LEGISLATIVE COUNCIL

Thursday 26 November 1998

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 11 a.m. and read prayers.

PASSENGER TRANSPORT (SERVICE CONTRACTS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 24 November. Page 263.)

The Hon. SANDRA KANCK: The Democrats support this legislation. I have consulted with the unions, which have no problem with it, and with People for Public Transport, and there do not seem to be any major problems with this legislation from their point of view. I pose a question to the Minister as to whether she would consider bringing the Hills area into the ambit of what is defined as metropolitan transport. I have asked questions in recent times about the problems with the unfair fare structures for people in the Hills, so would it be possible for the Hills to be included so that the fairness issue could be addressed? With that question, I indicate that the Democrats support the Bill.

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

TRANSADELAIDE (CORPORATE STRUCTURE) BILL

Adjourned debate on second reading.
(Continued from 24 November. Page 264.)

The Hon. SANDRA KANCK: I have spoken with various groups about this piece of legislation. As a consequence of what has happened with our electricity industry, I have misgivings about corporatisation, because it always appears inevitable that privatisation occurs. I expected that the unions might have some problems with this measure but they do not and, as representatives of the workers, they are the ones who would be most concerned at that prospect. They said that they are not and, given that the key people are not concerned about the legislation, I indicate that we will support it.

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

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 28 October. Page 53.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition opposes the second reading of this Bill. It was brought to the Council in 1995 and again in March 1998 but not dealt with. The Attorney has reintroduced the Bill, and I could just refer members to my speeches in *Hansard* on the previous two occasions, but I will briefly touch on the reasons why we do not support it. The Opposition does not support the notion of prosecution appeals against the acquittal of defendants. We certainly believe in enforcing law and order and in inflicting punishment on those proven to have committed serious crimes, and to this end there are established processes to enable that to occur. However, the Government's attempts to subject an acquitted person to the possibility of a further conviction is offensive and challenges basic principles of common law.

For the record, I remind members of the details that I inserted in *Hansard* on a previous occasion: that it is a tradition of the law that an accused cannot undergo a double jeopardy, that is, to be tried twice for the same offence. There is certainly within the law many cases where this has been mentioned, particularly by the English jurist Blackstone who stated the universal maxim of the common law of England that no man is to be brought into jeopardy of his life more than once for the same offence. That applies in American law, too.

The Opposition believes the proposed Bill is a fix. The Attorney is obviously unhappy with the number of acquittals by judges sitting alone, so he will change the system to get the right numbers. I do not believe that any circumstances have changed between 1995 and early 1998. Therefore, unless the Attorney can convince me of any fundamental changes since the original Bill in 1995, the Opposition opposes the second reading.

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

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 November. Page 337.)

The Hon. CARMEL ZOLLO: In my recent Address in Reply I said that I was pleased to hear that we will not have totally deregulated shopping hours. I know that the issue has been of particular concern to many small businesses in our suburbs and to many shop assistants and their union, the Shop Distributive and Allied Employees' Association. I am happy to declare that I am a member of that union. I understand that this Bill allows for shops to remain open in the city until 9 p.m. from Monday to Friday, and for shops in the metropolitan areas to be open until 7 p.m. on Monday, Tuesday, Wednesday and Friday, with late night shopping on Thursday to continue. The Bill also allows for metropolitan shops to open on four Sundays before Christmas and Holy Saturday in the city from the year 2000. In future Boxing Day (26 December) will become a shopping day.

As Upper House members we do not see as much lobbying by individual constituents as do members of the Lower House, but it is easy to obtain an overview when community groups and associations come to us with their concerns. I know that the Small Retailers Association, on behalf of members, sees many negatives in this obvious compromise legislation and questions the need for extra hours believing that the demand is simply not there.

The association has a number of concerns, from reduction in real job opportunities, as full-time work decreases even further, to the increased risk of small businesses from random crime because of extended shopping hours. At the time that Minister Armitage announced a review into shopping hours earlier this year, the Labor Party held a phone-in and, like many of my colleagues, I helped staffed the telephones. The majority of callers were opposed to the extension of shopping

hours; small business owners in particular did not want to see any further extension.

I also mentioned in my Address in Reply that, contrary to popular beliefs, my observations from the small amount of overseas travel I have undertaken is that most major cities in the world impose some sort of regulation on shopping hours. The consensus of the majority of stakeholders appears to be that deregulation is only favoured by the larger retailers and does not generate any extra wealth in our community. The concern that such larger retailers, especially supermarkets, have cornered the market at the expense of smaller retailers is a very real one, and I suspect that the supermarket chains may well be the only retailers that will take advantage of the later 7 p.m. closing. The removal of competition by the supermarket chains is also very real, with 884 outlets being lost in the past 20 years.

Having spoken on the Retail and Commercial Leases (Term of Lease and Renewal) Amendment Bill in the last session, I am pleased to see that my colleagues in another place took the initiative of trying to amend the existing Act. The amendment would have enabled lessees the opportunity of taking advantage of the section of that Act, whereby a meeting of lessees could be initiated to prevent their having to stay open when they are being compelled to do so by lessors.

This amendment allowed for a protection measure for small retailers in that their association (Small Retailers Association) could call a secret ballot to determine the views of their members concerning their trading hours. Regrettably the amendment was lost. I understand that Minister Armitage believes the issue can be addressed by the Retail Leases Advisory Committee. The Opposition does not want to see the small retailers being pressured to stay open by lessors if it is not viable for them to do so. We hear the same story all the time—it is still the same amount of money being spent throughout the opening time—and it is not viable for them to employ extra staff for that time.

It was put to Labor members at a recent briefing by a major stakeholder that when small retailers are forced to stay open it is simply not best practice—they will have to shed employment dollars. When Sunday trading was introduced in the city we were told that employment would increase and that the city would come to life on Sundays. Sadly, many jobs have either been lost or turned to part-time positions and, of course, our South Australian icon, John Martins, closed shop permanently.

I personally cannot imagine that there will be hordes of people shopping in the city until 9 p.m. every night of the week, and I think that most will end up remaining closed. Mr John Brownsea of the Small Retailers Association expressed the following concerns in April of this year, at the time the review was announced. In relation to supermarkets, he had this to say:

> Deregulated hours will give the big operators every chance to wipe out the small operators. They will use predatory pricing to attract customers and, later, the prices go up. Meanwhile, the small competitors go out of business.

Whilst I note the concerns of small businesses, the fact that we will not have total deregulation is some good news. For the many shop assistants who work in the metropolitan retailing centres and who want to spend Sundays with their families, not working in the shops, this Bill can only be viewed as a sensible compromise and, along with my colleagues, I support the second reading.

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

SUSTAINABLE ENERGY BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 218.)

The Hon. T.G. CAMERON: This Sustainable Energy Bill 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. This proposal is to establish the Sustainable Energy Authority as a statutory authority with an appointed board and staff responsible for investigating and promoting the development, commercialisation and use of sustainable energy technology; providing information, education, training and funding assistance to those engaged in the development and promotion of sustainable energy; to advise on matters relating to the development and so on of sustainable energy technology; and to accredit schemes for the generation of energy from sustainable sources.

Every three years the authority must prepare a three year corporate plan and report on the status of sustainable energy in South Australia. The plan will be made publicly available and public submissions are invited prior to it being finalised. The authority will be funded initially out of the Consolidated Account but may, over time, become self-funding. I would now like to put the following questions on the record.

Does sustainable energy or the definition thereof include nuclear energy? How many people will the board of directors contain and what will they be paid? Can we get some indication of the staffing levels that the authority will have? Has the Government had a look at the cost of SASEA for the first three years, and could those figures be provided to us? Will the Minister explain what clause 17(4) means exactly when it uses the words, 'The Authority must give due consideration to matters arising from any submissions and consultations under this section.'? I indicate my support for the Bill pending answers to those questions.

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

ROAD TRAFFIC (PROOF OF ACCURACY OF DEVICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 341.)

The Hon. T.G. CAMERON: This Bill amends in three ways section 175(3) of the Road Traffic Act 1961. The first amendment is to section 175(3)(b) and provides for a reduction in frequency of testing of the accuracy of a speedometer or stopwatch. Speedometers are used by the police to measure the speed of offending vehicles and also to ensure that speed cameras are measuring accurately. It will reduce the frequency of tests from every 14 days to every three months. Other Australian States have testing on average between six and 12 months. Police speedometers are currently checked by the RAA and, as I understand it, this legislation will save the South Australia Police Force somewhere between $24 000 and $30 000 per annum in testing costs.

The second amendment is to section 175(3)*(ba)*. The Bill extends the period for which the test will be held to be proof

of accuracy to the following day. Currently a certificate is issued and is allowed only for the day shown. This will take into account situations where the police use a traffic speed analyser during the evening of one day into the morning of the next day, but only do a test on the machine on the first day. This amendment will overcome this deficiency.

Finally, both subparagraphs will be amended to provide that a police officer of the rank of Inspector or above may sign a certificate. Currently the Act specifies that certificates should be signed by the Commissioner of Police or by a Superintendent or an Inspector of police. This Bill will change the Act so that all ranks above Inspector will be able to sign the certificate and therefore give the police greater flexibility. I indicate my support for the Bill.

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

STATUTES AMENDMENT (RESTRAINING ORDERS) BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 231.)

The Hon. T.G. CAMERON: This legislation is in response to the issues arising out of the model domestic violence laws discussion paper released at the National Domestic Violence Summit in November 1997. It seeks to tighten up the Domestic Violence Act and the Summary Procedure Act and seeks to ensure that legislation regarding restraining orders operates effectively. It seeks also to enhance the protection to victims of domestic violence and other victims of violence and offensive behaviour.

As to the changes proposed to the Act, Part 2 amends section 19A of the Criminal Law (Sentencing) Act 1988 which was inserted into the Act as part of the domestic violence package. Clause 4 will enable the court to issue restraining orders to someone guilty of an offence, on consideration by the court of the danger or risk to the victim. It will allow the court to issue a restraining order based on incidents occurring interstate. It will clarify the procedure to be followed in the serving of restraining orders, and it may confirm an order if the defendant fails to appear.

It will also allow the court to confirm an order if the defendant disputes allegations but chooses not to show cause against the order. It can provide the court with powers to issue supplementary mandatory orders to cancel firearms licences, confiscate firearms, and authorise police to search premises for firearms. I consider that the intent of this Bill is sound and that it will serve to further protect victims of domestic violence. I indicate my support for the legislation.

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

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 340.)

The Hon. IAN GILFILLAN: The Democrats oppose this Bill and intend to vote against it in all its stages. We are convinced that South Australia does not need any change to shop trading hours. In saying that, I think commonsense sometimes does determine some flexibility, but the big risk of offering any flexibility is that it opens the door for the heavyweights—those who want to manipulate an advantage in the market to virtually crush out the small and medium traders and retailers. It gives them that foot in the door, and we do not intend to be party to giving it.

What is quite clear is that the small retailers particularly have done some very specific analysing of the various measures that are proposed in the Bill, and very persuasively develop arguments to show that, at the very least, these changes will disadvantage the vast majority of small retailers and in some cases will drive them out of existence. I cannot understand how the Government, which portrays itself as the defender of the small entrepreneur—the private enterprise activities in this State—can introduce a measure which is such a blunt instrument to severely wound, sometimes mortally, what they have portrayed in the past to be their natural electorate. For their own edification, that natural electorate is moving around and looking for other political representatives.

We believe that this is a temporary sop, supposedly for the benefit of big business, and that it will increase the market share of the three major supermarket chains at the expense of retailers, and I have some data to include in *Hansard* to support this position. In the past 20 years the major chains have increased their market share from 40 per cent to 80 per cent and, unlike the situation in the United States, there are no antitrust laws to stop them eventually getting it all. This, in turn, will reduce the number of jobs in retailing, because the ratio of employment per dollar turnover of small retailers is three times as many staff as those engaged by the major enterprises, particularly the major supermarkets.

It is also a gross deception to present this as a measure that is responding to large public demand. It just is not there, except for an occasional murmur of disquiet because someone has not been able get what they wanted exactly at the hour at which they decided it was convenient for them. But those are the only indications that there is any request at all for an extension of shop trading hours.

The vast majority of members of the public, when presented with reasoned argument, understand that for businesses to remain open for extra hours it increases the overheads, in many cases substantially, and they know, as we have argued consistently, that just extending the shop trading hours does not extend the actual contents of the pocket—the drawdown from the pockets of the dollars to be spent.

What I think is sad about this measure is that it is another thoughtless slide down a track supposedly in recognition of this not to be challenged, almost religious, faith in deregulation. We have already seen the consequences where convenience shops, which have been of great advantage to local communities, have dried up eventually and where ‘for sale’ signs are on the shops. Those are the signs of a community-owned and community-benefiting retail industry disappearing before our eyes as the major heavyweights gather, by force of gravity, all the trading into these megacentres.

The other point that anyone concerned about the economics and finances of this State should realise is that the profit of that trading is to a large extent going interstate and overseas, in direct contrast to the financial benefit of the small-medium locally owned traders whose profit stays here and benefits the economy of the State. It is quite clear that there is no argument to sustain any substantial change in shop trading hours. It will only benefit those who already have an enormous market advantage.

The Hon. Sandra Kanck: Then why is the ALP supporting it?

The Hon. IAN GILFILLAN: Sometimes it is a little difficult to translate the logic of ALP decisions. I suspect that there are many in the ALP who have very serious misgivings about this. As I recall, it was led by a very strong mover and shaker in the ALP, Frank Blevins, when he had political responsibility for it, and very few people would stand up to Frank Blevins, either in or out of the ALP. This might be the hangover of his influence.

But for the small people of the community who often regard the ALP as their champions, as they see their local convenience shops going out of existence as a result of extensive changes to shop trading hours they must look in bewilderment and ask, 'Who cared about us when this measure was before Parliament?'

The Hon. Sandra Kanck: Or know that the ALP sold them out once again.

The Hon. IAN GILFILLAN: The ALP sold them out once again, says the Hon. Sandra Kanck very wisely. But the message will be there clearly in *Hansard* and the media: the Democrats stood for the small retailers and for consumers who have for years benefited from localised shopping convenience, which extended shop trading hours will drive out of existence in South Australia.

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

SUMMARY OFFENCES (OFFENSIVE AND OTHER WEAPONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 283.)

The Hon. IAN GILFILLAN: The Democrats support the second reading of this Bill and substantially support its general substance and intention. It is appropriate that at a time when we have seriously considered restraining the use of firearms in our community and looked seriously at the gun culture aspect of that, the knife culture, although perhaps in a different category, also needs to be addressed. Therefore, I welcome the introduction of this Bill.

Sadly, as is so often the case, the sensational media get hold of one part of a story or initiative and we get some eye catching and dramatic photographs of savage looking knives on the front page of newspapers, with other definitions of the risk and danger that knives pose to our community. Recognising that that may well be an exaggerated reaction to the threat of knives in our community, it is still important.

The Democrats believe that it is appropriate to look at what restraint to both the sale and carrying of knives should be legally imposed on our community. However, it is a fact that most crimes involve no weapon. Of those that do, in assaults knives are used 29 times more often than firearms, and in rapes knives are used 166 per cent more often than firearms.

Currently, section 15 of the Summary Offences Act has two knife related offences, the first of which, carrying an offensive weapon without lawful excuse, has a penalty of $2 000 or six months imprisonment. The definition of 'offensive weapon' includes a dagger or knife, and 'to carry' is defined as 'to have on or about one's person'.

The second offence, possession or use of a dangerous article without lawful excuse, carries a penalty of $8 000 or two years imprisonment. Dangerous articles are listed in regulations that include more serious items such as specific types of knives, including flick-knives, as well as sword sticks, knuckle dusters, etc. The important point about both these offences is that one can presumably come up with a lawful excuse. It is hard to imagine what would be a lawful excuse for carrying a sword stick and a knuckle duster at the same time in any of the normal locations of metropolitan Adelaide.

Perhaps one fault in the Bill is that it does not actually simplify the law. Indeed, it can be argued that it makes it more complicated. For instance, if the Bill passes through Parliament we will have three types of article covered by the statute instead of two: that is (a) offensive weapons; (b) dangerous articles; and (c) prohibited weapons. We will also have three sets of regulations instead of one: that is, listing all (a) dangerous articles; (b) prohibited weapons; and (c) persons or classes of persons exempt from the ban on having prohibited weapons. Further, two different legal defences will be available to those charged, instead of one: that is, (a) lawful excuse in respect of offensive weapons and dangerous articles; and (b) exempted person in respect of prohibited weapons.

Then we have four separate offences instead of two, namely: (a) possession or use of a dangerous article or prohibited weapon in a manner not safe and secure, the penalty for which is $1 250 or three months gaol; (b) carrying an offensive weapon without lawful excuse, the penalty being $1 250 or three months gaol; (c) selling, distributing or possessing or using a dangerous article without lawful excuse, the penalty being $7 500 or 18 months imprisonment; and (d) selling, distributing. . . or possessing or using a prohibited weapon, unless you are an exempted person, there being no defence of lawful excuse, the penalty being $10 000 or two years gaol. The question does need to be asked: does a statute to regulate knives in our community need to be as complicated as this?

I wish to make a couple of other minor observations. The Bill also redefines 'carry' to include having a knife accessible in your car as opposed to on or about your person. What appears to be a general trend with the Government, the new scale replaces all divisional fines with specific sums of money for the fines. I have discussed this with the Attorney. I was of the opinion that it is better to keep it in division form. The argument I felt was that they could all then be varied by a measure that adjusted them periodically. The Attorney made the point to me that it had not been done or it was not done and, therefore, the Government thought it was more appropriate to put in the specific dollar figures. I am not persuaded. That there has not been due diligence in amending and updating the specific details of the fines in their various divisions shows an ineptitude in dealing with that process. It does not criticise or condemn the process. That is one observation that I would like to record as it relates to this Bill.

As I said at the beginning of my second reading contribution, we support the second reading of this Bill. I hope we have an opportunity to look afresh to see whether there can be some simplification and also to take note of some criticisms which come in from people who are manufacturing and selling knives in various forms. It is important that we take into consideration those matters in Committee.

The Attorney has not indicated to me the timetable for the Government to conclude this legislation, but I hope it is not expected to be concluded in this session. I indicate the Democrats' support for the second reading.

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

SUPREME COURT (RULES OF COURT) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 November. Page 327.)

The Hon. IAN GILFILLAN: The Democrats support this simple and logical measure to reinforce the Supreme Court's ability, as was stated in the Attorney's second reading explanation, to require parties to make full pretrial disclosure of any expert reports relating to any matter in issue in the action. Such disclosure is an integral part of the ordinary conduct of litigation and ensures that each party knows the case which he or she must meet at trial. It helps to focus litigation on the issues that are genuinely in dispute and promotes early settlement. It is thus, as the Attorney said, a highly desirable power and one which helps to contain the cost and length of litigation for the benefit of the parties and the court. Who could go against that? Certainly not the Democrats.

Apparently in the District Court a legal challenge held such a measure to be invalid in that jurisdiction because there was no such power in the rule making powers listed in the District Court Act 1991. It is essential that we protect the Supreme Court from having its measure declared invalid. This Bill seeks to put it beyond any doubt. It really does not make any difference to the way in which the court is operating now, but it does protect it from any risk of challenge by any party once this measure is passed. The Democrats support the second reading and will support the complete passage of this Bill.

The Hon. T.G. CAMERON: I rise briefly to support this Bill. The Hon. Ian Gilfillan echoed my sentiments on this legislation, so I will not repeat most of what he has just said to the Council. I indicate my support for the Bill.

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

PASSENGER TRANSPORT (SERVICE CONTRACTS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 339.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members who have contributed to the second reading of this Bill. Earlier today, the Hon. Sandra Kanck asked whether the Hills transit area, specifically beyond Aldgate and embracing the country component of the contract, would also be accepted within the ambit of the subsidised metropolitan area. My advice is 'No.' The honourable member should recognise that the area that is in question here stretches from Strathalbyn in the south to Lobethal in the north. It is definitely regional country South Australia, and it would set an enormous precedent in terms of a whole range of areas that have never been considered for any transport or other purposes, whether it be primary industry concessions for motor vehicles or licensing and CTP provisions as part of the metropolitan area.

The Government has undertaken to look at the fare structure for that outer area of the Hills transit contract area, and I indicated yesterday in reply to a question from the Hon. Sandra Kanck that this matter should be going to Cabinet very shortly, and it will. As I have said in this place in the past, that submission will address a more equitable fare structure.

In the meantime, the Government's policy on passenger transport indicated that we were looking at a fairer concession structure for fares for country passengers. As all members would know, there is an inherent disadvantage in the fare structure for country residents especially for the unemployed and tertiary students. I am committed to looking at eliminating that disadvantage which many would argue—and I think quite fairly—is discrimination.

The Hon. Carolyn Pickles raised a number of questions. She asked, and legitimately so, what principles it was proposed the Parliament would ask the Passenger Transport Board to consider when awarding service contracts, and what is a 'market share' in terms of the definition 'close to a monopoly'. She continues:

> Given that TransAdelaide currently operates 75 per cent of the market, how will this definition apply? Can the Minister provide any advice in relation to the wording of the Bill, and what does the Minister consider to be a market share close to a monopoly?

I would consider that a market share close to a monopoly is 90 per cent to 100 per cent and, as the honourable member noted, TransAdelaide has about 75 per cent. This Bill in part has been introduced because it does not guard against a single operator winning all contracts.

I choose my words with some care, but for those who would wish to preserve at any cost or provide TransAdelaide with a considerable safeguard for the future as a public operator of services I think this provision in the Bill could be deemed as quite critical to TransAdelaide's future, because there is no provision in the Act to guard against any other operator winning all contract areas. I outlined that as one of the unseen consequences of the Bill, notwithstanding the 100 bus contract area which the Government accepted as an amendment moved by both the Labor Party and the Democrats when this Bill was before us in 1994.

If one was looking at this Bill from the perspective of that operator, TransAdelaide, this does provide some security if members did wish to seek that security. I should highlight that TransAdelaide, while it is running now with 75 per cent of the bus contracts, and knowing the aggressiveness within the work force and management and the goals of the advisory board, would aim to win more than that in future and go up to probably 89 per cent. But that is all part of the new competitive environment and culture that we are seeking to instil within TransAdelaide to make sure that it has its best shot at winning work in the future.

Members should be aware in this context of what is happening internationally, and even in other States. I know that members have taken a keen interest in what is happening overseas and interstate in terms of the competitive tendering of bus contracts. This Government has never proposed contracting out, as has happened in some other States. We have always believed that the public transport sector, with a publicly owned company, can compete as well, if it is structured to compete, and that is the goal of the other Bill before us, the TransAdelaide (Corporate Structure) Bill.

New Zealand, for instance, in Christchurch and I think also in Auckland, had an international buyer—Stagecoach—which came in and took the lot. That is not what we would see as in the best interests of public transport in this State and that is why the Government has made a commitment to public

ownership of TransAdelaide and why we see this Bill and the companion Bill in a sense—TransAdelaide (Corporate Structure) Bill—as being important in giving TransAdelaide the best base to compete and to prove what other Governments never gave their public transport operator an opportunity to prove, and that is, that its management and work force is the best in the business.

The Hon. Terry Cameron raised similar issues to those raised by the Hon. Carolyn Pickles. I advise that the Government has prepared this Bill which sets out more meaningful and helpful principles which should be applied by the Passenger Transport Board when considering the awarding of contracts for public transport in metropolitan Adelaide. The Bill is focusing on particular features of the wider issue of service contracts, namely, the creation and viability of the market, the provision of integrated services and efficient and innovative services, and we consider, as all members have acknowledged, that these are more appropriate matters for the Passenger Transport Board to consider than the bare prescription of vehicle limits.

The PTB will obviously take into account other factors. These matters have been raised before in this place in the past in terms of the weighting that has been given by the PTB in considering these other factors, but I will name them again: price is an obvious one; service capabilities; financial capacity of the company itself; and service proposals. The list is developed as part of any tendering process, in fact near the beginning of that process. It may vary from round to round depending on the circumstances.

With regard to the definition of 'monopoly', to reinforce the remarks I made earlier, the Government would argue, as would the Passenger Transport Board, that there needs to be no definition. One of the major purposes of the proposed revisions is to ensure that there is no single operator that dominates the market in a way that would jeopardise the competitive sustainability of services in the future. It has become clear that the existing 100 bus limit does not prevent a monopoly, and that is the intention of the amendments. It is also envisaged that we will now be able, through the PTB, to look at larger service contract areas, improve the through running of services (which has been a nagging sore for all of us who have taken an interest in this area), allow service efficiencies and to sustain competition to ensure that Adelaide gets the most efficient and effective public transport system that it is possible for us to operate within certain means.

I do not believe that a precise definition of the term 'near monopoly', in terms of market share (or one could look at cost), the value of the contract, or the number of vehicles or patronage would assist the aims I have just outlined. That is the difficulty in defining 'monopoly', that it could be market share, cost, number of vehicles, patronage—you could choose one or all. I am not sure that there is any advantage—

The Hon. T.G. Cameron: What is the Government choosing?

The Hon. DIANA LAIDLAW: The Government does not choose anything. The contracts are called for by the Passenger Transport Board and very deliberately—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes, but I am just saying that all those matters must be considered by the Passenger Transport Board. That is what the proposed legislation says. The board, in awarding service contracts—

The Hon. T.G. Cameron: And a market share that is close to a monopoly.

The Hon. DIANA LAIDLAW: Yes, and I have said the monopoly would be for the Passenger Transport Board to determine knowing that the Government's definition of 'monopoly' would be around 90 per cent to 100 per cent. So this gives the Passenger Transport Board, which is required under the Passenger Transport Act, to be solely responsible for the calling and awarding of contracts.

Very specifically, the Government introduced into this place a measure which was supported unanimously by all members and which provided that the Government and I stay out of that process. That has been my practice in the past and it will be my practice and I hope that of every other Minister in the future. For the benefit of the Hon. Mr Cameron, I state again that what is important for this purpose is what we would see as a monopoly—90 to 100 per cent. It is then over to the PTB, when it has all the tender contracts before it and it can take all these factors into account, which might be market share costs, number of vehicles or patronage, and it is charged—

The Hon. T.G. Cameron: You have not answered the question. I will ask you when we go into Committee.

The Hon. DIANA LAIDLAW: I have answered the question and to accuse me otherwise is unfair. It is not a matter for the Government to determine because I do not have the bids in front of me. It is the PTB that must determine that in the light of the bids. That can be a matter for Committee debate and I thank all members for their support for the Bill to this stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2.

The Hon. CAROLYN PICKLES: Having discussed this definition, 'close to a monopoly', with Parliamentary Counsel, I understand that it has to be kept deliberately vague. The Minister has given the assurance that the Government understands it to be 90 to 100 per cent. Is that the understanding of the Passenger Transport Board? The Minister says that she cannot speak for the board but there is nothing in the legislation that defines precisely what it means. If the Minister cannot speak for the board, why do we not have a definition that is more accurate?

The Hon. DIANA LAIDLAW: I do not want it misunderstood about what I can and cannot say for the Passenger Transport Board. It is certainly the Passenger Transport Board's view that it is 90 to 100 per cent and it means that there is not a single operator dominating the market. That is what a monopoly by any common definition is. What I cannot say for the Passenger Transport Board is the factors it will take into account because I do not have the tenders before me. I do not have the matters that the Passenger Transport Board will seek to be satisfied on when it puts out the tenders. Those matters cannot be defined at the moment because the board has not been able to complete its work on the matters that it will highlight in terms of its seeking expressions of interest. We need to get this legislation through so that it can finalise that work.

As it did on the previous occasion, the Passenger Transport Board outlined some issues that it sees as important for contractors to meet if they were to be awarded the contract. Innovative services, integration of services, price, and such matters, as on the last occasion, will again be important considerations. There might be more and I would like to see not only innovation in services but services that attract an increasing number of users. That would be the universal wish

of all members in this place. Until the Passenger Transport Board has determined those factors and until the tenders have been received and assessed, I cannot be more specific in speaking on behalf of the board as to what it will take into account. In terms of the legislation and my responsibilities, it would be quite wrong for me to suggest otherwise.

The Hon. T.G. CAMERON: I am trying to divine from what the Minister has said in a number of contributions what is meant by the words 'or a market share that is close to a monopoly'. Is the Minister saying that those words mean that, in the awarding of the contracts, no single tenderer could or would be able to be awarded more than 90 per cent of the contracts? Is that what the Minister is saying?

The Hon. DIANA LAIDLAW: That is what I am saying and that is what I indicated in my second reading speech and earlier could happen under the Passenger Transport Act as it is currently read. It is not as Parliament intended that there be a monopoly operator in future. If the honourable member wants to read them, I have the speeches relating to the explanations of the amendments moved by the former shadow Minister (Hon. Barbara Wiese) and the Hon. Sandra Kanck in terms of the 100 bus limit. That is not what Parliament intended but what it provided for unwittingly. This other provision in the Bill seeks to more accurately reflect what Parliament intended earlier but gives a discretion to the Passenger Transport Board when it has the benefit of all the tenders before it.

The Hon. T.G. CAMERON: My understanding of the Bill is that this will enable you to reduce the contract areas from 13 to eight. Is that correct?

The Hon. DIANA LAIDLAW: Yes, it enables the Passenger Transport Board to do so and, in fact, it could choose more or it could choose less. I am sure that we would all agree that, in terms of efficiency of operation and greater flexibility for operators to come up with ideas and to cater for public demand for more local and regional suburban transport services rather than services that focus on the city, as they traditionally have, a smaller number of contracts comprising a larger area in each instance would be advantageous for the delivery of public transport services.

The Hon. T.G. CAMERON: If the number of service areas is reduced from 13 to eight and the PTB accepts your definition of what a near monopoly is, my calculations indicate that that would mean that any single contractor or operator would be able to get seven of the eight areas. Each area will comprise 12½ per cent so, if the intention is to reduce this to eight areas and accept the Minister's definition of a near monopoly, does that mean we would need to award only one service contract to one operator and another operator could get the other seven and, if the PTB did that, would it be acting in conformity with the Minister's definition?

The Hon. DIANA LAIDLAW: Under the Act now it could win 100 per cent. It could win all eight contract areas. We are seeking a competitive market so that there are competitive pressures for the companies to introduce better ideas. The delivery of service is at the time they submit their contract bids.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: It is. I am not sure what the honourable member is aiming at. I understand his concern but the point is that I am not sure whether he wants any one person to have 90 per cent, whether he wants to ensure that TransAdelaide still keeps its 75 per cent, or whether he believes that TransAdelaide should have less. I cannot speculate on those matters, if that is what the honourable member is trying to get me to confirm because I just do not have the bids. It may be that TransAdelaide puts in a price that is so fantastic with such good ideas that it may be in the best interests, taking into account these principles, for the Passenger Transport Board to agree to seven out of the eight areas, but it may do extraordinarily badly.

The Hon. T.G. CAMERON: New subsection (3)(a) states:

> . . . must take into account the following principles (and may take into account other principles.)

I might not be the brightest person in this Chamber but there is a difference between 'must' and 'may'.

The Hon. DIANA LAIDLAW: That is in the Act at the present time.

The Hon. T.G. CAMERON: I will go back to my original point; I do not want to be diverted from it. If the aim of this legislation is to improve the flexibility and to create a more competitive environment to that which exists, then I go back to my original question: if the Minister's definition of a market share that is close to a monopoly is more than 90 per cent, then these guidelines mean that the PTB can award seven contracts to one operator and one contract to another. As I understand from the current awarding of contracts, TransAdelaide has got 65 per cent-

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: —75 per cent, and Serco has 25 per cent. If the Minister's intention here is to create a more competitive market, is her definition not a little restrictive in that it would still enable the PTB to award seven contracts to one operator and one to another and still be operating within her definition of a near monopoly?

The Hon. DIANA LAIDLAW: And if I said anything else the honourable member would come into this place and say that I am stabbing TransAdelaide in the back and not providing it with an opportunity. The aim of this legislation is to abolish the 100 bus limit because we know that is restricting good service performance in this State. The honourable member—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes. In the past the honourable member has argued, for instance, about through running and other issues. We want to abolish that. We could provide, from the Parliament, nothing to the Passenger Transport Board. I am relaxed with that option if that is what the honourable member wants to do. We can knock out all these principles. My view is that the Parliament is—

The Hon. T.G. Cameron: I am trying to understand what the Minister wants to do and I am getting—

The Hon. DIANA LAIDLAW: I am simply doing one thing: abolishing what is a restrictive practice now which is not ensuring the best performance of—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: It is restrictive in terms of the fact that TransAdelaide has 75 per cent of the bus contracts but only 25 per cent of those have been competitively tendered. At this stage the remainder is negotiated. We are not going to continue that negotiated contract area: TransAdelaide will be out there competing. This Bill is about getting rid of the restriction which is debilitating in terms of what we would all wish, and that is to see improved performance in the delivery of public transport to take into account the preference that people are making today, not simply to come into the city and out, which is the traditional base of the delivery of public transport services: people want to use

regional centres more; they want to use local transport networks. The 100 bus limit is restricting the capacity of the PTB and Parliament to deliver what people are asking for. That is the goal here. I cannot say to the honourable member what the PTB will determine when it takes into account a range of things because I do not have the bids in front of me. The PTB should make that decision. The Act already entrusts it to make the decision—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: The honourable member may not but he is one member.

The Hon. T.G. Cameron interjecting:

The CHAIRMAN: Order!

The Hon. DIANA LAIDLAW: The PTB has, within the restrictive guidelines that this Parliament has provided, performed well in bringing competition into the delivery of public transport services in South Australia and more innovative practice. We want to abolish some restrictions to ensure that it can perform better in the future.

The Hon. T.G. CAMERON: I am a little wiser, so I guess I will have to wait and see how the PTB handles this. I add that I do not share the Minister's confidence in it. I know the Minister covered this a little earlier but the fourth line of new subsection (3)(a) states:

. . . must take into account the following principles. . .

I understand new paragraphs (i), (ii) and (iii). I am still not quite sure of the intent of new paragraph (i) and how it will work but we will wait and see about that. New subsection (3) states:

. . . (and may take into account other principles):

Could the Minister place on the record the meaning of those words in brackets so that the Council would have before it a clear set of principles which the PTB must take into account when awarding these contracts, what the other principles are that it may take into account, and how those two sets of principles of 'must' and 'may' will interact?

The Hon. DIANA LAIDLAW: Part 5 section 39 of the current Act provides that the board must apply certain principles. We are seeking, with this Bill, to change those principles. Section 39 further states:

. . . [The board] may apply other principles determined by the board and made known to interested persons.

In the last contract call the board made the principles known. The PTB would again be making those principles known to all who wish to bid for services. I can provide the honourable member and the Parliament with those other principles the board may take into account when they have, in fact, been determined by the board. They will be determined before and made known to the public and those who wish to bid at the time of call.

The Hon. T.G. Cameron: That will be a movable feast then; that will change?

The Hon. DIANA LAIDLAW: The principles may change.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Is the honourable member referring to the last contract round?

The Hon. T.G. Cameron: Yes. I want some idea of how the board is making its decisions and what the basis is, particularly in relation to service capabilities.

The Hon. DIANA LAIDLAW: That is exactly one of the issues. I made known to the honourable member this advice when he was shadow Minister and asking similar questions. I do not have it all before me now but I can give—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: Yes. Last time price, service levels, safety and innovation of services were issues the board determined it may take into account.

The Hon. T.G. CAMERON: If the board in its awarding of contracts must take into account the four principles set out in this piece of legislation, and it 'may' only consider other principles, will the Minister say whether or not that means that the principles set out in this Bill that it must take into account are considered to be more important to the Government and the PTB than issues such as price, safety and service capabilities?

The Hon. DIANA LAIDLAW: No.

The Hon. T.G. CAMERON: If when the PTB calls for tenders it has the discretion to set for each contract a range of principles that may be taken into account and if, in the past, the PTB has been awarding contracts and the principles it has been considering are price, service capabilities, safety and so on—the ones outlined by the Minister—will the Minister respond to the mess the PTB has made of through routing? It is an issue that I have raised in this Chamber on a number of occasions; that is, when these contract areas are awarded we have people who are forced to wait for connecting buses, sometimes up to 10 minutes. The next time the PTB looks at the awarding of these contracts, what attention will it pay to this question of service capabilities?

The Hon. DIANA LAIDLAW: The PTB made no mess of assessing this legislation. What happened is that the Parliament, with all the best of intentions but not with a full understanding of what the consequences would be, agreed that there would be the 100 bus limit. It was defined specifically in the Act that the board must take that into account—that was a requirement from Parliament. I have indicated—and all members have agreed—that that should now be eliminated but, if the board had not taken that into account, it would have been in breach of what the Parliament required and the honourable member would have been rightly upset.

The Hon. T.G. CAMERON: Is the Minister stating then that this piece of legislation will enable the PTB to fix up the mess on connecting routes?

The Hon. DIANA LAIDLAW: I indicated to the Parliament in my second reading speech that the elimination of the difficulties that the PTB and service operators, and particularly customers, have experienced because of the application of the 100 bus limit was one of the chief reasons for the introduction of this legislation in the first place. It is specifically stated there and, if the honourable member wished to read that second reading speech and listen to my replies, he would know that. Anyway, I am very pleased to take this opportunity to reconfirm the position.

The Hon. T.G. CAMERON: The answer is 'Yes.' If the PTB is to take into account issues such as service capabilities and safety when it awards these new eight contracts, will it consider the difficulties and the problems being created with the hundreds of buses that we have clogging the CBD area—the square mile has been turned into one great big bus barn? Members only have to stand on the side of the road and count the number of empty buses with not one passenger in them that go careering around Adelaide streets. I do not know whether they took into account service capabilities and safety in those instances. Will the Minister outline whether this Bill, in some way, will help us get some of these buses out of the CBD?

The Hon. DIANA LAIDLAW: If the honourable did not wish to get so excited, he might actually understand what this

Bill is doing. The extra buses were required for contracting purposes because this Parliament put in the 100 bus limit. Now, I am very pleased that the honourable member has agreed that that should be removed, and by Parliament taking this opportunity we will be addressing that very specific problem the honourable member has highlighted. So, it is good to have his support.

The Hon. CAROLYN PICKLES: I am pleased to hear the reassurances from the Minister because that was one of the questions that I certainly wanted to ask. I did understand in the briefing that I received that that would be the end result, but we will certainly be keeping—

The Hon. Diana Laidlaw: If the honourable member sought to read intelligently the second reading speech and to listen to the briefings, then I applaud the shadow Minister.

The Hon. CAROLYN PICKLES: The Minister can interpret my remarks in whatever way she wants—and I am not making those comments at all. I am merely saying that I have had discussions with the Lord Mayor about this issue and I am very pleased that we have that reassurance.

The Hon. DIANA LAIDLAW: I do not want to dwell on this issue, but as I have said previously the Parliament with good reason and the best of intentions inserted that 100 bus limit, but there were consequences that we did not foresee in implementing that. One of the consequences has been these extra buses. Not only is that an issue of more buses than we need to meet the market but also it is tying up buses which are not out there—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I have always acknowledge the problem. I have always acknowledged, too, that the Parliament has required this to be met. However, the other issue is not just the extra buses in the city—it has meant that we cannot deploy the buses where there is a demand for extra services. There is also a cost implication in the contracts and we are not using the funds for contracting purposes in the most efficient way to meet the greatest need. There are lots of needs that we cannot meet now because of that 100 bus limit, which is framed in the way in which the contracts have had to be awarded. So, this is a very important move for meeting expectations which the Passenger Transport Board, Government and service contractors have not been able to fulfil in the past.

The Hon. CAROLYN PICKLES: I move:

Page 2, after line 7—Insert:

(3b) The board must, within 14 days after awarding a service contract to which subsection (3)(a) applies, forward to the Minister a report which—

(a) sets out the full name of the person to whom the contract has been awarded; and

(b) provides information on the term of the contract; and

(c) identifies the region or routes of operation under the contract; and

(d) provides information on the amount or amounts that will be payable by the board under the contract; and

(e) provides information on how the principles under subsection (3)(a) have been applied in the circumstances of the particular case; and

(f) contains such other information as may be required by the regulations or as the board thinks fit.

(3c) The Minister must, within six sitting days after reviewing a report under subsection (3b), have copies of the report laid before both Houses of Parliament.

I believe that we can see from this debate that there is a level of uncertainty about what this particular provision might mean, taking these principles into consideration. Subsection (3)(a) states that subsection (3) is an expression of policy and does not give rise to rights or liabilities whether of a substantive, procedural or other nature. There is no legal requirement to do this, and so it would seem to me that it is an expression of the good intent of the PTB and we should have some kind of reporting back mechanism.

The Hon. DIANA LAIDLAW: I would like to indicate that I am very relaxed with the PTB reporting to me within 14 days after awarding a service contract. I am relaxed with the criteria with one exception. The honourable member has asked for the following matters to be part of the report: first, subsection (3b)(a), that the report 'sets out the full name of the person to whom the contract has been awarded'—I will accept that. Secondly, subsection (3b)(b), that the report 'provides information on the term of the contract'—I will accept that. Thirdly, subsection (3b)(c), that the report 'identifies the region or routes of operation under the contract'—I will accept that. I cannot accept subsection (3b)(d), and I will come back in a moment to that.

Subsection (3b)(e) provides that the report 'provides information on how the principles under subsection (3)(a) have been applied in the circumstances of the particular case'. That will enable members to receive the advice which gave cause for the earlier questions about the principles and how they would be applied. Subsection (3b)(f) provides that the report 'contains such other information as may be required by the regulations or as the board thinks fit'.

I return to proposed new subsection (3b)*(d)*, which the Government cannot accept and which contains the words 'that the report provides information on the amount or amounts that will be payable by the board under the contract'. I would like to explain the Government's position on this. The amounts paid under any specific contract have never been publicly disclosed. The exact value of the contracts—

Members interjecting:

The Hon. DIANA LAIDLAW: And I will say why. This is extremely important. The exact value of the contracts is very commercially sensitive and disclosure would be totally opposed by the contractors as commercial in confidence. This matter has been checked by the Passenger Transport Board, and I have double checked that matter, so it is not just the private sector but also the public operator, TransAdelaide, that is of that view.

I advise also that disclosure of the contract amounts for each individual contract would threaten the long-term competitiveness of the market, and no honourable member has sought to do that. In fact, we have sought by this legislation (and the next) to increase the competitive capacity of the market. We would also argue that the amounts paid to contractors in total have already been fully reported in the PTB's accounts and have been subject to audit by the Auditor-General; and I tabled the PTB report just two weeks ago.

The contract value relates to a specific parcel of services which will be very different in each case between bidders. Tender bids have different levels of services, innovation and service ideas. A focus on total costs suggests that price is the determining factor; it could be misleading. I would be concerned that disclosure of price could lead to litigation from unsuccessful contractors, and I would ask members seriously to consider that point.

After tender bids are evaluated and a contract is awarded, there is a significant period of detailed negotiation before a contract is finalised. In the past this has taken between six weeks and six months; hence, the time frame proposed by the honourable member would be totally impractical. I have tried

to highlight a number of reasons why the Government cannot accept this amendment.

Finally, the disclosure of contract price is contrary to previous and existing Government policy—not only this Government but Governments of all persuasions in the past—and is definitely not part of normal business practices.

The Hon. CAROLYN PICKLES: I am pleased that the Minister is prepared to accept the other elements of this amendment. The Opposition is keen to provide some level of accountability in this area because we have been denied any kind of information about service contracts and contracting out that the Government has done since it has been in office.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: I am talking about all other kinds of contracts that you have undertaken. If the Minister has a difficulty with the time frame that we have here, to have some kind of accountability, we are willing perhaps to test the numbers in this place and, if it goes through, we can then look at an amendment in another place which would give more time for the PTB to look at this. Commercial in confidence is always a shield that we are given for every kind of public accountability that we have—

The Hon. Diana Laidlaw: And with good reason, because the former Government, when we asked questions—

The Hon. CAROLYN PICKLES: I do not think that the former Government ever entered into contracts at the rate you are, or indeed had such a secret provision. Perhaps we could look at amending it to provide that information to a committee of the Parliament, and I am pleased to look at that. However, I would like to test the water in this place, to see whether this will go through in the spirit of some kind of sensible compromise and to preserve commercial in confidence, not as some kind of shield with which Government protects itself but certainly to ensure that there is no litigation, as the Minister has outlined.

The Hon. T.G. CAMERON: I support the amendments moved by the Hon. Carolyn Pickles. I actually thought that proposed new subsection (3b)*(d)* was the best item in the amendment because it would provide some meaningful information. We have had situations in this Parliament before where the Minister has issued press statements on the awarding of contracts, claiming that $7 million has been saved here and another $10 million has been saved there, but where is the accountability? The fact is that you could get up and claim whatever savings you wanted. The fallaciousness of those statements was exposed on a previous occasion.

If the Minister is going to stand up in this place or anywhere else and issue press statements about how much money the Government is saving in the awarding of these contracts, where is the accountability if in no way whatsoever she is prepared to have those claims tested? Proposed new subsection (3b)*(e)* says, 'provides information on how the principles under subsection (3)*(a)* have been applied in the circumstances of the particular case', and I would ask the Hon. Carolyn Pickles and the Minister when this matter goes off for further discussion to consider an amendment to have the other principles that have been applied by the PTB—that is, all these 'may' principles—outlined as well.

The Hon. Carolyn Pickles interjecting:

The Hon. T.G. CAMERON: Okay. Well, I might be too late. In relation to proposed new subsection (3c), I did wonder whether the six sitting days after reviewing a report gave the Minister sufficient time, but I do take on board that situations may arise where that provision would still give the Government up to two months within which to table a report before Parliament. It refers to six sitting days, so perhaps that matter could be looked at as well.

I return briefly to clause (3b)*(d)*. Once again we hear the hoary old chestnut being raised that these matters are sensitive and are commercially confidential. I think both Liberal and Labor Governments have been hiding behind commercial confidentiality for far too long. I think the public expects, and has the right to demand, a higher level of accountability, and in particular a higher level of transparency in the awarding of these contracts, some of which involve expenditures running into the hundreds of millions of dollars.

Whilst I do appreciate the sensitivity of the information in relation to proposed new subsection (3b)*(d)*, I do believe that the public has a right to know more detail than is currently being provided by this Government about these contracts because, at the end of the day, it is their money that is being spent. Anyway, I indicate my support for the amendment at this stage.

The Hon. SANDRA KANCK: I indicate that the Democrats will support the amendment because we believe that it provides greater accountability and transparency. I have noted the comments that the Minister has made in regard to proposed new paragraph *(d)*, and my initial response is that I am inclined to support the retention of paragraph *(d)* within the amendment. As a Party, the Democrats have been concerned about the increasing secrecy of this Government.

Whilst I hear what the Minister has said (that it has not been past practice to have these sorts of requirements), we have not seen a Government going so headlong into the arms of privatisation, into the arms of private management, and so on, in a number of areas. It is because we are seeing that at an unprecedented rate that we feel that this subclause ought to be retained within the whole of the amendment. Although I may be guessing wrongly, I imagine that if we support this we will end up in a deadlock conference. If it comes to that, I will have further communication with my two colleagues to see whether they support the position which I am taking and which, to some extent, is on the run at the present time.

The Hon. CAROLYN PICKLES: On the issues that were raised by the Hon. Mr Cameron under subclause (3b)(e), from seeking advice from Parliamentary Counsel it would appear that they are covered in the principal amendment and that any other principles would need to be delineated in the report to the Parliament. However, we will ensure that that is exactly the case and, if necessary, we are prepared to move an amendment in another place and hope that the Minister will support that.

The Hon. DIANA LAIDLAW: This move is not to shield the Government: it is a critical issue in terms of attracting maximum interest in the competitive tendering process. I have highlighted that, whether it be from the public sector operator or private sector operators that are now contracted to the PTB, there is a uniform view that they would not wish this matter to be pursued in terms of what will be payable by the board under the contract. As it would seem to be quite fundamental in terms of our attracting the most bidders to ensure the best result for public transport in this State, I am adamant that I cannot accept subclause(3b)(d) and I will divide.

The Hon. CAROLYN PICKLES: The Opposition will proceed with this amendment. We are sensitive to some of the statements that the Minister has made and are prepared to look at some kind of addition to that clause that will not inhibit the actual contracting out. However, we certainly want to maintain the level of public accountability. I will be happy

to discuss this in the non-sitting week with the Passenger Transport Board representative, the Minister, my colleagues in the other place, the Hon. Mr Cameron (who has an interest in this) and the Hon. Sandra Kanck, to ensure that we get the level of public accountability in a balance without prejudicing the contracting out. I cannot promise that my colleagues will support that, but I am certainly willing to look at it. At this stage, we will proceed with supporting the amendment, and we certainly intend to divide.

The Committee divided on the amendment:

AYES (11)

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

NOES (8)

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

PAIR(S)

Roberts, R. R.	Stefani, J. F.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

[Sitting suspended from 1.3 to 2.15 p.m.]

PAPERS TABLED

By the Treasurer (Hon. R.I. Lucas)—

Office of the Small Business Advocate—Report, 1997-98

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

Land Management Corporation—Report, 30 April to 30 June 1998

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

Reports, 1997-98—
- Charitable and Social Welfare Fund
- Department for Environment, Heritage and Aboriginal Affairs
- Department of Human Services and South Australian Health Commission
- Department of Industry and Trade
- Health Development
- Office of the Public Advocate
- South Australian Greyhound Racing Authority
- South Australian Harness Racing Authority
- State of the Environment—Report for South Australia
- Supported Residential Facilities Advisory Committee.

MOTOROLA

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

Leave granted.

COUNTRY SCHOOLS

The Hon. R.I. LUCAS (Treasurer): I seek leave to table a copy of a ministerial statement by the Minister for Education, Children's Services and Training on the subject of putting country schools back on the map.

Leave granted.

QUESTION TIME

HIRE-CARS

The Hon. CAROLYN PICKLES: My question is directed to the Minister for Transport. Given that the car hire industry has no regulated fare structure, as the taxi industry has, what controls has the Minister put in place to ensure the public will not be subject to fare increases from hire-cars over the Christmas/New Year period, as was that the case last year?

The Hon. DIANA LAIDLAW: The PTB has addressed that issue. I will get advice, if I can, before the end of Question Time, but I do not have that with me at present.

CYCLISTS, SAFETY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport a question about cyclists' safety.

Leave granted.

The Hon. T.G. ROBERTS: Recently, we experienced the death of another international cyclist on our highway in the northern regions. It is not the first time that road trains, large B doubles or large trucks, have been involved in accidents with cyclists. It is quite easy to understand how it happens in Australia. Our highways are narrow in a lot of places and do not allow for two large vehicles to pass each other without the safety net of a road width for a cyclist to be included. It is a real problem. Yesterday, in general conversation the Hon. Mr Elliott suggested that perhaps cyclists should ride on the other side of the road so that they can see the oncoming traffic, but I am not sure whether that is a solution. However, it certainly needs some highlighting. It would avoid some circumstances in which cyclists find themselves when two large trucks come up to them.

There is no possible way that you can expect either general motorists or truck drivers to slow down to the speeds that would be required to sit in behind a cyclist, so they have to move past them at the same time as a truck or vehicle coming the other way catches up with them. We do not have the billions of dollars it would take to fix up the roads to secure those safety levels that would be required for two trucks, two vehicles, and a cyclist to pass at the same time without the cyclist having to move off the road.

In some cases on country roads, if they move off the shoulder on to the side of the road they will come off their cycles, because the shoulders are so deep in some places that they just would not be able to control their cycle and they could end up in just as bad a condition as being hit. Is it possible to join with the National Road Safety Council and any other appropriate body to highlight and run campaigns on the problems associated with cycling on Australian roads where road trains, B doubles and the narrow carriageway of our roads is a problem, which in most cases European cyclists do not experience, and perhaps provide a report back to Parliament with a proposal, if one is possible?

The Hon. DIANA LAIDLAW: I can advise that, when I learnt of the accident of the Belgian tourist and cyclist that I did ask Bike South within Transport SA to meet with the South Australian Road Transport Association to canvass the issues that would be relevant to preventing such accidents, or at least making both truck drivers and cyclists more alert of

conditions that they may encounter on the national highways system. I can also advise the honourable member that South Australia was made responsible at the last Australian Transport Ministers Conference (ATC) for updating the national cycling strategy, and that will be discussed further at the next Ministers' meeting next month, and we aim to release it at a major Australasian cycling conference in Adelaide in February. Because so many cyclists will be here for that conference from interstate and throughout the Asia Pacific region and because Adelaide has hosted the major Down Under road cycling race, one can anticipate that quite a number of additional road cyclists will be on our roads this summer.

As the honourable member has suggested, with an awareness campaign we could use signage, or when people come through customs with their bikes or if they indicate that they are on a cycling holiday we could provide information that is relevant to them about cycling in Australian conditions, which are different from those in other countries. I am keen to have the issues addressed. We want to be regarded as cycle friendly, and that will require campaigns, signage and other matters. We should also be addressing this as part of the national cycling strategy, and South Australia is responsible for updating that, as I indicated.

With regard to the shoulders of the roads, the honourable member has raised a relevant point. On the Eyre Highway we are progressively widening the width of the road—and, therefore, the shoulders—to 8.6 metres this side of Ceduna, but work is required beyond Ceduna. Certainly, even the Stuart Highway, which is now wider than most sections of the Eyre Highway, may well require further work in future, because it is becoming a particularly attractive pathway for cyclists between Darwin, Alice Springs and Adelaide. I will be raising these matters with the Federal Government. I am always calling for extra national highway funds, and this matter will continue to be pursued.

INTERNATIONAL TRADE AND COMMERCE COUNCIL

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Multicultural Affairs, a question about the Council for International Trade and Commerce (SA), or CITCSA.

Leave granted.

The Hon. CARMEL ZOLLO: The Report of the Review of the Office of Multicultural and International Affairs was recently tabled in this Chamber. The review identifies the Council for International Trade and Commerce (SA) as receiving an annual grant of $500 000 per annum, of which $350 000 is allocated to fund various international chambers of commerce. The review found serious deficiencies in the manner in which grants from this allocation are made.

The review found that recent changes had resulted in 'the reduced soundness of the process' and also found that the grants approval process 'was not in line with recommendations made by Ms Joan Russell, who reviewed the scheme in 1996'. Furthermore, the review has discovered that the Grants Advisory Committee, a body established to include members of the council, a representative from the former EDA and an officer from the Office of Multicultural and International Affairs no longer exists and can find no evidence of the group being formally disbanded.

The review found that the process now does not involve CITCSA. Instead, the Manager of OMIA considers applications and then makes recommendations to the Minister for Multicultural Affairs. The review suggests that the Minister has not explicitly approved this practice, which appears to have replaced the Grants Advisory Committee. My questions are:

1. How are the CITCSA grants currently assessed?
2. What action is to be taken to address the serious matters raised in the review?
3. Will CITCSA be provided the opportunity to provide input to the Minister on grants?
4. Will the Minister re-establish the grants committee to include CITCSA, OMIA and the Department of Industry and Trade to provide for 'independent' advice to the Minister?

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

SEAT BELTS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about the wearing of seat belts.

Leave granted.

The Hon. J.S.L. DAWKINS: On Monday of this week I noted a front-page article accompanied by a banner headline in the *Advertiser* about the failure of parents to ensure that their children were wearing a seat belt while travelling in motor vehicles. I also noted in yesterday's edition of the *Loxton News* that the Minister has recently launched a campaign in Whyalla, I think, to urge country people to buckle up. Can the Minister provide details of this campaign, particularly as it relates to rear seat passengers?

The Hon. DIANA LAIDLAW: I am glad that this issue has been highlighted in the *Loxton News* although the campaign over the next month, through advertising, television, general initiatives by the police and schools, will focus on Whyalla. The research that the *Advertiser* highlighted was undertaken earlier this year by observation. Transport SA adopted a different approach than has been undertaken in the past where the police simply took note of people wearing seat belts when they were stopped for other purposes. This practice meant that many people, when they saw the police and knew they were going to be pulled over, buckled up immediately, and it was felt that we were not getting a true reflection of the seat belt wearing rate in South Australia.

The studies undertaken earlier this year in the Riverland, Whyalla, the South-East and in parts of Adelaide were by observation only, and the results were alarming. Of all the areas that were observed the results were the worst in Whyalla, where 31.6 per cent of drivers were observed with children in the back who were not restrained. This compares to 9 per cent, I think, in the Adelaide area. The figure for the Riverland is about 24 per cent.

Further, I should highlight that in the Eyre Peninsula area overall 40 per cent of people who died on the roads last year were not wearing their seat belts. It is thought by police and others who observed these accidents that the wearing of seat belts would have seen either those people not dying or their injuries not being so severe. It is a very big issue at a time when people are looking at CTP insurance, other health costs and so on, that we can do so much to avoid bodily injury simply by buckling up.

The other point I make very strongly—and it is an emotional plea—is I think if drivers thought about it they

would never forgive themselves if their child was thrown from a car, squashed or disfigured. Many people forget that it is not just a serious injury or a death; it can be facial disfigurement that can mar a child for life, because of smashed glass or being hit against the frame of a car. That need not happen if the driver had insisted upon the children being restrained. I know it is not an easy thing to do if it is a hot day or the kids are being difficult, but the consequences of not doing it can be absolutely diabolical.

We are undertaking this campaign for one month in Whyalla. Extra police are being deployed to Whyalla to help in the first 2½ weeks of this month long campaign to simply caution motorists if they or their passengers are not restrained. After that 2½ week period the extra police and the normal patrols will be fining people. Efforts are being made through the schools, radio and the police at major shopping centres. Seven pamphlets have been produced specifically dealing with child restraint issues. The Red Cross is out there doing extra work in terms of providing capsules at no charge.

What we learn in the feedback from the Whyalla campaign will be applied across all country areas in a much longer campaign regarding seat belt restraint. It is interesting that the messages about wearing seat belts are getting through to metropolitan users, even though we generally drive—and are required to—at much lower speeds than people in the country areas. There seems to me to be a big message that we have to get through to people in country areas that this is not just a city thing to do—to put on a seat belt—but is a responsible thing, and that older people have a duty of care and responsibility to exercise towards children in particular.

I would appeal to members in this place to do all they can to encourage the wearing of seat belts, particularly in country areas where people are more vulnerable because of the speeds at which they are travelling and because retrieval is not as quick in terms of getting to hospital, and particularly coming up to the Christmas-New Year period which is a notorious time for trauma on our roads.

The Hon. CAROLYN PICKLES: As a supplementary question, will the Minister clarify the legal position of an unrestrained child in the back of a car when all the seat belt points have been used?

The Hon. DIANA LAIDLAW: This matter has been dealt with under the national road rules, and I have canvassed those issues with the honourable member. I do not have the specifics of the law with me but, depending on the age of the car, there are certain requirements concerning passengers being buckled in, depending on the number of seat belts and the passenger capacity of the back seat. Because I do not have the word of the law in front of me, I had better not comment until I do.

The Hon. G. WEATHERILL: Did the Minister say that in two or three weeks time she would go to the media and say that she would put her foot down and start charging people in relation to seat belts not being worn?

The Hon. DIANA LAIDLAW: People can be fined now for not wearing their seat belts. As part of the campaign in Whyalla, because of the low rate for wearing seat belts, the police determined that they will use a cautionary approach and advise people of the law as part of a much wider media campaign. After that 2½ week period, they will continue to do what the law now enables them to do, and that is to fine people.

PARLIAMENT, UPPER HOUSE

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Attorney-General a question about the High Court decision of 19 November re the Egan case.

Leave granted.

The Hon. M.J. ELLIOTT: On 19 November, a decision was handed down by the High Court in relation to Mr Egan, the Treasurer of New South Wales. Mr Egan had been suspended from the Chamber and subsequently told by the New South Wales Supreme Court that some of the papers that he claimed were commercially sensitive and should not be released should be released. The court threw out an appeal by the Treasurer in relation to his suspension, and his Government argued that it was accountable only to the Lower House where, under the Westminster system, it had the numbers. George Williams, a senior law lecturer at the Australian National University, said:

> This case is really about the High Court recognising that the Parliament is there to act as a check on the Executive.

Those sentiments were echoed by Melbourne University's reader in law (Geoff Lindell), who said that the case was important because a State or Federal Upper House that is not controlled by the Government would be more willing than a Lower House to use the power to scrutinise an Executive. Justices Gaudron, Gummow and Hayne said in their joint judgment that the fact administration stood or fell in the Lower House did not deny the Upper House a role in the scrutiny of the Executive. They said that the Upper House had near equal power to the Lower House and had to have what powers are reasonably necessary for it to carry out its broad legislative role. The Upper House has the power to suspend a member who would not table documents related to a subject that the House wished to debate.

The editorial of the *Australian* of 20 November stated:

> The message, however, that the High Court has sent to all Governments is that Executive power is not boundless and that Government decisions are subject to parliamentary scrutiny. The tendency in Australia, given governmental dominance of the Lower House and the likelihood that Upper Houses will be controlled by Opposition forces, has been for Executive Government to try to treat Parliament as a nuisance and act otherwise only when forced to. When Executive Government tries to subvert the Parliament in its review function, it raises suspicion that decisions are not in the public interest. The High Court ruling should serve to warn all Governments that they ignore Parliament at their peril.

I ask this question of the Attorney-General both in his role as Attorney-General and in his role as a member of the Upper House and, I hope and expect, a fierce defender of the role of Upper Houses and their proper scrutiny of Executive Government. Has the Attorney-General had the opportunity to scrutinise the findings of the High Court decision? Although that finding related to a particular issue, that is, the power of the Upper House to suspend a member who refused to provide documentation, are the legal implications far greater than that? Are the legal implications such that both the Upper House and the committees of that House have absolute power to require documents to be furnished and that the Government ultimately cannot resist such a request?

The Hon. K.T. GRIFFIN: Yesterday or the day before I very strongly defended the position of the Legislative Council in answer to a question from the Hon. Sandra Kanck, as I recollect, so there can be no doubt about my attitude in relation to the role and position of the Legislative Council. I have briefly looked at the High Court decision, and I will

have a further look at it when time permits. In essence, it does not adversely affect the role and function of the Legislative Council in this State, recognising that in New South Wales different provisions relate to the powers of that Council from those which relate to the Legislative Council in this State and in other jurisdictions.

In this State we have the powers which the House of Commons held on the date the Legislative Council was established. That is not the position in New South Wales. There is no direct analogy although one can relate some aspects of the decision to the position in South Australia. I have never doubted that the Legislative Council has significant power to demand documents, to demand witnesses to appear, and so on, and no-one has ever denied that. However, I have always raised the issue in the context of the dilemma that faces both the Parliament and the Executive because, ultimately, if it relates to the summonsing of public servants and requiring them to answer questions, and they are given direction not to do so, it then becomes a question of how far a House of the Parliament wishes to go in requiring the answering of those questions. For example, will that House ultimately imprison a person refusing to answer questions?

That is always the dilemma and the tension which exists, and that is why there has to be at least some accommodation of the absolute power which the Parliament or the Houses of Parliament have, and why there are some protocols in place as to the way in which parliamentary committees deal with public servants and the way in which public servants should relate to parliamentary committees as well as satisfy their own statutory responsibilities to the Executive arm of Government.

I have never made a secret of the fact that some difficult issues have to be addressed, and on occasions, particularly when there is a majority which is hostile to the Government of the day, Parliaments can seek to impose a position in relation to summonses. Nevertheless, there still must be an accommodation in relation to that.

There is nothing in the High Court decision about which I am aware that will alter that in both practice and in law. In fact another decision is, I think, currently before the Court of Appeal in New South Wales relating to production of documents and papers, but that matter I expect will ultimately end up in the High Court. There is a real problem in relation to the definition of the powers of Houses of Parliament, and particularly in the context of the courts seeking to clarify those powers. I have the view that, ultimately, courts have no power in relation to the way in which the legislature conducts its business provided, of course, it conducts it in accordance with the Constitution.

The way in which a House deals with its affairs, the public and its Ministers ultimately is a matter for that House. That is why, again, we must be very sensitive to the proper balance of powers between the Executive and the legislature and the way in which the legislature seeks to exercise those powers, just as the Executive must be conscious that it is ultimately subject to the will of the Parliament. That will not avoid the tensions that occur. We can make all sorts of bold statements about the way in which we will deal with these sorts of issues but, ultimately, there must be a workable accommodation that will enable the Parliament to get what it wants and also enable the Executive to carry on properly, in accordance with the law and the Constitution, its proper administrative functions.

DRAPER, Dr. N.

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Attorney-General a question about the *Green Left Weekly* and Dr Draper.

Leave granted.

The Hon. A.J. REDFORD: This morning in the District Court his Honour Judge Lowrie handed down his decision in the case of *Chapman and Others v. Allan and Draper* in which he found that Mrs Allan, as the proprietor of the *Green Left Weekly*, and Dr Draper had defamed Mr and Mrs Chapman in an article printed on 12 March 1997 in the *Green Left Weekly*. By way of damages Judge Lowrie awarded Mr and Mrs Chapman the sum of $100 000 together with interest of $11 000 plus costs. The article in question stated:

> For more information contact Neale Draper at the Archaeology School of Cultural Studies, Flinders University.

This statement would indicate that, at the time of the publication of this article, Dr Draper was an employee of Flinders University. It also would appear that, at some stage during this process, Dr Draper was an employee with the State Department of Aboriginal Affairs. I understand that, according to the record, he was represented by the member for Mitchell, Mr Hanna.

Given the nature of Dr Draper's employment and given the significant damages of $100 000—and I know that that took away the breath of the Hon. Sandra Kanck for obvious reasons—is there any risk that the State might be required to indemnify Dr Draper for these very serious defamatory statements made about Mr and Mrs Chapman?

The Hon. K.T. GRIFFIN: I would hope that there is no risk but, I must confess, I do not know. I will undertake to obtain information which will enable me to respond to that question. I suppose one must be cautious about making comment on the case if only because the appeal period obviously would not have yet run out, and I do not know whether any of the parties will be proposing an appeal. In general terms I am aware of the case. I am not aware of the detail of the judgment other than that there was an award of damages of the amounts referred to by the Hon. Mr Redford. I did know that Mr Hanna, a member in another place, represented Dr Draper.

It probably all comes together in the sense that, in the Estimates Committee, I was asked a question by Mr Hanna about the Chapman defamation proceedings against various persons and it was, as I recollect, in the context that there were a number of long defamation cases in the courts and had the courts taken those into consideration in determining the resources that would be needed to manage the courts. Of course, that took me a bit unawares because I was not aware of any cases of such nature in the courts run by the Chapmans that were long and complex cases but merely took the question on notice.

My recollection is that the Chief Justice answered it by saying that he, too, was unaware of it because it had not shown up in the list of long and complex cases, but then the Estimates Committee went on to other things. I must confess that I had not realised that Mr Hanna actually had a brief to appear in the case, so that probably he was asking the question in the context of the Estimates Committee for the purpose of gaining some information that might assist in the defence, or at least drawing attention to the case in which he was acting. Be that as it may, I am not aware of the relation-

ship other than the fact that he is the solicitor on the record, as I recollect, for Dr Draper and others.

If Mr Hanna wants to ask a question in the Parliament, I suppose he can, but you must be fairly careful about the sorts of questions you ask, particularly if you have a direct interest by virtue of representation in legal proceedings. That is not an issue I need to pursue. I will take on notice the issues raised by the Hon. Mr Redford and, at the appropriate time, bring back a reply.

The Hon. A.J. REDFORD: As a supplementary question: did the member for Mitchell actually disclose his interests when asking these questions at the Estimates hearings?

The Hon. K.T. GRIFFIN: My recollection, and I have not looked at the *Hansard* for a long time, is that he did not. As I said, it was something which caught me a bit unawares but now, as I say, this all brings it into much sharper focus.

POWER INDUSTRY

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Treasurer, representing the Premier, a question about power industry industrial relations.

Leave granted.

The Hon. R.R. ROBERTS: Over the years most commentators would believe that industrial relations between the power industry unions and ETSA (as it was then know) management have been exceptional, and that is borne out by the industrial relations history of disputes. In recent months—and since February when it was announced that the Government intended to sell ETSA and Optima Energy—I believe that, understandably, the unions have been concerned about the future of their members' continued job satisfaction, and indeed their very employment. They have been worried about a number of issues, including the responsibilities of the Government to those members who have worked in the power industry and who have been exposed to asbestos related products. On 24 November 1998, after some accusation by the Opposition, the Premier in another place, in response to criticisms about the way in which the Government had been handling its industrial relations with the unions, said:

> As I have indicated, we have had repeated discussions with unions. The one thing that members opposite do not like and cannot understand is that we, a conservative Liberal Government, have been prepared, with a reasonable and responsible approach, to discuss these issues with representatives of the unions and come to a reasonable and successful conclusion.

On that very same day (24 November 1998), the four State power bodies—namely, Optima Energy Pty Ltd, Flinders Power, Synergen Pty Ltd and Terra Gas Trading—all filed an application under section 127 of the Federal Workplace Relations Act 1996 to prohibit the relevant unions from meeting with their members.

Given their past responsible activities, how can the Premier possibly justify his claim that the Government and the unions have come to reasonable and successful conclusions after a reasonable and responsible approach by the Government?

The Hon. R.I. LUCAS: I must confess that I did not hear the whole explanation of the honourable member's question. Being a very cautious person, I will read the *Hansard* transcript and bring back a reply as expeditiously as possible. I did hear the latter part of the honourable member's explanation and his question and, if he was referring in his entirety to the current Government negotiations with the power unions in relation to the range of issues that they have put to the Government, then certainly in that context there has been very successful resolution to probably 90 per cent of the issues that were raised originally by the unions with the Government. There remain two outstanding issues, and certainly I am happy to address the detail of those in my response. However, as I said, I give that answer with the understanding on the record that I did not hear the first part of the honourable member's question, and I offer my apologies for that. I will read the *Hansard* transcript and bring back a reply as soon as I can.

UNEMPLOYMENT

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to directing some questions to the Treasurer, representing the Minister for Employment, on the subject of unemployment.

Leave granted.

The Hon. T. CROTHERS: In a recently issued *Reserve Bank of Australia Bulletin* issued on the results of a conference held on 9 and 10 June this year under the aegis of the bank and the Centre for Economic Policy Research Group of the Australian National University, this conference was entitled, 'Unemployment and the Australian labour market'. The author of the document quoted from a number of papers which had been presented to the conference. I refer to the following extract which states:

> While in recent years the unemployment rate has fallen from its peak of 11 per cent in the early 1990s, the current rate of unemployment at just over 8 per cent, about the average for the past 15 years, is still of concern both for economic and social reasons. From an economic perspective, unemployment represents the under utilisation of one of the economy's main resources, labour. Socially, unemployment is associated with an array of problems, not least a lower standard of living and lower self esteem for the unemployed.
>
> The higher rate of unemployment since the mid 1970s is not a problem unique to Australia. A large number of OECD countries have experienced a similar rise.

Further on, and again when talking about policy differences between different nations, the following observation is made:

> This lesson is further borne out in the comparison between the labour market experience of Australia, New Zealand and the United Kingdom described in the paper by Wooden and Sloan. Significant differences in the speed and process of labour market reforms in the three countries have not, to date, generated dramatically different labour market outcomes. However, the labour market outcomes are also likely to have been affected by other factors, such as differences in the macro-economic environment and the nature of the reform process in other areas of the economy, in particular the product market.

However, I will refer to two other small quotes, one of which deals with inequality, and states:

> The degree of, and trends in, income inequality in the United States appear less favourable in international comparisons. The US has historically had a relatively wide wage distribution, and over the past two decades wage inequality has been growing and real wages at the bottom end of the distribution have fallen. This outcome has been partially attributed to the impact of skill-based technological change; that is, developments in technology over a number of years have tended to favour high-skilled and more educated workers.

Again, with reference to Australia it states:

> The other notable divergence in labour market outcomes is that between skilled and unskilled workers. Unemployment rates are considerably higher for less educated and less skilled workers. Again, this is not particular to Australia, but is evident in most OECD countries, and may reflect the impact of skill-based technological change.

What is significant is that one of the OECD countries which has had a lower level of unemployment is Austria, where the Government still maintains a very high degree of intervention in the labour markets, despite what we are told about free and wide-ranging economic and global rationalisation.

The Hon. A.J. Redford: But it is a very good one.

The Hon. T. CROTHERS: I wish the speaker was half as good as what he says this is, but time will tell, young fellow; you have a way to live yet.

Members interjecting:

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

The Hon. T. CROTHERS: It was a very good interjection. One last reference relates again to Australia and states:

> A particularly effective type of labour market program is one that provides opportunities for the work force to increase their education and skill levels. However, care must be taken to avoid the pitfall of encouraging individuals to remain in certain forms of education which, while temporarily reducing the measured unemployment rate, do not provide them with the necessary training to increase their future employability.

With the foregoing in mind, therefore, I direct the following questions to the Minister:

1. How many jobs have been lost in South Australia due to, first, the downsizing of the State's Public Service; secondly, the downsizing of the Federal Public Service; and, thirdly, the impact of globalisation and economic rationalisation on the private sector in South Australia?

2. How much have the living standards of the population of this State declined over the past 10 years?

3. How much has the inequality gap widened between the haves and have nots of this State over the past 10 years?

4. Does the Minister agree that specifically targeted education and training can be of great help in endeavouring to assist our unemployed—and in asking this I have in mind the recent announcement that Australia overall was short of some 55 000 computer programmers and technicians, whilst the unemployment rates still remain in excess of 8 per cent?

The PRESIDENT: Order! That was nearly a seven minute explanation. I call on the honourable Treasurer.

The Hon. R.I. LUCAS: Thank you, Mr President. I can assure you it will not be a seven minute response. I need to take advice on a number of those questions. In relation to either question No. 4 or 5, certainly the Government would accept that there is an appropriate role for targeted or customised education and training initiatives. I think we have seen that to a small degree in South Australia with the work that was done by TAFE at, for example, the Submarine Corporation, in terms of the specific training that was provided to the welders and other workers there. There are a number of other examples where targeted or customised training has been undertaken. Certainly, I have had some recent discussions with a number of key proponents of customised training. Professor Dick Blandy would be one in particular. The Government is indeed interested in the notion of targeted or customised training and education opportunities.

In relation to the honourable member's requests for specific figures on job losses, certainly we can provide the information on State Public Service losses. The ball park figure in the last four years would have been approximately 12 000, I guess, but as for going back 10 years I would have to check that information. We should be able to get figures for the Federal Public Service. In terms of the impact of globalisation on the private sector, that is probably too hard an ask even for my hard working Treasury officers. I will ask them if any information is available, but we might not be able to readily obtain information on some aspects of the honourable member's question.

SEWERAGE CHARGES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question about the increases charged by the Government for sewerage rates.

Leave granted.

The Hon. J.F. STEFANI: Today the *Advertiser* carries a front page article dealing with the increases charged for water rates. Will the Minister provide details of the increases which have been charged by the Government for the provision of sewerage services to residential properties in the Adelaide metropolitan area for 1995-96, 1996-97 and 1997-98? Will the Minister advise the details of the average percentage value by which residential properties in the Adelaide metropolitan area have increased during each of the foregoing periods? Finally, will the Minister provide details of the increases which have been charged by the Government for the provision of sewerage services to commercial properties in the Adelaide metropolitan area for the years 1995-96, 1996-97 and 1997-98?

The Hon. K.T. GRIFFIN: I will refer the questions to my colleague in another place and bring back a reply.

ROAD FUNDING

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question concerning road funding.

Leave granted.

The Hon. T.G. CAMERON: The editorial in today's *Advertiser* makes interesting reading as it supports what I have been arguing for some time now, namely, that the Government needs to take urgent action to reduce the appalling number of people who are killed on our State's roads. It states:

> There is a crisis in Victoria. There is a crisis in South Australia. But consider the different responses to these crises. Weeks have elapsed since the 1998 road accident toll went above the 1997 total. As this was written (and another victim was in hospital in a critical condition) there were 154 deaths so far compared with 129 in 1997. The Government [says it] deplores this.

Well, it keeps saying it deplores it again and again, but what action do we see? Let us look at what is going on in Victoria, where they have been having similar problems with their road toll. The editorial continues:

> As a result of multiple deaths in horrific disasters and a similarly ghastly passing of the previous year's total, the Traffic Accident Commission has suddenly found the money to boost extra police shifts—up to 1 000 police—to increase road patrols from next week until Christmas.
>
> Meanwhile in SA we are told, as the *Advertiser* reported yesterday, that motorists caught by speed cameras gave the Government almost $40 million last financial year, an extra $6 million over the previous year.

That does not even take into account the revenue raised from laser guns and other speeding infractions. It continues:

> The money goes into general revenue. We are sick and tired of. . . [hearing the] police and. . . [the Government] saying all this is to make safer roads. If that is so, why is this money not absolutely dedicated to more policing. . . [or spending and building and making our roads safer and better]? If the Kennett Government in Victoria can do it, why not here?

Motorists are not cynical: motorists are realists, and the Olsen Government today stands accused of milking revenue to pay the bills rather than make roads safer.

My questions to the Minister are:

1. When will the Minister answer my supplementary question of 29 October regarding funding for roads? When will the Government move to raise spending on South Australian roads to the national average?

2. Considering that the slaughter on our roads continues to mount, will the Government follow the example set by the Victorian Government and find the money to boost extra police shifts between now and Christmas, as well as increase the funding for road safety education programs? If not, why not?

The Hon. DIANA LAIDLAW: The South Australian Government did increase by $7 million the funding to the police this year for exactly the purpose that the honourable member now asks. I was particularly pleased when I read stories in the Victorian media to find that they were following the examples that we had set in May this year in terms of the $7 million extra for the police work.

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: I have the answer here for the honourable member, so again he is wrong. I wanted to highlight that $7 million increase in funding to the police for road safety work, and that is exactly the work that the honourable member on the one hand seeks and on the other hand deplores, because he says then that there are too many police out on the road doing what they should be doing, that is, checking speeding and those sorts of things. So, the honourable member seems fairly confused or he simply seeks a headline.

The Hon. T.G. Cameron: You're confused.

The Hon. DIANA LAIDLAW: I am not confused. I have fought for and we got extra money for—

The Hon. T.G. Cameron interjecting:

The Hon. DIANA LAIDLAW: It is amazing how the honourable member says that I am confused when in fact his question is factually wrong on two occasions now. It is a neat line for you, but the fact is—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The honourable member has asked his question.

The Hon. DIANA LAIDLAW: —that he has a lot of cheap headlines that he aims for. However, the facts are not something that is of much interest to him. I am just highlighting $7 million more from this Government for exactly the purpose for which the honourable member criticises this Government on most occasions, and that is extra police doing things such as—

The Hon. T.G. Cameron: Speed cameras.

The Hon. DIANA LAIDLAW: —speed cameras and the like. As members know, speed cameras will only capture revenue when people are speeding. Speeding, like people failing to wear seat restraints, is a major cause of injury in accidents, and if people do not speed they can do a great deal to prevent the money going to the Government, and they can also do a great deal to reduce the accident and death rate in this State.

I highlight also that if the honourable member had cared either to be in this place or to listen he would have heard the question from the Hon. John Dawkins earlier today and that $250 000 is being spent on the 'Country People Buckle Up' campaign, which has had widespread support throughout the media and possibly from all members opposite, with the exception of the Hon. Mr Cameron. So, those funds are being spent on road safety issues and, as most members will acknowledge, new speed cameras will be invested in shortly to enable the police to be more effective in their road safety work.

With respect to the honourable member's question on 29 October about country roads, I will provide that answer shortly. In terms of that answer and the accusations made by the honourable member in that question on 29 October and again today, I highlight that South Australia does not have the lowest per capita funding spent on arterial roads. It is probably unlikely that that fact interests the honourable member.

SEAT BELTS

The Hon. DIANA LAIDLAW: In response to a question earlier today from the Hon. Mr Weatherill, I provide the following details concerning the provisions of the Road Traffic Act 1961, section 162AB and the Road Traffic Regulations 1996, regulation 7.09:

ROAD TRAFFIC ACT 1961

SECT 162AB

Wearing of seat belts is compulsory

162AB. (1) A person of or above the age of 16 years who is in a motor vehicle that is in motion must not—

(a) occupy a seating position that is equipped with a seat belt, unless he or she is wearing the seat belt and it is properly adjusted and securely fastened; or

(b) occupy a seating position (other than the driver's seating position) that is not equipped with a seat belt, if there is a seating position that is equipped with a seat belt and that is not occupied by another person.

(2) A person must not drive a motor vehicle in which there is a child of or above the age of one year but under the age of 16 years—

(a) who is occupying a seating position that is equipped with a seat belt, unless the child is wearing the seat belt and it is properly adjusted and securely fastened; or

(b) who is occupying a seating position that is equipped with a child restraint, unless—

(i) the child is using the restraint; and

(ii) the restraint is of a kind declared by regulation to be suitable for use by a child of that child's age and mass and is properly adjusted and securely fastened; or

(c) who is occupying a seating position that is not equipped with a seat belt or child restraint, if there is a seating position that is equipped with—

(i) a seat belt: or

(ii) a child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass, and that is not occupied by another person.

(3) Subject to subsection (4), a person must not drive a motor vehicle of a prescribed class in which there is a child under the age of one year,unless the child—

(a) is occupying a seating position; and

(b) Is using a properly adjusted and securely fastened child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass.

(4) Subsection (3) does not apply if all seating positions in the motor vehicle are occupied by other persons.

* * * * * *

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix 1.

(6) It is a defence to a charge under this section for the defendant to prove that there are in the circumstances of the case special reasons justifying non-compliance with the requirements of this section.

(7) The Governor may, by regulation, exempt any person or class of persons from all or any of the provisions of this section.

* * * * * *

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix 1.

ROAD TRAFFIC REGULATIONS 1996

REG 7.09

Seat belts and seat belt anchorages

(4) Exemptions from Compulsory Wearing of Seat Belts—

(a) Subsections (1)} (2) and (3) of section 162AB of the Act do not apply to the following classes of person:

(i) a person who, at the request of a member of the police force, produces or causes to be produced forthwith to the member of the police or, within 48 hours after the request, at a police station nominated by the person to the member of the police force at the time the request is made—

(A) A valid certificate signed by a medical practitioner registered under the Medical Practitioners Act 1983, certifying that, because of physical disability or for some other medical reason, the person or child named in the certificate (being the person or child who failed to wear a seat belt or use a child restraint) should not be required to wear a seat belt, or use a child restraint, as the case may be; or

(B) A valid certificate issued by the Minister certifying that, in the opinion of the Minister, the person named in the certificate (being the person who failed to wear a seat belt) should not be required to wear a seat belt; or

(ii) a person who is travelling as a passenger in an emergency vehicle.

(b) Subsection (1) of section 162AB of the Act does not apply to the following classes of person:

(i) the driver of a motor vehicle while engaged in reversing that vehicle;

(ii) the driver of a road grader while engaged in grading operations;

(iii) a person while engaged in work requiring the person to alight from and re-enter a motor vehicle at frequent intervals, provided that, while the person is so engaged, the vehicle is not driven at a speed exceeding 30 kilometres an hour.

(ba) Subsection (1)(b) of section 162AB of the Act does not apply to a person who is a passenger in—

(i) a bus to which, pursuant to section 163GA of the Act, a prescribed scheme of maintenance applies; or

(ii) a bus that is registered in another State or a Territory of the Commonwealth and in which passengers are carried for fee or reward.

(c) A certificate under this subregulation is valid for such period as may be specified in the certificate or, in the absence of any such specification, for a period of 90 days from the day on which it is given.

HIRE-CARS

The Hon. DIANA LAIDLAW: Further, in response to a question that the Hon. Carolyn Pickles asked early today about hire-car fares, I am advised that the PTB does not set hire-car fares, and that arises from the provisions of the Passenger Transport Act and the general regulations. General regulation 63 requires hire-car drivers to tell their customers what a fare will be before a journey begins. That will involve identifying what the total fare will be or how much the journey will cost per kilometre or per hour. The customer is therefore in a position to accept or reject a fare if they think it is too much. Generally, in the past hire-car fares have kept pace with taxi fares, and the Passenger Transport Board, whilst it does not expect that there will be any change to this trend over the coming festive season, will be undertaking advertising to alert potential passengers to the fare structure arrangements that have traditionally prevailed in terms of hire cars.

ROADS, COUNTRY

In reply to **Hon. T.G. CAMERON** (29 October).

The Hon. DIANA LAIDLAW: The National Road Transport Commission publishes in its annual reports arterial road expenditures for each State and Territory. The arterial road expenditures include National Highways. These expenditures are indicative of the level of funding for arterial roads in each State. The latest year for which the information is available is 1996-97.

The table below shows for each State and Territory the total arterial road expenditures on roads for 1996-97, the population in each State and the arterial road expenditure per capita.

State/Territory	Arterial Road Expenditure ($ million)	Population (June 1997) (000)	Expenditure per capita $
NSW	1685.8	6 274.4	268.7
VIC	676.9	4 605.1	147.0
QLD	866.6	3 401.2	254.8
SA	276.8	1 479.8	187.1
WA	424.3	1 798.1	236.0
TAS	87.5	473.5	184.8
NT	53.9	187.1	288.1
ACT	9.2	309.8	29.7
TOTAL	4 080.9	18 529.1	220.2

The total arterial road expenditure per capita for South Australia in 1996-97 was $187.1 which compares with the Australian average of $220.2. Of the mainland States, Victoria had the lowest per capita expenditure of $147.0.

The National Road Transport Commission data does not include local roads. If it was included the ranking would remain the same.

TRANSADELAIDE DRUG TESTS

In reply to **Hon. CAROLYN PICKLES** (20 August).

The Hon. DIANA LAIDLAW:

1. The requirements for random drug testing are derived from the Regulations (No. 41 of 1998) under the Rail Safety Act that provide for random testing with a view to ascertaining whether the railway employee has present in his or her blood the prescribed concentration of alcohol, or is under the influence of a drug. For reasons of equity and to ensure compliance with the Road Traffic Act, the standard is being applied to all TransAdelaide employees.

2. The Regulations provide for blood or urine sampling.

3. Serco's existing Drug and Alcohol Policy provides for alcohol and illegal drug testing through random breath testing and doctor assessments for employees suspected or found being unfit for work. Discussions are occurring between Serco and the Transport Workers Union regarding random drug testing.

Serco has stated that its current Drug and Alcohol Policy allows for the identification and processing of any perceived drug problems with drivers.

PETROLEUM (PRODUCTION LICENCES) AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Section 27 of the Petroleum Act provides for a right to a Petroleum Production Licence (PPL) to a licensee who holds a Petroleum Exploration Licence (PEL) over an area within which petroleum is discovered, provided the quantity or quality of the petroleum is not insufficient to warrant production.

PELs 5 and 6 in the Cooper Basin expire on 27 February 1999 with no right of renewal. Such exploration licences are held by Santos Ltd and Partners who are still conducting successful exploration activities in the area and are likely to continue to lodge applications for Petroleum Production Licences immediately prior to the expiry of PELs 5 and 6.

As the Petroleum Act, 1940 requires that the discovery is evaluated to ensure that production is warranted, it is possible that some applications for PPLs may not be determined as at the date of the expiry of PELs 5 and 6.

As the current Section 27 of the Petroleum Act, 1940 only provides for the right to a PPL to a licensee who holds a PEL, any applications still undetermined as at the expiry of PELs 5 and 6 could be deemed to be invalid.

It is not in the interests of the State, the Cooper Basin Producers, or any other licensee for there to be doubt about a licensee's

entitlement to PPL over an area of discovery because of the fact that a PEL has expired pending the determination of a PPL application over the discovery.

The Petroleum (Production Licences) Amendment Act 1998 provides for an amendment to Section 27 of the Petroleum Act, to be put beyond doubt that such applications could not be invalidated simply because the PEL has expired.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 27—Right to petroleum production licence

This clause provides that if a licensee who holds a petroleum exploration licence applies for a petroleum production licence for an area comprised, at the time of the application, in the exploration licence, the licensee's entitlement (if any) to the grant of a production licence is not affected by the expiry of the exploration licence, or a contraction of its area, before the determination of the application, and no further exploration licence can be granted for the area to which the application relates until the application has been finally determined.

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

TRANSADELAIDE (CORPORATE STRUCTURE) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 339.)

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank members for their contribution to this debate. The Hon. Carolyn Pickles raised a number of questions relating to the composition of the board, which we can deal with in the Committee stage of the debate, as that matter is the subject of an amendment on file from the honourable member. In relation to patronage trends and the impact of corporatisation, I advise that, as a public business enterprise, TransAdelaide will be expected to have a strong focus on performance and growth potential. In public transport terms this means finding ways of retaining current customers—and that has been a challenge over some time in terms of patronage trends—but also enticing new and old customers to use buses, trains and trams more frequently in the future.

Under a corporatised structure the TransAdelaide board as proposed will be requiring a number of matters that will have an impact on patronage trends, for instance, a redesign of public transport services and delivery to better meet the needs of customers, improve efficiencies and asset utilisation and eliminate duplications. We raised this matter quite extensively during debate on the Passenger Transport Act in relation to the through running of services. The proposed board would be undertaking further work (on work already being undertaken by management and the work force) on the development of a stronger performance culture and clearer accountability for the achievement of TransAdelaide's performance charter and targets.

Another matter that will be a focus of the board's activity is the introduction of new commercial business practices that are more appropriate to contemporary needs. All these matters will clearly contribute to TransAdelaide's standing in the next tender round and will also have substantial benefits for the travelling public. That is what I am particularly keen to see overall through the competitive tendering process, which I am very keen for TransAdelaide to participate in. Public transport costs a lot of money each year, both in operating subsidies and in concessions to passengers. It is very difficult to keep arguing for that always increasing level of subsidy and concessions when we, as operators generally, have over time been attracting declining patronage, although it is pleasing that that decline is levelling off.

I believe very strongly that, with the passage of the earlier Bill today to amend the Passenger Transport Act and this legislation, we will find that the competitive bidding process is stronger, healthier and, as a result, more focused on the interests of the travelling public in the future. It will certainly focus the minds of all operators, who will in the next round have much greater experience in this competitive tendering business, based on earlier experience in South Australia as well as experience interstate over the past few years. I want to highlight the issue of workers' entitlements and conditions, an issue in which I have been interested and which the Hon. Carolyn Pickles raised. She specifically sought reassurance that TransAdelaide employees 'will not suffer any diminution of their terms and conditions as a result of this Bill'.

I advise that the Bill provides for TransAdelaide to continue in existence. Accordingly, there will be no cessation of employment or employment arrangements as a consequence of the Bill. TransAdelaide employees will continue to be TransAdelaide employees under the existing terms and conditions, including superannuation. That matter had been raised with me by the unions during consultation on this Bill, and I was able to give them that assurance. I am pleased to provide the same assurance to the honourable member. As with all employees, changes to wages and conditions are made only through the appropriate industrial processes reflected in certified agreements between TransAdelaide, its employees and their unions. I also thank the Hons Terry Cameron and Sandra Kanck for their contributions to the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10.

The Hon. CAROLYN PICKLES: I move:

Page 4, line 5—After 'the Governor' insert:

of whom—

(a) one will be a person nominated by the United Trades and Labor Council; and

(b) the remainder will be persons nominated by the Minister.

As I indicated in my second reading, the Opposition believes that there should be a representative of the workers by way of their union and because several unions are associated with the coverage of bus drivers, we feel it would be appropriate to have a person nominated by the United Trades and Labor Council.

The Hon. DIANA LAIDLAW: I oppose the amendment. The Bill is seeking a balance of skills. It is not a big board; it does not contain eight, ten or more people. For instance, the WorkCover board has probably 12 people, and it has union and other nominated representation. This is a small board, focussed on competitive performance. To be competitive, to put in bids that will have the greatest opportunity of winning, there is just no question that, as a matter of best practice management, TransAdelaide must work closely with all the unions that represent the work force. I should highlight, too, that the work force is not fully unionised. That is not an issue I will dwell on, but it seems to me that, in this instance, a range of unions represent the work force employed by TransAdelaide. A number of people are not unionised, as well. To require through this amendment that one person, without any reflection on the balance of skills on the board,

should be the UTLCs nomination that the Government has to accept is an unreasonable ask.

I highlight that, in terms of the union movement, the UTLC and the body of unions that make up the UTLC, there are tensions from time to time amongst various unions and union hierarchies. The unions that are involved with the UTLC are affiliated with the ALP. I understand that the Public Transport Union (PTU), which represents the bulk of the work force, has dissociated itself from the ALP, and I do not profess to understand all the arrangements between the ALP and the UTLC and various unions. All I say is that they are not always of one like mind.

The PTU, which represents the major work force interests within TransAdelaide, may find that the UTLC deliberately nominates somebody who is out simply to get the PTU rather than having the best interests of TransAdelaide at heart in winning business. If this one position is the fifth position and you have 2:2 voting procedures and you have a potential enemy of the PTU nominated by the UTLC and required to be accepted by the Government, we in this place have lost the plot about our genuineness in really wanting to make sure that across the Parliament we support the fact that the public transport operator, TransAdelaide, should be established as a viable force that is not encumbered by issues that the private sector would not even have to bother about when it sets itself up to compete for business and present its bids.

We must be clear in our mind that, if TransAdelaide is going to be structured to compete in a competitive market, we must be careful that we seek from this place to keep the politics out of TransAdelaide's business. I am very concerned that, with this amendment, we would be, to some degree—perhaps to an enormous extent or perhaps to no degree; we do not know—having union politics in an area where we have no other representative group nominated.

We are not suggesting that a representative of the Employers Federation, People for Public Transport, disability access, employee representatives or any of those groups be put onto this five person board. We are dealing in an area where we are setting up a structure surely with good faith to help, to every extent possible, TransAdelaide to compete, and we should not in any way be putting in disabilities or potential disabilities that the private sector will not have to address when it seeks to present its bids and operate in a competitive market.

The Hon. CAROLYN PICKLES: What an extraordinary speech! First, I would like to correct an error made by the Minister. It is obvious that she does not know about the UTLC. The UTLC is not affiliated with the ALP. Some of the membership of the UTLC unions are affiliated with the ALP. I am sure that the Teachers Union would be very interested to hear that it is affiliated with the ALP!

The Hon. Diana Laidlaw: Actually, I don't really care whether they are.

The Hon. CAROLYN PICKLES: What you are trying to say is that it is my intent to try to politicise this board. I could say that you will probably have five employer representatives on this who will probably all be members of the Liberal Party. But that is not the point. The point of this exercise is to say that I am well aware, having talked to a number of bus drivers, that there are some quite serious tensions with people in that area. It is correct to say that they would probably like to have—although they have not been asked—a representative on the board. I would have thought that it was not an unusual request from the Labor Party that there be a member of the UTLC on any kind of board. Similarly, I am quite sure that the Minister would request that there be a member of the Chamber of Commerce on some boards, but not on this board.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: But I am sure some of them will be.

The Hon. Diana Laidlaw: I don't think there will be.

The Hon. CAROLYN PICKLES: Well, we'll see. I do not think it is an unusual move at all.

The Hon. Diana Laidlaw: It's not unusual, it's just unacceptable.

The Hon. CAROLYN PICKLES: It is unacceptable to you but it is certainly not unacceptable to the Opposition. We think that there should be an employee representative on the board. Whichever union representative it might be, I believe that it is casting aspersions to say that they would not have the best interests of TransAdelaide at heart and want to seek to see a better organisation or have the ability to argue for that on a board.

The Hon. DIANA LAIDLAW: How can the honourable member assume that when she has admitted that she has not asked the work force, let alone the unions? Has she asked the most dominant union—the Public Transport Union—whether it supports the United Trades and Labor Council having one nominee on the board?

The Hon. CAROLYN PICKLES: My understanding is that it is not an unusual occurrence for the Opposition in this place, whether in Government or in Opposition, to move that we have an employee representative on the board. The most appropriate mechanism that we have used in the past has been by way of putting in an appointment from the UTLC, which I think is the peak body that covers all the unions, and it would be most likely that it would put the dominant union on it.

The Hon. DIANA LAIDLAW: I would like the honourable member to answer my question, if she chooses to, or to repeat the statements she has just made which make it very clear that she does not want to answer the question. Has she asked the PTU, the dominant union, whether it would be pleased to accept this amendment by the honourable member? Or is this just the usual *laissez faire* or standard fare from the Labor Party, because it happened to have something to do with the public sector, whether it is good or bad for the organisation, that the UTLC is just put forward as a nominee to the board?

The Hon. CAROLYN PICKLES: I can understand the Minister's abhorrence of the trade union movement. It is fairly well documented that the Liberal Party does not hold favour with the trade union movement.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: No. If I had identified in this amendment that it was the PTU, I would not have left it to the peak body to make a decision about it.

The Hon. SANDRA KANCK: The Democrats will be supporting the amendment. I have listened to what the Minister has to say and I do not want to end up in any bun fight about which union should be represented. It seems to me that the UTLC is the umbrella group and surely is capable of making the decision as to who best represents transport interests to hold this position.

As an example, when I was administrative officer of the Conservation Council I had the job of finding representatives that the Conservation Council was entitled to place on to various boards and bodies that the Government had set up. The Conservation Council was an umbrella group that had

about 50 different groups in it. If we wanted someone who had expertise in marine issues there were three or four different groups from which I could choose.

It did not require the Government to have something that specifically mentioned, for instance, that the Nature Conservation Society should be the representative. It was simply the Conservation Council's responsibility to find an appropriate representative, which was what we did. It would have been inappropriate in any case, I think, for the Government to be specifying which of the 52 groups or so should be the one from which I should have found the representative. It seems to me that the Minister is saying that this is what needs to be done, that it has to come from the PTU.

The Hon. DIANA LAIDLAW: I asked the honourable member who moved the amendment whether she had consulted with the major union in terms of coverage. She has not. I do not know if you have consulted with the union on this amendment.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: And nor have you consulted? I think that shaking of the head means 'No.'

The Hon. Sandra Kanck: No.

The Hon. DIANA LAIDLAW: Right, you have not consulted.

The Hon. T.G. Cameron: I have.

The Hon. DIANA LAIDLAW: The Hon. Mr Cameron, who is always very diligent in these matters, has just suggested that he has consulted. It is interesting that, without consultation to find out whether it wishes this amendment, you are insisting that there be union representation through the UTLC. I find that interesting because you have both claimed, as the representative of the Labor Party and the Australian Democrats, that you have consulted with the union movement about this Bill but not about the amendment.

The union movement supports the Bill as written, as I understand all the consultations that have been undertaken with the PTU and the union movement, but particularly the PTU, and has not proposed either to the Hon. Carolyn Pickles or the Hon. Sandra Kanck that they seek this amendment or support it.

The Hon. T.G. CAMERON: I rise to support the amendment moved in the name of the Hon. Carolyn Pickles. Our office did speak to the PTU, and the Minister is correct when she states that the PTU has no objection to the Bill as it is currently written. However, I have a problem with a board which is set up and which does not have a representative of the work force.

The Hon. Carolyn Pickles started her contribution by stating that you, Minister, had just made an extraordinary speech. Well, I did not find your speech extraordinary because I expected you to say almost everything that you did say. I have only been in here for four years, and I do not think in those four years I have heard you say a kind word about the trade union movement.

The Hon. Diana Laidlaw: You close your ears when you don't want to hear.

The Hon. T.G. CAMERON: Only when I'm hearing rubbish. A number of the comments that the Minister made in defence of her rather pathetic assertion that the trade union movement should not be included on this board included, 'Well, everybody's not in a union.' I do not know any area of activity, with the possible exception of the wharves, where there is 100 per cent union membership. I can assure you that the Transport Workers Union and the Public Transport Union have one of the highest levels of union membership of any section of the work force of which I am aware. I understand that the Transport Workers Union, and I know the Secretary, Alex Gallagher, have had some difficulty in gaining membership from the employees at Serco, and I have no doubt that that would have pleased this Government immensely.

However, the Transport Workers Union has been diligent in its attempts to recruit membership in this area and has represented employees of Serco on many occasions, and I am sure the Minister would support that. However, when one looks at the level of membership that the Public Transport Union has you will find that it is one of the highest percentages of union membership, whether you look at their members in the bus or railway area. If my memory serves me correctly, the PTU has over 90 per cent coverage of the areas that we are referring to in this Bill. It is clear to me that we are talking about a work force which is not only highly unionised but, from my observations at a fairly close level over the last 20 years, is well looked after by its union. Rex Phillips, who is the Secretary of the Passenger Transport Union—

The Hon. Diana Laidlaw: Public Transport Union. At least I know what its name is.

The Hon. T.G. CAMERON: Thank you for correcting me, Minister. It has changed its name a few times and it is currently an amalgamation of three unions. I have known Rex Phillips for over 20 years and I regard him as an excellent trade union secretary, one who has dedicated a major portion of his life to working in the interests of his union membership. Whilst the Minister pointed out that the Public Transport Union is no longer affiliated with the Australian Labor Party, I would be very surprised—

The Hon. Diana Laidlaw: Neither are you.

The Hon. T.G. CAMERON: I am no longer a member; I could not be affiliated. Don't tempt me with your ignorance of the ALP or the trade union movement, Minister. You have put that on display many times in the past. Rex Phillips is not only an excellent trade union secretary but I would also categorise him as one of the true believers of the trade union movement who has committed nearly all his life to trying to improve the working conditions and the pay of his members. I have no doubt that one day the PTU will be back in the ALP fold.

The Minister also pointed out that another possible reason that we should not put someone from the trade union movement on this board is that there are only five members to it. If that is your only reason, Minister, I am sure that we could accommodate that. We could expand the board to six and get on with our business. We could even expand it to seven, so we could put someone from the TWU and the PTU on the board.

The Minister made great play of the fact that a number of unions have membership in this area. She is correct on that point, although the overwhelming majority of members belong to the PTU and the TWU. I am sure that the Minister is aware that Rex Phillips, the Secretary of the PTU, is a former President of the United Trades and Labour Council. For the Minister's information, I point out that when the United Trades and Labour Council is required to appoint somebody to a board, it calls all the unions together that have members working in that area. It is not a decision that is handed down from on high by the Secretary of the UTLC. It operates as a fairly democratic body. It calls all the interested unions together and they themselves put forward a nomination to the UTLC executive.

As I understand it, the UTLC executive has the power to

override that recommendation but, to the best of my knowledge, and I will stand corrected by the Hon. Terry Roberts if I am wrong, it has never done it. It operates as a democratic organisation and it acts in accordance with the wishes of its members. Whoever the unions are that have membership in that area, they are invited to get together, sort it out themselves and make a recommendation to the UTLC executive. As I said earlier, I have known Rex Phillips for a long time. He used to be a fellow faction member of the centre left, but he left that faction and went off and joined the left. I am not sure what they did to him, but the PTU pulled out of the Party and Rex is no longer an activist.

An honourable member interjecting:

The Hon. T.G. CAMERON: I just said the Left, I did not say which Left: if you choose to identify that, that is up to you. The PTU subsequently pulled out of the Party and I understand that Rex is no longer as active as he was. I would expect that—

The Hon. T.G. Roberts: Your lot wouldn't give him preselection.

The Hon. T.G. CAMERON: You offered him preselection; that is why he joined you. How much of this do you want to put on the table? I know more about it than you would, and I know what went on with that preselection. One would think that the representative from the UTLC would either be from the TWU or the PTU. The Minister said today that she gets on well with the TWU and it seems that she likes them.

The Hon. Diana Laidlaw: If you knew your industrial politics you would know they cannot represent the public transport sector. That is how little you know.

The Hon. T.G. CAMERON: It would be whomever the UTLC puts forward. I cannot for the life of me see why a Liberal Government is so concerned about asking the body that represents all the trade unions in this State to get its member unions together and, amongst themselves, work out who is the most suitable and capable person to represent them. I hope that the Minister is not opposing a representative from the UTLC on this board because she has any objection to Rex Phillips, the Secretary of the PTU, representing the UTLC. One would think that he would probably be a front runner to receive the nomination from the UTLC for this job.

As I said before, I will leave that to the member unions and they can make the decision themselves. There was nothing extraordinary about what the Minister said today, and I would have been astonished had she stood up and said that she was prepared to accept it. The Minister's high regard for the trade union movement is on display for all of us to see at various times and I do not think that she does herself any good when she adopts this attitude towards the trade union movement being represented on Government bodies such as this.

TransAdelaide has been transformed over the last four or five years, and I give credit where credit is due. I believe that TransAdelaide is not only working much more efficiently but it is also providing a better level of service. Some of the innovative measures that it has adopted over the last few years have improved things. The fundamental aspect of public transport—that is, how often do the buses turn up to take you where you want to go—is under some pressure but in some of the other areas TransAdelaide is performing well. One of the reasons why TransAdelaide is performing well is that the Minister has had the cooperation of the PTU. It has sat around the table with the Government and, as I understand it, the TWU. I see the Minister shaking her head, and she will have an opportunity to explain that in a moment.

One of the reasons that TransAdelaide is the organisation it is today is that the PTU and Rex Phillips realised that the future of his members and the future of his union was inevitably or intrinsically bound up in the success of TransAdelaide. I would be very surprised if the Minister would stand up in this place and say that the PTU—I do not know as much about the TWU—has not worked cooperatively and diligently with the Government to try to ensure that TransAdelaide is brought to a level whereby it is efficient and offers decent service and continues to compete and win contracts. I should have thought that the Government would appreciate and place on record the attitude of the PTU and, in particular, the attitude that Rex Phillips has displayed towards this Government over the past four or five years.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. CAMERON: Well, if he is up for election I have no hesitation in saying that, if I were a member of the PTU, he would get my vote because he has represented his members excellently since all those unions were brought together during what has probably been one of the most difficult and traumatic periods for his union's membership. We have seen vast changes take place not only in the railways area but also in the bus area. We have seen massive reorganisation and corporatisation, and hundreds, if not thousands, of people retrenched from the railways industry over the past five or six years, and the union has continued to negotiate with the Government.

It might be a Government that the union does not like very much, I do not know, but the union has sat down and negotiated with the Government in good faith to try to secure the best outcome for its members. I would have thought that that alone would be enough to ensure that the trade union movement was represented on this board.

The Hon. DIANA LAIDLAW: I do not think the Hon. Mr Cameron is speaking to the amendment. He is actually speaking to a concept that one person be nominated by the Public Transport Union. In fact, the honourable member has said that the one person be Rex Phillips. I should highlight that I have a great deal of regard for Mr Phillips, but I am not going to play into the hands of his opponent who would seek to use that regard that I have for Mr Phillips to his or her advantage, so I will be silent on that matter. I want to highlight, too, that, because of the elections within the PTU, the Hon. Mr Cameron and no other member opposite can guarantee that Mr Phillips would be the nominee.

Knowing the union politics within TransAdelaide clearly better than any members opposite and considering the very intense and often bitter debates that have been before the executive of even the ACTU in more recent times about coverage—first, the TWU challenging the coverage of the PTU and more recently the PSA challenging the coverage of the PTU—I would not make a lot of the assumptions that members opposite seem so content to make.

I state for the record that I have a great deal of respect for all the TransAdelaide work force, whether or not they are members of the unions. That work force has worked cooperatively with me. Some words have been said but the results have been better for public transport. That work force has certainly worked very well with senior management, and I know that Ms Sue Filby, as Acting General Manager for TransAdelaide, meets every month with seven, or possibly eight, unions—there may have been a recent amalgamation. TransAdelaide knows that it cannot work without the union movement generally, but that is a management issue: it is not

for us here—without knowing who might even be nominated and for what motivation they would be nominated—to be insisting that the UTLC have a member on this board.

The Hon. T.G. ROBERTS: I inform the Minister that, generally, the trade union movement's position is that the Trades and Labor Council nominates the position rather than the individual. It does not anoint individuals: it nominates either the Secretary, the Assistant Secretary or the President, whomever they may be. The Assistant Secretary or the Secretary might not be able to work it out between themselves either because they are too busy or it is the express position of a particular union that the union does not want to belong to a board. Many unions do that; they do not cooperate with the existing industry management structures because they prefer to apply their own decision making processes, determine their own position and then take that into management.

The new style that has been established in the past 15 years is to encourage union participation at a boardroom level, the same as the West German and Japanese models. We had been moving towards that through an amalgamation of unions. The problem with the transport union is that each depot runs as a separate union. That is a problem not only for the industry itself but also for management. As a union organiser who tried to get one solution out of the Metal Workers—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: I know; I am just explaining the history of the development. Each depot had to be consulted separately. That is no longer the case. A certain amount of cooperation takes place, but there are also divisions. There are people who still maintain the respect of the work force. Even Serco members, who may be non-union members, have a respect for those people who negotiate their wages and conditions. Even though they do not pay union dues they receive some of the benefits that flow on to Serco as a result of TransAdelaide negotiations. It is a complicated structure that is woven in that—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: The TWU has its problems within that organisational structure. My point in relation to the amendment is that the Trades and Labor Council calls on the organisational structure to put forward nominations and, generally, the position rather than the individual is the principle that it follows. If the nomination goes to the Trades and Labor Council—

The Hon. Diana Laidlaw: You respected the capacity of that individual.

The Hon. T.G. ROBERTS: It may surprise people in Australia, but in West Germany people are sent to management schools to be trained if their skill levels are not adequate. It is not something that the metal workers would accept because they would see that as some form of brainwashing.

An honourable member interjecting:

The ACTING CHAIRPERSON (Hon. T. Crothers): Order!

The Hon. T.G. ROBERTS: But you will have an industry that wants to cooperate, Minister; that is the point.

The Hon. Diana Laidlaw: They are cooperating, and—

The Hon. T.G. ROBERTS: And I am not one of those people who would say that you have at all times castigated unions, because you have had some good experiences. I have heard some feedback from transport unions that you have, in some cases, made very good ministerial decisions and that you have been consultative. All I am saying is that there is a difference between patronising an organisation and the individuals within it and giving them rights. We are giving them rights, and that is something that is an anathema to you, as Minister, and to other people like you in the conservative network.

The Hon. Diana Laidlaw: I haven't given anybody else rights. Why does one section of the community need rights above others?

The Hon. T.G. ROBERTS: That is why we have spent so long on this clause. It is a right that we are trying to give to the organisations and their representatives, in a structured way, to nominate a person on their behalf. If the person, through the nomination process, is not acceptable to you, that is a personal matter. However, in the Opposition's view—and I am not sure whether I have to talk too long because it appears we have the numbers—

The Hon. Diana Laidlaw: You haven't even canvassed it with the person who seems to—

The Hon. T.G. ROBERTS: The Minister is missing the point. I am saying—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: If Rex does not want it then why do we have to take out the clause? Because one individual in an organisation—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: I am not saying that.

The Hon. Diana Laidlaw: So, you want someone else?

The Hon. T.G. ROBERTS: The Minister is not listening. I am saying that the Trades and Labor Council nominates the position and not the individual who currently holds the position. The Minister is talking about an election, Rex might decide to retire. He might—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: He may get defeated.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: No, Terry will be out there helping him, I suspect, but whoever it is may be nominated by Rex, if Rex is so important to the Minister.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: The point I am making is that—

The Hon. Diana Laidlaw interjecting:

The ACTING CHAIRPERSON: Order! Nowhere does the name of 'Rex Phillips' appear in this amendment.

The Hon. Diana Laidlaw: Exactly!

The ACTING CHAIRMAN: I am implying that to you, too, Minister. I want all speakers to address the substance of the motion that is before us; otherwise we will be here until midnight talking about this one particular amendment. The Hon. Terry Roberts has the call.

The Hon. T.G. ROBERTS: Thank you, Mr Acting Chairman. I understand from the interjections the Minister makes that she does not understand the point I am making. I would ask the Minister to go away and read *Hansard* to ensure that she does understand it. I am not being provocative by saying that an individual has to be nominated by the Trades and Labor Council—

The Hon. Diana Laidlaw: That is what the amendment says.

The Hon. T.G. ROBERTS: The amendment does not say that. The process of the Trades and Labor Council is not understood by the—

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: Yes, an individual, but it is

not putting a name on it, and that is the point I am making.

The Hon. Diana Laidlaw: A person.

The Hon. T.G. ROBERTS: A person; it could be any person. The other thing that happens in some organisations is that the Secretary will nominate someone on their behalf to go onto a board.

The Hon. Diana Laidlaw interjecting:

The Hon. T.G. ROBERTS: No, we are only asking for one position in relation to that. In summing up, the industry needs union representation. Every member who has made a contribution in supporting the Bill has said that the industry is supported by the union's organisational structure. We are saying that, for the purposes of applying the Bill out in the field (when you have to put it into practice), the board would best be served by someone out of the organisational structure who has had a major say in the negotiations. To obtain an agreement the board and management would best be served by someone who knows the industry and who is able to apply their skills and then report back to their membership and who can also play a role and have a function in the future of TransAdelaide.

The Hon. DIANA LAIDLAW: In conclusion, I make the point that there is an assumption throughout that one of the people who would not have been appointed by me, or at least recommended by me to Cabinet, would have been Mr Phillips, but I do not believe that it should be a person nominated by the UTLC for the reasons outlined—and I will not dwell on it.

Amendment carried.

The Hon. CAROLYN PICKLES: I move:

Page 4, lines 6 and 7—Leave out 'The board's membership must include persons who together have, in the Minister's opinion,' and insert:

Nominations under subsection (2) should be made with a view to ensuring that the board is constituted by directors who together have

This is a consequential amendment.

Amendment carried.

The Hon. T.G. CAMERON: I move:

Page 4, lines 9 and 10—Leave out subclause (4) and insert:

(4) At least two members of the board must be women and at least two members must be men.

The amendment is self-explanatory. It seeks to ensure that at least two members of the board must be women. I would refer to this as the 'Cathy Williams amendment'. Cathy Williams correctly pointed out to me that the majority of people who catch public transport are women. The next main group that catches public transport is usually school children, often accompanied by their mothers. So, it seems to me that it is just plain commonsense that on a board such as this there should at the very least be two female members.

The Hon. DIANA LAIDLAW: I accept the amendment but I am a little disappointed because, as I have prepared the Bill, at least one member of the board must be a women and one must be a man. We potentially had the opportunity for four women and one man; now we have a maximum opportunity of three women and two men.

The Hon. CAROLYN PICKLES: I support the amendment because I believe that the Hon. Mr Cameron is attempting to give some balance. On this occasion, the Minister may have had four women—for which I congratulate her—and I know she is trying very hard to get more women on boards. However, it could be said that another Minister at another time might not wish to have any women on the board.

Amendment carried; clause as amended passed.

Clauses 11 to 17 passed.

New clause 17A.

The Hon. CAROLYN PICKLES: I move:

New clause, page 7, after line 27—Insert:

Limitation on disposal of undertaking of TransAdelaide

17A. (1) The Crown or TransAdelaide must not enter into a sale/lease agreement unless the agreement has been approved by a resolution passed by each House of Parliament.

(2) A sale/lease agreement is an agreement or arrangement which—

(a) provides for the transfer of all, or a major part, of the undertaking of TransAdelaide to a private sector body; or

(b) provides for the lease of all, or a major part, of the undertaking of TransAdelaide to a private sector body; or

(c) provides for management of all, or a major part, of the undertaking of TransAdelaide to be undertaken by a private sector body.

(3) This section does not apply to an agreement or arrangement entered into or effected under the Passenger Transport Act 1994.

(4) In this section—

'asset' means—

(a) a present, contingent or future legal or equitable estate or interest in real or personal property; or

(b) a present, contingent or future right, power, privilege or immunity,

(and includes a present or future cause of action in favour of TransAdelaide);

'major part' of the undertaking of TransAdelaide means more than 50 per cent of that undertaking;

'undertaking' of TransAdelaide means all assets of TransAdelaide (including assets of a subsidiary of TransAdelaide).

The reason for this amendment is that we believe that, although the Government has given commitments that it wishes to keep TransAdelaide as a public entity, this is a safeguard that any proposal to sell or lease would have to come back through the processes of Parliament.

The Hon. SANDRA KANCK: The Democrats support this amendment.

The Hon. T.G. CAMERON: I indicate my support for the amendment.

The Hon. DIANA LAIDLAW: I oppose the amendment, and I must explain why, even though I do not have the numbers, because it is important for the reasons of the record. I highlight, too—and I note that no member has made reference to the fact that already schedule 3 of the Passenger Transport Act 1994 has a page on public transport infrastructure, if a Government proposes to sell to a private sector body any property of a kind prescribed in clause 4 of the schedule. Clause 4, in turn, prescribes the properties as transport depots and interchanges (including any associated land); railways, including all land, railway lines, bridges, culverts, structures, depot and servicing facilities, signalling, road protection and communication facilities, and a whole range of other associated activities. 'Property' also includes the track commonly known as the O'Bahn busway (from Adelaide to Modbury) and related infrastructure. I believe that the issues have been well covered.

The honourable member in speaking to this amendment during the second reading debate noted that it was complex. It is an absolute disaster, in a sense, that, notwithstanding the honourable member's own reference to the complexity of this matter, there has been no contribution from any speaker for this amendment. I highlight the complexities that the honourable member is imposing upon an organisation that she professes, by supporting this Bill, she wants to be able to compete—and to enable it to compete—against the private sector. No such impositions are placed on the competitors to TransAdelaide. Yet you want them to compete and win, and

you keep burdening them with undertakings and obligations that their competitors do not have.

I think you are extraordinarily confused. I do not wish to demean the contribution. I just highlight the misunderstanding or the lack of will, perhaps, or is it the confusion in policy terms in the Labor Party? I am not sure what it is, but in the one breath you want them to compete and win, and the next minute you burden them with undertakings that none of their competitors have to address. That is highly regrettable.

On the one hand, you are saying, 'Go for it,' whilst on the other hand you are binding them and making it more difficult for them to operate and win. That is regrettable in terms of the work force which will be asked to undertake a lot of hard thinking in terms of the range of services for which this organisation will be responsible and will be restructuring and rethinking as it gets itself into a competitive position to win, and that is in the best interests of the work force now. It is not if you continue to burden them, irrespective of what the work force, management and board determine are in TransAdelaide's interests.

I will not dwell on it for too long, because TransAdelaide has been a monopoly for a long time and, as the work force, management and unions would know, has a whole lot of stuff that it has gathered over time that it hardly needs today and would not have today if it started afresh as an organisation. What happens, because there is not the scrutiny in terms of the way in which it operates, it gathers moss, dust and assets—a whole range of things—that it may not wish to have in the future.

Those issues should be thought through by the organisation, the unions and the board, and not be subject to the political process through this Parliament. If we did bring such matters to the Parliament and the Parliament said 'No, you cannot get rid of this asset,' are you then asking the Government to come in and support TransAdelaide as a community service obligation or whatever?

What are you then saying to TransAdelaide and the Government if TransAdelaide and the unions all decide that this is not one part of the business with which they want to be associated—that it would be a good thing that the organisation was rid of that part of the business, or the sale of that part of the business could be reinvested into something? That is good for TransAdelaide in terms of its restructuring and competing, but it may not be seen as good in terms of the political machinations of this place. I say there is a lot of confusion here about the genuineness of wanting TransAdelaide to compete to win.

I will highlight some other difficulties that have been presented to me. Under TransAdelaide's existing asset valuation and balance sheet, the provision outlined in the amendment could be initiated when (1) a sale, lease or management transfer of a major part of the business to the private sector is contemplated; (2) a sale, lease or management arrangement with respect to private sector acquisition of a major asset or combination of assets is planned.

In this regard, TransAdelaide's physical assets amount to about $600 million at today's value, with major asset holdings in track and structures infrastructure ($345 million), and rail cars ($184 million). It should be noted that under TransAdelaide's lease arrangements for the rail cars, TransAdelaide would incur a major penalty if the rail cars were to be transferred to private ownership during the life of the lease without a significant undertaking as to maintaining the use and value of the rail cars. Therefore, there is hardly any sense for political paranoia about the sale of that because contractual arrangements impose such penalties.

I highlight also—and this is advice to me from the operator itself—that a sale, lease or management transfer of a smaller part of the business to the private sector follows a transfer of substantial assets to other Government agencies, thereby leaving TransAdelaide with a significantly reduced asset base. It is possible, according to my advice, that this scenario could arise if, say, the rail infrastructure, rail cars and the ASER site were to be transferred from TransAdelaide. In this situation, the establishment of, say, any joint venture for a 100 bus contract for a term of five years at $15 million per annum could fall under the provisions of the amendment if it accompanied a transfer, lease or transfer arrangement.

I would argue that, in all of those scenarios, you are handicapping management decisions made by TransAdelaide in the best interests of TransAdelaide and its work force as a public operator, and that I regret most strongly. In terms of Government assets, in addition to the schedule 3 that is already in the Act, the Government goes through a laborious process in terms of any sale of asset or competitive tendering process that includes prudential management, ministerial and Cabinet approval. This would be in addition to board approval, union agreement and a whole range of things. By supporting this amendment—and this is not my view but that of TransAdelaide—you will hinder TransAdelaide's ability to compete freely on the open market, and that is unacceptable, both to me and the Government.

The Hon. SANDRA KANCK: It is certainly not my intention to make life difficult for TransAdelaide. In many ways I saw this amendment as being similar to what this Parliament included in the ETSA Corporation legislation a couple of years ago. I believe that was a very valuable addition to that legislation. I do not fully understand why it is such a handicap. I think it is important there be this accountability in here because it is a public entity. It seems to me a simple process that, if there is such a sale or lease agreement, they would come to the Parliament, talk to the respective parties and convince us that this is what needs to be done.

I only need to remind the Minister of the Bill to sell Australian National some 18 months ago that, after listening to all the arguments, despite the commitment that the Democrats had to Australian National remaining a public entity, in the end we agreed a sale should occur because we believed that if it did not occur there would be no entity in the end. If the arguments are given to us, we are all reasonable and rational people and we will see the sense of those arguments if a particular course of action will be uneconomic for TransAdelaide.

The Hon. DIANA LAIDLAW: I know I do not have the numbers here, and I think members would benefit from a discussion behind the scenes. Because I do not have the numbers, we may just as well go straight through the Bill, but we are talking about a competitive market. It is different from the sale of AN because you are saying that, in a competitive market, PTB could call for tenders. You are saying that TransAdelaide may believe that, as part of that tender, it would like to offer the subcontracting of various services—night services, for instance, like TransAdelaide has always provided down at Happy Valley.

It has subcontracted that to the taxis. That was done by the Labor Government and never had to come to this place. It is an approach that has worked very well and other communities are demanding it. We have it down at Aldinga. The Liberal

Government followed the Labor Government in doing that. We never had to come back to the Parliament. TransAdelaide was able to subcontract and provide a better service. But the honourable member is saying that if it decides to contract, the PTB calls for the tender to put in a competitive bid, and there are very defined time lines. The honourable member is saying that if Transadelaide wants to put in a bid that had subcontracting of a substantial number of evening services, for instance, it would then need to come back to the Parliament and TransAdelaide's bid would be exposed even before it lodged that bid, because it has to go through the parliamentary process.

As I say, no private sector competitor would have to go through this. That is what I am arguing to the honourable member, and that is the concern of TransAdelaide, which has highlighted these things to me. I have not dreamt them up as a Liberal madwoman or even a Minister, I am saying that it is what TransAdelaide has highlighted to me as an operator generally keen to bid and to win. We are not going to make much more progress now. Knowing that I oppose this extraordinarily strongly, but believing in all good faith that there is goodwill opposite for TransAdelaide not to be burdened in the competitive process, we should speak over the coming week about this amendment, which I say is counter-productive to TransAdelaide's best interests.

The Hon. CAROLYN PICKLES: As I said, we are all reasonable people in here, but the Minister talked about political paranoia. Perhaps we do have a level of political paranoia, and it is no wonder that we do. We have before us a Bill that has been very long in its gestation period, and one wonders if we are ever going to get to it.

The Hon. Diana Laidlaw: Which one? Don't suggest it's a transport Bill.

The Hon. CAROLYN PICKLES: No, it is the ETSA Bill. Let us call it a sale: it is not a lease. In drafting this amendment I was very mindful of the issues that the Minister is just raising about some portions being subcontracted out, and trying to avoid prevention of that. I believe that the amendment does that because it talks about transfer of all or a major part, which here is 50 per cent. The definition of 'major' is 50 per cent. 'Major part of the undertaking of TransAdelaide means more than 50 per cent of that undertaking,' is in the definition in the Bill. In trying to avoid the very issues that the Minister was talking about, we are saying that we do not wish it to be gutted and left with nothing. We wish to make sure that it remains as a public entity.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: So are we. And we are trying to have it remain as a public entity.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: That is the Minister's interpretation; it is certainly not mine. As to the Minister's interpretation of the Government's policy on ETSA, the Government went to an election—

The Hon. Diana Laidlaw: This is not ETSA. This is TransAdelaide.

The Hon. CAROLYN PICKLES: No, but this is why there is no level of trust here, Minister. Maybe you as an individual Minister have every good intention, but it is not the good intention of your Government, because your Government before the election went out and said, 'we will not sell ETSA.' Now here we are in this place today and tomorrow dragged back here to debate that very issue.

The Hon. Diana Laidlaw: We are talking about TransAdelaide.

The Hon. CAROLYN PICKLES: We may be, but you have been talking about a level of political paranoia. If we are paranoid about the Government's political integrity, then the Minister can only blame her colleagues for that.

The Hon. Diana Laidlaw: Don't compromise TransAdelaide—

The CHAIRMAN: Order! Can we come back to the amendment?

The Hon. CAROLYN PICKLES: It is your Bill. You are a political person: you represent the Government in this place and you have had a hand in drafting this Bill. You may well have brought it to us in good faith and, as I said, we are reasonable people. I said that my intention in drafting this clause was not to inhibit TransAdelaide's competitiveness. So, as a reasonable person I am prepared to discuss it during the coming week, before the Bill goes to another place.

The Hon. Diana Laidlaw: I am not going to pass legislation in this place that burdens TransAdelaide with conditions that the private sector does not have to worry about.

The Hon. CAROLYN PICKLES: We actually live in a democracy.

The Hon. Diana Laidlaw: I can drop the Bill is what I'm saying.

The Hon. CAROLYN PICKLES: You can threaten that, but I am saying that in good faith I am prepared to discuss this with you, as I am sure the Hon. Sandra. Kanck has already indicated, and the Hon. Terry Cameron has already indicated his support for the amendment. We are reasonable people. We are prepared to sit down and have a briefing once again. We are prepared to discuss this but, at the same time, we want a level of assurance that the Minister is not going to go along the same path with TransAdelaide somewhere down the track as—

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: I know exactly what is in the principal Act: I have read it very carefully. But if you accuse us of a level of political paranoia, so be it. It is on the Minister's own head or that of her Government. We may well think that the Minister comes here in good faith, but that has not been our experience with the Liberal Government. So, I prefer to proceed with this amendment in this place. Obviously, we have the numbers for it to be carried, and we are prepared to discuss it in the coming week.

New clause inserted.

Clause 18, schedule and title passed.

Bill read a third time and passed.

SHOP TRADING HOURS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued page 342.)

The Hon. T.G. ROBERTS: I rise to indicate that the Opposition supports the changes to shop trading hours. However, it is probably like all compromise positions, because a new set of shop trading hours will not satisfy everyone. There will always be winners and losers with regard to shop trading hours. The Opposition is trying to protect those people in the retail industry who make up the major bulk of small traders, small retailers and family businesses and, with some regulation, provide maximum cover using shop trading hours for these businesses to coexist alongside the large retailing centres. It appears that the

avariciousness of the large trading organisations means they cannot accept a regulated market. It appears that, each time a shop trading hours inquiry review investigation takes place, the bulk of the submissions coming from the major retailers are in favour of total deregulation. Total deregulation brings with it pain that the Opposition believes the community will not accept. It is not in the long-term interests of consumers to go down that totally deregulated track.

There is an opinion around that, if we totally deregulate the shop trading hours market, we will catch up with more enlightened centres in the rest of the world. My research has shown that that is not the case. A few major cities in this world have central shopping precincts that may have totally deregulated hours and what would be regarded as an anarchistic marketplace. However, those remain very few. Sections of major cities such as New York, London or Paris never sleep. However, where you have a city similar to the size of Adelaide, with Adelaide's environs, we need breathing space for the city itself to cleanse itself, particularly at weekends. It is the Opposition's view that Sunday remains a sacred day, if you like, in relation to allowing people to catch their breath, to put up their feet, to spend time with their families, to do those chores that need to be done around the home, to get to know their siblings, to renew friendships and maintain family contacts, and so on.

Often, though, the marketplace does not believe in those sorts of things. When it does its reviews, the marketplace looks finally at the bottom line and asks, 'How can we maximise our returns? How can we get a further slab of the shop trading hours in relation to deregulation, and at whose expense can we get it?' In regional areas—and the Hon. Ron Roberts will probably support my contribution with some anecdotal evidence of his own in the northern region of this State—where there have been broader trading hours through proclamation, from talking to people who have, over the years, shifted or extended the blocks of hours to try to capture larger sections of the market, particularly in winter time, I have been told that the only beneficiaries of the extension of hours in regional areas were the electrical trading shops that sold small television sets.

Owners of businesses—and, in the main, they had families—spent the majority of the extra time watching television from probably around 5.30 to 8 o'clock, which was generally the agreement on the hours. They would have to sit there watching television on their own, waiting for customers to come in, particularly on Wednesday, Thursday or Friday nights, depending on when the regional areas decided to extend their hours to try to match the marketplace competitiveness being put up by the major trading groups within the retail sector.

Central regionalisation took place, and that put a lot of pressure on small towns, because people would jump into their cars and drive to the regional areas that had extended hours, and the major beneficiaries of that were the supermarkets. The smaller traders who fed off the supermarkets that had some goods and services to sell that were within the precincts of the supermarket areas were beneficiaries, but in the main the strip shopping sector was ignored. The extended hours did nothing for consumers. They had the same amount of money to spend; it is just that they chose different hours in which to spend it. As I said, supermarkets are the beneficiaries of the large retail sector, and a lot of restructuring went on in small business during that time.

A lot of people put money into the small business at a time when a lot of other jobs were shrinking. A lot of people took packages—superannuation and redundancy packages—and put them into small businesses, trying to provide employment opportunities for their children. However, not too many succeeded. The buying power of the larger retailers and the fact that they can indulge themselves in what would almost be regarded as retail price maintenance—but I will not accuse them of that, because that is illegal—meant that small businesses were not able to compete and, unless they had hours set outside normal trading hours for convenience for people or a product people sought, in the main those businesses failed.

We now have a report that has made some recommendations on changes to shop trading hours. It still leaves Sunday a target for total deregulation at another time, but it does give some areas an increase in trading hours. The major changes that have been included are an extension to 7 p.m. on Monday, Tuesday, Wednesday and Friday, and an extension for the city centre until 9 p.m. on weeknights. There is no change to Saturday trading and no regulation for Sunday trading. The proclamations remain the same for regional trading, so there are no changes to regional areas.

The other impact that I found in regional areas—and this will occur in suburban areas as well—is that with every extension to trading hours, and with the extension that we have now from 5.30 p.m. or 6 p.m. to 7 p.m. or whatever the traders avail themselves of, there will be a price paid socially. Most people in Australia sit down for their dinner between 6.30 p.m. and 7 p.m. Family discussions, talks and counselling occur at meal times, and I think that that will take a back seat and that people will eat in isolation.

This trend has been developing over the past 10 to 15 years. As legislators, we throw up our hands when we see the effects of unemployment on young people and the impacts of vandalism, alcohol and drug abuse. We all have to take some responsibility for that as the corporate changes that are occurring impact on families, without a lot of social assessments being made.

There is a lot of anecdotal evidence to suggest that the discipline within families is passed on through respect which is created through discussion around the table when views are exchanged and advice is sought. Dinner tables were one of those places where parents, tired as they were, would proffer examples of life's difficulties and discuss them so that conclusions could be drawn. Dinner tables were regarded as a place of social bonding.

I hope that the extensions that we have agreed to will not be taken up by a lot of traders. I hope that in a lot of cases they will get together and determine, in a non-competitive way, the hours they will open. This is what has happened in a lot of regional areas. In some cases small traders have banded together to feed off each other. The best thing they could do was to make sure their hours were the same and to offer a similar spread as the supermarkets in large regional centres.

In some cases they had to open half an hour earlier. Pressure was on them to extend their hours. Where before they were opening at 9 a.m. they now might have to open at 8.30 a.m., and where before they were closing at 5.30 p.m. some had to open until 6 p.m., to make sure that the aggregate hours they were open in strip shopping centres and in competition areas with large retailers enabled them to feed off the popularity—and it certainly is a popular business now with a one-stop shop—and maximise their returns from the trade that was going past, through or around those trading centres.

I think that some of that will happen now. Although the legislative provisions are to extend hours in the evenings I hope that the traders in those areas on wet, windy nights during the winter when the darkness sets in at about 5.30 p.m. and there are fewer people around will cooperate to minimise the impact that it will have on the family businesses.

If you are working for a large retailer and are on set or casual hours then you would have to find those hours in a broad-banded shopping hours range to suit you. That is what a lot of employees have set out to do. They may try to work hours that shape their social life or assist them in shaping a social life and maintaining some sort of family contact but, in a lot of cases, that is not always able to be done.

I will read into *Hansard* the comments that have been made by some of the people who were surveyed as an example of the attitudes so that people get an understanding of the fears that retailers have when the goal posts are moved, because as soon as you interfere with the regulation of shopping hours you set up the case for some people to win and some people to lose. In some cases it is a matter of people making adjustments to make sure that they do not lose.

In a letter to the Opposition spokesperson for shopping hours and industrial matters, Ms Stephanie Key, Chapley Nominees, trading as Munno Para Shopping Centre, encapsulates some of the arguments put forward by those people who they represent in their regional shopping area. They have to take into account a broad range of traders. What they say, in part in this letter, is as follows:

> Deregulation will accelerate the drift of trade to major shopping centres away from smaller centres. It is therefore reasonable to assume the valuations of smaller centres will decline, resulting in financiers calling in loans based on default.
>
> Some of the advocates for seven day trading preach the benefits of deregulation, but avoid to make any mention of the negative issues regarding this matter. If they are so confident that there will not be a large number of small business failures then they ought to consider giving a guarantee should this occur, to compensate these people.
>
> The following endeavours to answer in more detail from first-hand experience of some of the questions regarding the retail trading hours.

They pose the question, 'Who are the protagonists who push for extended trading hours?', and answer it as follows:

> Certainly not the thousands of South Australian family business operators, the 60 000 shop assistants and their families or the vast majority of consumers who are opposed to extended weekend trading hours.
>
> The chief advocates for the seven day unrestricted trading hours seems to us to be a handful of the large interstate owned shopping centre developers, and the large retailers with interstate headquarters wanting to increase their market share. Is there an objective to monopolise the South Australian retail industry by curtailing the effectiveness of the small independent operator's trade? Deregulation seems to have little to do with consumer need or the tourist industry.

Another question they pose is, 'Is it fair for some retailers to be restricted from trading seven days a week whilst others are able to trade?', and answer it as follows:

> Some of the people who call for fairness in the marketplace are the owners of large, mostly regional shopping centres with all the huge advantages enjoyed by their complexes. Such advantages include prime locations, with concentration within their centres of all major retailers including department stores such as Myer, David Jones, Kmart, Big W, Harris Scarfe and Target, Woolworths, Coles and Bi-Lo supermarkets plus the 150-250 specialty stores—mostly national operators, plus Government services and public transport with no restrictions or limits on future growth of their developments. In contrast to this, the small shopping centres are positioned in poor locations with the added disadvantage of limits placed upon them by Government planning regulations restricting any potential for growth in the floor space of these centres. For small shopping centres in regional areas and strip shopping, their restriction is parking access and turnaround times.

The other question that is posed by the proponents of the letter states a case for the dominance of the large chain retailers who already control approximately 75 per cent of the supermarket trade. For competition to occur there must be a strong independent retail presence in the marketplace as well as the chain retailers. South Australia is the cheapest State in Australia to purchase foodstuffs. That is not by accident or by the generosity of the large chain retailers. The real reason is a strong independent sector which not only competes with the chains but also competes very fiercely amongst itself. That statement is important in that, once competition is removed, the pricing mechanisms that are used by the larger retailers change. I do not think that anyone on either side of the Chamber believes in creating circumstances in which private monopolies are able to regulate the pricing mechanisms within the retail sector.

This Bill is balanced to a point, and I am sure that, where the balance does not exist, retailers will be able hopefully to form associations to work out blocks of trading hours that they can use to minimise the hours behind the counter, so that they can have that recreational time that we all expect for a quality of life and to be able to meet and greet their family and friends. People who go into the retail industry, be it a delicatessen or some other small retail business, should not have to cut a large chunk out of their life for no returns, given the competitive nature of the retail industry at the moment. A person can be a small trader, they can have a quality of life, they can have a family life and they can have normal friends and recreation time, as is the expectation of the rest of the community.

We support the Bill, but we are aware that some adjustments and changes will be required. If small retailers are found to be in a position where they must aggressively compete with each other to survive against the major players in the industry, the Bill will not have succeeded in achieving what it is trying to do.

The Hon. M.J. Elliott interjecting:

The Hon. T.G. ROBERTS: Yes. It will not have achieved what it set out to do: it will only have made it much harder for smaller retailers. I am sure that the Government will keep in contact with the people who took part in the review to monitor the impact of the changes, and I am also sure that the people in retail associations will keep their association representatives informed on how the changes are operating and to keep the pressure back on Governments to make sure that the regulations that we introduce bring about the required protections for competition to remain in the retail sector and so that people, either employees or owners, in the small retail sector are able to enjoy the quality of life that they deserve while pursuing—

The Hon. M.J. Elliott: Well, they'll have plenty of leisure time.

The Hon. T.G. ROBERTS: The honourable member says that they will have plenty of leisure time, but they do not want to have that leisure time standing behind their counters waiting for customers to come in. Rather, they want to be able to maximise their returns by maximising their business through the spread of hours, thereby minimising their contact time with the counter and increasing their hours with their family and friends.

The Hon. J.S.L. DAWKINS: I support the second reading of this Bill. There has been some desire demonstrated in the community for fewer restrictions on shop trading hours. However, I believe that there is also a certain level of realisation of some of the social impacts and impacts on small retailers of such a move, particularly with total deregulation, as advocated by some members of the community. An example of the social impacts which come readily to mind involves a lady I know who, in a casual conversation, raised the possibility of more flexible shopping hours as a great move, particularly in her situation as a working mother. However, almost in the same breath, she acknowledged the difficulty that she experiences filling the sporting team that she coaches because of existing Saturday afternoon trading.

I am not inclined towards total deregulation of shopping hours, but I recognise that existing exemptions make it difficult to justify the current situation. The obvious need for compromise has resulted in extensive consultations being conducted. The Government has received over 700 submissions since it announced its move to review trading hours. The process involved balancing the interests of large and small retailers, of city and suburban traders, of employees and employers, and indeed the consumers themselves. The changes in this Bill represent the views of those consulted and, in my view, they are a workable solution to what is a complex issue.

As part of the process of assisting traders, the Government will examine the establishment of a unit within the Department of Administrative and Information Services to provide advice to traders on how to respond to consumer demand, while still acting and trading within the law. Under the changes featured in this Bill, shops in the city will be allowed to open on Monday to Friday until 9 p.m., while shops in the suburbs will be allowed to open on week nights, except Thursday nights, until 7 p.m., with Thursday trading unchanged.

There will be no change to trading hours arrangements on public holidays, except that trading will be allowed on Easter Saturday in the central shopping district only from the year 2000 and thereafter. Sunday trading in the central shopping district will be unchanged but it will be allowed in the metropolitan shopping district between 11 a.m. and 5 p.m. on six Sundays per year, four before Christmas and two others prescribed following consultation. Extended trading will not be made available to retailers selling motor vehicles or boats. In other words, closing time will remain at 6 p.m. Monday to Wednesday, until 9 p.m. Thursday and Friday, and 5 p.m. on Saturday.

I listened with interest to the Hon. Terry Roberts, particularly his comments about regional areas and the shop trading hours in those areas. In most districts they have found their own level, and I think the fact that this Bill includes changes which enables, but does not force, traders to open longer hours hopefully will allow them to work together and find a level that suits the community they serve. The honourable member talked about regional areas. I travel through many regional areas, and some people in those areas think that quite a fuss has been made about the changes because, generally, over the years, the various regional centres have settled down and provided the most suitable hours for their community.

Since the Minister's announcement of the compromise provisions last month, I have received mainly positive comments about the suggested shop trading hours. I hope sincerely that the move can be successful. I should add that the area in which I live, the Corporation of the Town of Gawler, is regarded in this instance to be a suburban area and so will be affected by the changes. I look forward to seeing those changes take place. I support the Bill.

The Hon. M.J. ELLIOTT: I oppose this Bill. When the question of shop trading hours has arisen in the past I have argued very strongly that one cannot look at shop trading hours in isolation and ignore other interrelated issues. The big issue is the question of genuine competition in the marketplace and the impacts that this decision will have on small retailers and farmers. I can guarantee that this legislation will have a dramatic impact on both small retailers and farmers, and those members who vote for this Bill will share the blame for the consequences of that action.

I could spend some time talking about the impact on families, but other members have covered that issue. I find it absolutely amazing that some people go around talking about how important families are and how important family life is, but if there is anything that guarantees the further separation of some families it is the fact one parent or, in some cases, a sole parent will be required to work more often on a weekend or later at night—times when the children are at home and no responsible adult is present or when one responsible adult must work. People who talk about family life and then support this Bill are hypocrites—nothing more and nothing less.

Market dominance is the issue that needs to be looked at. One has only to look back to 1985 in Australia when the major chains had 60 per cent of the market share and the independent stores had 40 per cent. Now, 13 years later, the major chains have increased their share from 60 per cent to 80 per cent, and the market share for the small independents has decreased from 40 per cent to 20 per cent. The prediction is that, within another two years, the share for major chains will increase by another 5 per cent and the share for independent stores will obviously decrease by 5 per cent to 15 per cent. That is a 5 per cent shift in two years.

I do not believe that this even takes into account the potential for changes in trading hours because I know that Woolworths was predicting that, on the basis that it could have those extended trading hours, it could increase its market share by another 4 per cent—Woolworths alone could do that. Anyone who goes around saying that they care about small business and then votes for this Bill is also a hypocrite.

You cannot stop there because what about the impacts on farmers? I recommend that people have a good, long conversation with people in the pork industry. I have had one argument with a member of the Liberal Party about interpretations in relation to that industry. I am certainly aware that, at a national level, the Liberal line is that the pork producers are in trouble because they over-produced. The reality of the pork industry is that a couple of years ago it experienced a major reduction in numbers as a result of crop failures, and there was a major decline in pork production at that point. In fact, those numbers never picked up. In fact, there was never a surplus. The industry was doing quite well before the decline in pig numbers.

The real reason why the industry is in difficulty is one word, 'Woolworths', which is the largest seller of pork products in Australia and, not surprisingly, is the largest retail operator. Woolworths owns one of the major pork processing plants in Australia. I am not sure what the position is right at this very moment, but I do know that, when there was a rapid decline in price, Woolworths was the biggest importer of pork into Australia. Woolworths, having succeeded in creating a

dramatic drop in the price of pork, then bought that cheap pork and became the largest exporter of pork out of Australia.

The One Nation Party went around blaming all sorts of things as the cause of the difficulties for pork producers and talked about international trade agreements, etc. I must say that, from time to time, the Democrats have been very critical of some of those agreements. However, the real problem—and I have seen the data to back it up—for the pork producers has been Woolworths. These big companies, Coles and Woolworths in particular, and I imagine Franklins, although I have not been into its stores, have no allegiance to Australia. They do not care where they get their stuff.

I remember a couple of years ago going through an exercise in a Coles supermarket and looking at one of its generic brands of tinned peaches, pulling it off the shelf and seeing that they had been grown in Spain. I went back two weeks later, pulled the same product off the shelf and it had been imported from another European country. I returned a further two weeks later and the same product was coming from a third European country. Basically, these stores will grab whatever dumped stuff they can get their hands on, and at a price below the cost of production. They are prepared to grab and drag it back into the Australian market. They then put pressure on the Australian producers who were not inefficient, who were paying fair wages to their workers, who were obeying all the occupational health and safety laws, who were doing all the right things as required by South Australian law and who were working efficiently but who could never produce at those dumped prices.

But no allegiance will you get to Australia from these big companies, which were just grabbing stock from anywhere they could. I did that exercise with tinned fruit and a range of other products. Frankly, these companies do not work for the good of Australia. Some people are trying to portray this move to extended trading hours as a response to competition policy.

Competition policy was about improving competition. This has nothing to do with improving competition, because Woolworths and Coles are not true competitors. They are, in fact, in many ways quite inefficient companies. When one visits a Westfield shopping centre and one sees a fruit and vegetable shop or a butcher shop competing with Woolworths or Coles in that same centre, one finds that they are usually paying a rent up to 10 times as much, and even more, per square metre. In fact, those little shops are actually running a cross-subsidy on the rents of the big shops. Woolworths and Coles fill up their checkouts with kids under the age of 18 and, mysteriously, once those kids turn 18 and start receiving an adult wage their hours disappear.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: These stores play games, and I know because my daughter became involved with one of these companies. They are shocking employers. They use really cheap labour, have subsidised rents and go into a marketplace and say, 'We want competition.' Well, there is no competition at the moment. It is not genuine competition, and with this move we are just handing them more of the market share, and that will grind more of the little people out of business; they will lose their livelihoods. That is what we are doing here. They will work the longer hours because they cannot afford to pay other employees. They will sacrifice their family life, but I suppose someone's family life will be sacrificed, because that is what we are requiring them to do under this legislation.

I suppose at least Woolworths and Coles will say, 'Look, for these 17 or 18 year olds who work on our checkouts, family life is not so much for them, anyway, is it?' I suppose you could put that argument. I mean, they do not have families for whom they have responsibilities. This is precisely what this legislation is doing. It is no accident that, whenever you see market basket surveys, South Australia is the cheapest capital for buying products. The reason for that is at this stage this capital city has a lower dominance by the big three, but the Government will do anything to assist. Wait and watch the prices and see what competition does for prices.

This is an absolute disgrace. No-one is benefiting from this other than Coles, Woolworths and Franklins. They are the only people who have been asking for it. The Government talks about shops wanting to open. Some 95 per cent of shops can open now any time they like because they are exempted because of the area of floor and a whole range of other reasons. The fact is that they do not open because it is not worth their while opening; that is, worth their while in terms of what it does for their families and economically—because there are only so many dollars to be spent. These big shops are prepared to staff their shops with cheap, young labour and as the hours extend further—because they know the Government will do it—they will be exposing them to greater and greater risks. They can do it, but do not tell me it has anything to do with competition; it is anti competition.

If one neglected the social questions about impacts on families and talked about genuine competition there would be a package, a package that ensured real competition. It would be a package that would give fair retail leases, but the Government has fought that tooth and nail. It would be a package that really would ensure that there was not what is essentially labour exploitation. While I am on this subject of labour exploitation, I notice that one of the most powerful members of the machine in the Labor Party will benefit from this legislation. He will benefit because the retail share of Coles and Woolworths goes up and, although there are officially no closed shops, I can tell members that, when these young kids get signed up, they all start paying their union fees. I hope that has had nothing to do with the decision.

I can tell members that I made contact with the SDA not long after it came into Parliament. I was concerned about the exploitation of young people and I sought assistance in terms of information—zero cooperation. They had nothing—or perhaps they just did not want to cooperate with the Democrats. I was wanting to look at the issue of what was being done to young people and they said that they did not have any information. That was what I was told.

The Hon. Carmel Zollo: How long ago was that?

The Hon. M.J. ELLIOTT: That was about 12 years ago. I guess their membership, at least in the supermarket area, must be doing very well because, as I said, essentially, closed shops operate in those supermarket chains even though they are not legal. It is a nice little cosy deal. It certainly brings the money into the coffers and the young kids do not make any demands on the union, anyway. As I recall, I think even one of the Hon. Mr Lucas's children might have had that experience at one stage. My daughter was deeply dissatisfied with the treatment she was receiving from the company for which she had worked.

The Government has really shown that it does not care about families, small business, farmers and genuine competition. The Government is quite happy for the major chains' share to go to 80 per cent within two years and then go even further beyond that. It is quite happy for small businesses to

go broke. I do not understand why. Sometimes Government members talk about tourists. A few weeks ago when I was looking at drug issues, I had the opportunity to visit a couple of European countries and, essentially, their trading is the same as ours. They open the centre city as we do and the suburbs tend to be closed. Yet, somehow or other when they come to Australia they expect to have something different. What a load of baloney.

The Government brings out a whole lot of specious arguments and one cannot help but perhaps think that the electoral funding laws need to be more detailed to find out precisely from where financial support comes, because, at present, one can never tell from where all the money comes and one cannot help but have very deep suspicion. I, with my Democrat colleagues, very strongly oppose this legislation.

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

ADJOURNMENT

At 5.23 p.m. the Council adjourned until Friday 27 November at 11 a.m.