itself privatised some aspects of Government services where it could be shown that it was more efficient and beneficial to the State, but it is totally opposed to doing so to essential or fundamental services, particularly where efficiency is not an issue. I think it is time that we put to rest the myth that only private enterprise can run a business. ETSA and Telstra are two good examples of profitable well-run Government businesses. There are, of course, plenty of examples of badly run private businesses that have lost billions. We all pay for those through increased prices, loss of jobs and so on.

The Opposition's concerns are about the bigger picture, not the least for country South Australian residents. South Australia has always been a unique State. A total of 50 per cent of our export income is derived from primary production and I suspect always will be through our wine and grain industries. But the smaller rural population is in need of the city's protection and subsidies. Governments of all persuasions have long recognised this for the good of the State. The Opposition is yet to be satisfied that the sale of ETSA can guarantee in the medium to long run the same standard of service delivery and at the same price as the city, as is the case now.

We are now assured that for a period of time the concerns of country South Australia will be taken care of by a special subsidy fund. Naturally, such a subsidy will not be the concern of a private provider who would be reaping profits in urban South Australia. A private provider's bottom line is profit, not the overall social conscience of the State.

The other concern of the Labor Opposition, as with all core services in our community, is that of accountability and risk. I think we all need to remember that, besides losing a smart asset, if any problems occur with the generation, transmission or distribution of power in this State, one way or another we will all be the losers and there will always be the need for Government to intervene and assist to ensure supply and minimise risks. It is still the consumers and the people of the State who will be the losers. I am not an economist, so I will take the time to quote at length someone who I believe has been prepared to give the other side of this very important debate, John Spoehr, Deputy Director of the Centre for Labour Research, University of Adelaide.

The Hon. Caroline Schaefer interjecting:

The Hon. CARMEL ZOLLO: He is probably less biased than Government advisers, I would suggest. Economists do not have all the answers—it is just that the Government would have us believe that there is only one valid point of view: the one it is pushing. Mr Spoehr recently wrote:

> A careful financial analysis of the impact of privatisation of the industry reveals that the sale will harm rather than improve SA's financial position. Why? Because the South Australian Government is acting on advice that is factually incorrect and misleading. If debt reduction is the Government's objective, then it is better off retaining South Australia's electricity industry in public ownership. Put simply, the revenue of ETSA/Optima will exceed the savings made on interest payments resulting from using sale proceeds to retire debt.

John Spoehr believes that the financial analysis commissioned by the Government to support the case for privatisation grossly underestimated the value of ETSA/Optima by failing to take account of earnings retained by the utilities. He believes the end result of this underestimation means a lower selling price and a loss to the South Australian Government

over the next 10 years. Mr Spoehr is firmly of the belief that a sale price of over $7 billion would be necessary before any financial benefit would flow from privatisation. The privatisation consultants advising the Government (Morgan Stanley) suggest that a sale price of about $5 billion is most likely. At this price, the Government would lose about $900 million over 10 years. Mr Spoehr concludes that on financial grounds alone the sale of ETSA and Optima makes no sense.

I will be interested to hear what the Treasurer has to say about John Spoehr's fairly well publicised comments. I believe that replacing a State monopoly with a private monopoly without the benefits that flow from a State-owned one other than the injection of once-off capital from such a sale is not a wise investment for the Government. I am unable to support the second reading of the Bill.

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

CITY OF ADELAIDE BILL

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

INDEPENDENT INDUSTRY REGULATOR BILL

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

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly requested that a conference be granted to it respecting certain amendments in the Bill. In the event of a conference being agreed to, the House of Assembly would be represented at the conference by five managers.

ELECTRICITY (MISCELLANEOUS) AMENDMENT BILL (No. 2)

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

SUSTAINABLE ENERGY 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.

As part of the Government's ongoing commitment to the environment and the development of sustainable energy, the Sustainable Energy Bill 1998 establishes a new body—the South Australian Sustainable Energy Authority—to assist in the promotion of sustainable energy technology, and in the reduction of energy demand and greenhouse gas emissions, so as to encourage better environmental outcomes.

The South Australian Sustainable Energy Authority is established under the Bill as a statutory corporation, with an appointed board of directors and appropriate staffing. Its dedicated functions include:

- to investigate and promote the development, commercialisation and use of sustainable energy technology;
- to provide information, education, training, funding and other assistance to persons engaged in the development, commercialisation, promotion and use of sustainable energy technology;
- to advise other persons on matters relating to the development, commercialisation, promotion and use of sustainable energy technology; and
- to accredit schemes for the generation of energy from sustainable sources.

'Sustainable energy technology' refers to products, processes and practices which improve energy-use efficiency, minimise the use of non-renewable energy sources, optimise the use of ecologically sustainable energy sources or minimise greenhouse gas emissions, pollutant wastes and other adverse environmental impacts resulting from the production and use of energy. For these purposes, 'non-renewable energy' means energy derived from depletable sources (eg. coal) and 'ecologically sustainable energy' means energy derived from non-depletable sources (e.g., solar energy).

Every three years the Authority must prepare a three year corporate plan specifying the Authority's objectives, strategies, policies and programs. It must also report on the status of sustainable energy technology in South Australia. The plan will be made publicly available and public submissions invited prior to the plan being finalised.

The Authority will be expected to work with similar organisations in other States such as the NSW Sustainable Energy Development Authority.

The Authority will, at least initially, be funded out of the Consolidated Account, but over time may, to some extent, become self-funding.

I commend the Sustainable Energy Bill 1998 to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure and excludes the operation of the provision of the *Acts Interpretation Act* that results in provisions commencing no later than 2 years after enactment.

Clause 3: Objects of Act

The objects are—

- to reduce the levels of greenhouse gas emissions and pollutant wastes resulting from the production and use of energy; and
- to encourage the development, commercialisation, promotion and use of sustainable energy technology,

in accordance with the principles of ecologically sustainable development set out in section 10(1) of the *Environment Protection Act 1993*.

Clause 4: Interpretation

This clause contains definitions of words and phrases used in the Bill and, in particular, defines sustainable energy technology to mean products, processes and practices designed to—

- improve efficiency in the use of energy; or
- minimise the use of non-renewable energy sources (*ie* energy derived from depletable sources such as coal, gas, petroleum or uranium); or
- optimise the use of ecologically sustainable energy sources (such as the sun, wind, geothermal sources, etc.); or
- minimise greenhouse gas emissions, pollutant wastes and other adverse environmental impacts resulting from the production and use of energy.

Clause 5: Establishment of South Australian Sustainable Energy Authority

The *South Australian Sustainable Energy Authority* (Authority) is established as a body corporate with the functions and powers assigned or conferred by or under this measure or any other Act.

Clause 6: Application of Public Corporations Act 1993

The Authority is a statutory corporation to which the provisions of the *Public Corporations Act 1993* apply subject to any exceptions prescribed by regulation.

Clause 7: Functions and powers of Authority

The functions of the Authority are—

- to investigate and promote the development, commercialisation and use of sustainable energy technology;
- to provide information, education, training, financial accommodation and other assistance to persons engaged in the development, commercialisation, promotion and use of sustainable energy technology;
- to advise other persons on matters relating to the development, commercialisation, promotion and use of sustainable energy technology;

- to accredit schemes for the generation of energy from sustainable sources;
- to perform any other function assigned by or under this measure or any other Act.

The Authority has all the powers of a natural person together with powers conferred on it under this measure or another Act and may perform its functions and exercise its powers within or outside the State.

Clause 8: Common seal and execution of documents

The common seal of the Authority must not be affixed to a document except in pursuance of a decision of the board and the affixing of the seal must be attested by the signatures of two directors.

Clause 9: Establishment of board

A board of directors, consisting of directors appointed by the Governor, is established as the governing body of the Authority. The board's membership must comprise persons who have, in the Minister's opinion, appropriate qualifications or expertise in relation to one or more of the following:

- sustainable energy or sustainable energy related services;
- consumer protection or community interests;
- environmental protection;
- financial management.

Clause 10: Conditions of membership

The directors will be appointed for a term not exceeding 3 years and may be reappointed. They may be removed from office by the Governor for, for example, misconduct or failure to carry out their duties.

Clause 11: Vacancies or defects in appointment of directors

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

Clause 12: Remuneration

A director is entitled to be paid from the funds of the Authority such amounts as may be determined by the Governor.

Clause 13: Board proceedings

This clause sets out what constitutes a quorum of the board and the procedures the board must follow in respect of its meetings, of which accurate minutes must be kept.

Clause 14: Staff of Authority

The Minister may appoint a chief executive of the Authority and the Authority may appoint (on terms and conditions fixed by the Authority) such employees as it thinks necessary or desirable.

Clause 15: Consultants

The Authority may engage consultants on terms and conditions considered appropriate by the Authority.

Clause 16: Corporate plans

The Authority is required to prepare and deliver to the Minister, at least 3 months before the beginning of each 3 year period, a draft corporate plan for that period. A corporate plan must specify—

- the objectives of the activities of the Authority for the 3 year period concerned; and
- the strategies, policies, programs and budgets for achieving those objectives; and
- targets and criteria for assessing the performance of the Authority in its pursuit of those objectives; and
- the current level and status of sustainable energy technology in South Australia, the level and status of sustainable energy technology in South Australia that is likely to be achieved if those objectives are achieved and the effects of the Authority's previous activities in relation to those objectives; and
- such other matters as may be prescribed by the regulations.

Clause 17: Public consultation on draft corporate plans

Notice of a draft plan must be published in the *Gazette* and in a daily newspaper in order to allow for a public consultation process to occur. The Authority must, in preparing a draft corporate plan, consult with appropriate consumer representatives, relevant interest groups and any relevant sector of industry or commerce and give due consideration to matters arising from any submissions and consultations under this proposed section.

Clause 18: Regulations

This clause provides general regulation making power.

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

POLICE BILL

The House of Assembly agreed to amendments Nos 1, 26, 27 and 36 made by the Legislative Council without any amendment and disagreed to amendments Nos 2 to 25 and 28 to 35.

ADJOURNMENT

At 11.31 p.m. the Council adjourned until Thursday 6 August at 11 a.m.