# LEGISLATIVE COUNCIL

**Wednesday 28 July 1999**

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

## LISTENING DEVICES (MISCELLANEOUS) AMENDMENT BILL

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

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

Motion carried.

## LEGISLATIVE REVIEW COMMITTEE

**The Hon. A.J. REDFORD:** I lay on the table the seventeenth report of the committee.

## ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

**The Hon. J.S.L. DAWKINS:** I lay on the table the Annual Report 1997-98 of the committee.

## AUSTRALIA ACTS (REQUESTS) BILL

**The Hon. K.T. GRIFFIN (Attorney-General):** I seek leave to make a ministerial statement on the subject of the Australia Acts (Requests) Bill 1999.

Leave granted.

**The Hon. K.T. GRIFFIN:** I wish to make a statement to correct my speech in reply on 8 July 1999 to the Australia Acts (Requests) Bill 1999. On that day I said that since that Bill was introduced into the Council on 26 May all other States had passed an Australia Acts (Requests) Act 1999 in the same terms as this Bill. This reflected a misunderstanding with regard to Queensland, which at that time had introduced, but not passed, its Bill. I apologise to the Council for the error. Queensland passed its Bill on 22 July 1999. All States other than South Australia have now passed an Australia Acts (Requests) Act, leaving only South Australia to pass its Bill.

# QUESTION TIME

## OUTSOURCING

**The Hon. CAROLYN PICKLES:** I seek leave to make a brief explanation before asking the Minister for Transport and Urban Planning a question about passenger transport services.

Leave granted.

**The Hon. CAROLYN PICKLES:** Yesterday I asked the Attorney-General a question about the Federal Court ruling that outsourcing cannot be used to reduce pay and conditions. My questions to the Minister are:

1. In the light of the Federal Court's ruling, will the Minister finally give a guarantee that workers' terms and conditions of employment will not diminish or be used as a bargaining tool as a result of the latest round of competitive tendering?

2. Can the Minister confirm that Serco employees once employed by the Government were employed by Serco on diminished terms and conditions?

**The Hon. DIANA LAIDLAW:** I am puzzled when the honourable member talks about diminished services and conditions. Serco employs people on the basis of an industrial agreement, and those agreements, as the honourable member knows, can be accepted by the Industrial Commission only with the support of the unions. So, people are engaged by Serco on the basis of industrial agreements that have been supported by the relevant union, in this case the Transport Workers Union. In relation to the first question by the honourable member, if she spoke to the union, she would know that the Government has always abided by industrial awards and agreements in terms of people taken on by TransAdelaide, and that is as it should be.

## HEALTHSCOPE

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

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** —concerning Healthscope and shares held by the Motor Accident Commission.

Leave granted.

**The Hon. P. HOLLOWAY:** Since July 1995 the Motor Accident Commission has held 6.8 million shares in Healthscope at an original purchase price of $1.69 each, making it the single largest shareholder with a holding of 10.5 per cent of the company. On 8 February 1999 Healthscope announced that it would not be able to pay an interim dividend and issued a full year profit downgrade due 'to more problems with a contract to manage the Modbury Hospital'. Through a change to the Modbury Hospital management contract, in 1997 a provision was included to pay Healthscope for future losses made by the company. My questions are:

1. Is the Treasurer aware that at today's share price of 37¢ the Motor Accident Commission has made a paper loss of $9 million on the Healthscope shares?

2. Is the Treasurer aware that, when the Government agreed to change the Healthscope agreement in 1997, it was the largest shareholder in Healthscope?

3. Given that losses at Modbury were devaluing Healthscope shares while the South Australian Government was the largest shareholder in Healthscope, did the Government have a conflict of interest when it changed the contract with Healthscope to provide health services at Modbury Hospital?

**The Hon. R.I. LUCAS:** I will need to take advice on that, but my recollection is that the reason why the Motor Accident Commission holds shares in Healthscope was a decision taken by the Hon. Mr Holloway and his colleagues within the Labor Party, and the decision was taken by the—

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** Exactly: the Labor Government had taken the decision during its terms in office to take up the interest in hospitals in South Australia and, as a continuation of the process of trying to clean up the mess that had been created by the Labor Government in South Australia, we continued through the Motor Accident Commission to have this continuing interest in Healthscope. If my recollection is wrong, I will gladly correct the record after I have taken advice. I will ensure that we very quickly check this issue because, if my recollection is correct, I am surprised that the Hon. Mr Holloway has the front to ask this question in this Chamber.

*Members interjecting:*

**The Hon. R.I. LUCAS:** I must admit that, if my recollection is correct, I cannot understand why—

*Members interjecting:*

**The Hon. R.I. LUCAS:** The Hon. Mr Holloway has sold his Telstra shares, has he? Has he been shamed into it? I suspect that the shadow Minister did not like the interjections from across the Chamber about his ownership of Telstra shares. Anyway, he can explain his decision about Telstra shares—

**The Hon. L.H. Davis:** He is probably getting ready to buy the next lot.

**The Hon. R.I. LUCAS:** He is cashing up. He might be waiting for something to happen with ETSA shares. As I said, I will be happy to check the record as to how the Government, through the Motor Accident Commission, happens to have an investment in hospitals in South Australia. My recollection is that it was as a result of decisions taken by the Bannon Government, supported by the Hon. Mr Holloway, the Hon. Mr Ron Roberts and others within the Labor Caucus.

*The Hon. P. Holloway interjecting:*

**The Hon. R.I. LUCAS:** The Hon. Mr Holloway is trying to wriggle away a little bit now. Having asked the question, he is trying to wriggle away from responsibility for this.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** The Hon. Mr Holloway might not like my response to this question when I take some considered advice from the Motor Accident Commission. On the basis of the questions that have been asked, I will get some advice from the Motor Accident Commission and seek to bring back a response as soon as I can.

## REGIONAL DEVELOPMENT

**The Hon. T.G. ROBERTS:** I seek leave to make a brief explanation before asking the Attorney-General, I believe, representing the—

*Members interjecting:*

**The PRESIDENT:** Order! The honourable member is trying to seek leave.

**The Hon. T.G. ROBERTS:** —Minister for Primary Industries, Natural Resources and Regional Development, a question on regional development.

Leave granted.

**The Hon. T.G. ROBERTS:** This question should be asked by members opposite, and it will be clear after I have asked my question that the member of the Liberal Party who is responsible for looking after non-Liberal seats in the South-East should have picked this up to make some play out of it. The *Naracoorte Herald* carries the headline 'New Zealand meatworkers join Teys'.

*Members interjecting:*

**The Hon. T.G. ROBERTS:** I refer to the *Naracoorte Herald*, which is a widely read and well respected paper in the South-East. The article deals with a problem about which I have raised questions in this place before, that is, management of successful expansion in rural and regional areas in relation to the wine and the meat industries. Last night I posed the question in my contribution to a Bill before the Council about the security of employment of people working for meat companies and abattoirs. I had no inkling that this article was to appear. However, it explains some of the issues that I raised in that contribution.

The article relates to a shortage of labour in the Naracoorte area in relation to the starting up of an abattoir that has been closed for a while and to workers needing to be recruited to the Naracoorte area. The new owner is a Queensland company. It was seeking local labour to fill the positions and was unable to find suitable people. The fact that—

**The Hon. R.I. Lucas:** Are you about to congratulate the Government?

**The Hon. T.G. ROBERTS:** I am not congratulating the Government, because the Government appears not to be aware of the circumstances in this area in respect of providing infrastructure to expanding industries—an area which has been critical for at least the past 18 months to two years. The Queensland company has advertised as broadly as possible to try to obtain the skills required for its start up, but it has been unable to attract the appropriate skilled people. An abattoirs closed in Murray Bridge putting 500 people out of work. It re-employed a smaller number of people on individual contracts, which is just a ploy by companies to trim their labour force. This action would have created a lot of surplus abattoir workers in the Murray Bridge area, but they could not attract those people to the Naracoorte area because there is no housing.

This situation has been going on for some considerable time. Normally the Housing Trust would have been involved in a regional management plan for a particular area to look at whether the job surplus situation and the shortage of housing matched the needs and requirements for a region, but, in this case, it has been left to the private sector. The situation is probably best described by an article in the *Naracoorte Herald* which, in part, states:

> The Meat Industry Employees Union's State secretary Mr Graham Smith said he believed the pay and conditions offered by Teys Bros had deterred many people from moving from Adelaide and Murray Bridge to Naracoorte.
>
> He had heard some meatworkers had come from Murray Bridge to Naracoorte meatworks but had only stayed for a few days.
>
> Teys Bros offers workers individual contracts which have been criticised by the meat industry union.
>
> 'It's very hard work, it's very long hours,' Mr Smith said of the work available at the meatworks.

The company has recruited people from New Zealand at a time when Australia has probably a surplus of unemployed workers ranging between eight and 12 per cent, depending on the statistics you want to look at. In some areas in this State unemployment, particularly in the northern suburbs and probably around some of the regional areas, is up as high as 25 per cent. This is a longstanding issue.

The article goes on to say that there has been some consideration of short-term accommodation using backpacker style accommodation for people employed in work of a seasonal nature, but I am sure that that is not what is required. Will the Government task force which has been set up and which has been travelling widely around the State look at the Naracoorte/Padthaway employment problems and develop an education, training and housing policy to suit the problems that are facing regional development in this area?

**The PRESIDENT:** Order! That explanation was longer than six minutes and contained an awful lot of opinion and debate. I ask honourable members not to take that length of time when explaining their questions.

**The Hon. K.T. GRIFFIN:** The answer will be six seconds: I will refer the question to my colleague and bring back a reply.

## PARINGA BRIDGE

**The Hon. J.S.L. DAWKINS:** Will the Minister for Transport and Urban Planning indicate the Government's position in relation to the possible re-alignment of the Sturt Highway in the eastern portion of the Riverland and options for a replacement national highway river crossing in lieu of the Paringa Bridge?

**The Hon. DIANA LAIDLAW:** Recently the honourable member and also the Federal local member Mr Neil Andrew and I visited the Renmark area and inspected the Paringa Bridge, which, currently, has a 30 km/h speed limit because of the age of the bridge between Paringa and Renmark. That bridge is on the National Highway system between Adelaide and Sydney, and clearly in terms of National Highway standards it is not satisfactory to have a 30 km/h speed zoned section of that National Highway.

It was interesting to me to see that, in fact, very few people seemed to honour that 30 km/h speed limit, which makes one even more anxious about the replacement of the bridge at another location, in terms of National Highway purposes; not getting rid of the Paringa Bridge, keeping that for local purposes, but finding a new alignment for a new bridge as part of the National Highway system between Adelaide and Sydney. Certainly, the honourable member would be aware that recently the Blanchetown Bridge was replaced when there was suspicion about its longer term safety, and when upgrading that bridge it was made for B-Double standards, and potentially more in terms of A-Trains in the future.

What the Federal Government has done in budgeting for the year 1999-2000 is provide funds for South Australia to assess, in strategic planning terms, all sections of our National Highway system, to see what is required to make sure that we have a uniform and high standard of road network in this State, and for that study to inform or determine investment decisions, such as a potential new alignment for a new bridge. Any recommendations from the study to be undertaken of the National Highway system in South Australia will be referred through to the Department of Transport and Regional Development, and that will be used for its 10 year forward investment plan.

It is important to also recognise, in terms of that investment plan, that, because the Adelaide-Sydney National Highway network is a high order of use and future demand, I would anticipate that investment recommendations for this roadway will be a very high priority for Federal Government funding in the future, and that certainly would be the South Australian Government's recommendation.

So what we would be looking at as part of this study is the new bridge across the Murray River and that would mean a new alignment of the National Highway around Renmark. We will definitely have to take local views into account because the Renmark community may see that there is some disadvantage for them in such a new bridge and new alignment. In the Port Wakefield Road National Highway upgrade we know that a number of smaller towns were bypassed but all of them continue to thrive and, in fact, some have found that in terms of land sales and business activity there have been gains for them, once those businesses were no longer directly on the National Highway system. We will involve all local councils along the Riverland in this study, and particular reference will be made to the views of the Renmark Council and community.

## PARTNERSHIPS 21

**The Hon. M.J. ELLIOTT:** I seek leave to give a brief explanation before asking the Treasurer, representing the Minister for Education, a question about Partnerships 21.

Leave granted.

**The Hon. M.J. ELLIOTT:** The Minister for Education in another place made a ministerial statement on 9 July concerning Partnerships 21 and from that, in quite a short space of time, we now have schools being asked to opt in to Partnerships 21. I do not have the date in front of me but, as I recall, the first opt in date is in late August this year, and there are two other dates next year. Certainly, the feedback I am getting from members of school councils and staff is that there is a great deal of concern at this stage about whether or not they have enough information to make a decision. They have an extra concern in that, recognising that there was that doubt—and the Government appears to have appreciated that there was going to be some doubt—the Government then threw in a bribe: that is, for those schools that opted in, and for only those schools, there was to be a top-up in relation to those—

*The Hon. A.J. Redford interjecting:*

**The Hon. M.J. ELLIOTT:** —on student cards.

*The Hon. A.J. Redford interjecting:*

**The PRESIDENT:** Order!

**The Hon. M.J. ELLIOTT:** Just shut up. You never add anything to this place, so just shut up. Those schools that opt in are being offered a top-up that other schools will not get. It is worth noting that the schools that are going in are, theoretically, being offered money for other purposes—for training and so on. So, this top-up money is not an offset to make up for costs: it is nothing more nor less than a bribe.

What does it mean to a school? A school that chooses to opt in is being told, 'Take it now and it will be worth $10 000 to you.' This is the sort of figure that some schools with relatively high School Card numbers are being offered. Likewise, they are also being told—

**The Hon. A.J. Redford:** Give us an example and we'll check your figures.

**The Hon. M.J. ELLIOTT:** There are any number of examples. Similarly, a school that chooses not to opt in is forgoing the $10 000. So, for the Government to try to represent it as anything more or less than a bribe, because it certainly—

*The Hon. A.J. Redford interjecting:*

**The Hon. M.J. ELLIOTT:** Well, if it is increased funding for education it should be on the basis of need, and the needs exist in schools—

**The PRESIDENT:** Order! Interjections are out of order; answering them is out of order; and debating is out of order. We are listening to the honourable member's explanation.

**The Hon. M.J. ELLIOTT:** Mr President, he interjected about five times on that occasion, and you should have shut him up before then.

*Members interjecting:*

**The Hon. M.J. ELLIOTT:** I was reflecting on the turkey across the way. Certainly, people have argued that those schools that have high numbers of School Card students have a need, whether or not they opt in, but that need is being fulfilled only if they choose to opt in. So that is an added pressure on schools to opt in early even though they have a great deal of concern about some aspects of the package. I reiterate that there are many positive aspects to the package

as well: everybody I have spoken to has acknowledged that. But, there are some areas of real concern.

First, was it not recognised that all schools, whether or not they go into the package, have needs, particularly those with a large number of School Card students, and why should those that opt in be the only ones to get the top-up funds? Secondly, should a school choose to opt in, is it possible for it to opt out and say that it prefers to go back to the way things were before, or is it a one-way street?

**The Hon. R.I. LUCAS:** It is hard to win with the Hon. Mr Elliott. He spends most of his waking moments complaining about Government cutbacks to education and, when the Government, as it does on a number of occasions, provides additional funding to schools and education, the honourable member says, 'It's a bribe.' He spends most of his life complaining about cutbacks and when you give additional money he says, 'It's a bribe.' How do you ever win with the Hon. Mr Elliott? I sometimes think I will have to give up with the Hon. Mr Elliott in relation to ever satisfying him on the issue of education funding. Here we have a Minister for Education giving more money to schools, education and students, and still the Hon. Mr Elliott is complaining now about supposed bribes.

Then, in response to an interjection, the honourable member said, 'Why doesn't the Government give it on the basis of need?' As I understood what the Hon. Mr Elliott said in his explanation, the money was being given on the basis of the number of students with School Card, which is the measure of need within schools. I do not know how long it is since the Hon. Mr Elliott has been to a school, but need is measured on the number of students on School Card; that is the measure of need in Government schools in South Australia.

I can only advise the Leader of the Australian Democrats to take a bit of time off and get back to visit an occasional school or two, because then he might work out that that is how poverty and need is calculated in Government schools in South Australia. I am happy to refer the honourable member's question to the Minister for Education, Children's Services and Training and bring back a reply, but I am sure that the Minister for Education will reinforce a number of the comments I have made on his behalf in response to the question.

## TRAFFIC INFRINGEMENT NOTICES

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Attorney-General a question about the issuing of traffic expiation notices.

Leave granted.

**The Hon. T.G. CAMERON:** Yesterday morning my office received a telephone call from Ms Linda Scroop of Bellevue Heights following an incident on Greenhill Road, Unley, early yesterday. Ms Scroop was on her way to work at approximately 8.15 a.m. when her car was forced to pull over to the side of the road and stop, due to a flat tyre on the left rear wheel. Seeking assistance and not having a mobile phone, Ms Scroop entered a building next to her vehicle in order to call the RAA and report her vehicle breakdown. This she did, and her call was logged at 8.18 a.m. by the RAA Call Centre. On returning outside to wait for the arrival of the RAA, Ms Scroop found a police officer writing out an infringement notice for $119 for having her car parked on a clearway. I have a copy of the notice and will be happy to supply it.

Ms Scroop states that the officer could clearly see that her car had a flat tyre. When Ms Scroop attempted to explain to the officer that the reason for her car being left at the side of the road was the flat tyre, the officer replied, 'It's too late; I've started writing the ticket. You'll just have to tell it to the judge. There's a number on the back of the ticket if you've got a complaint.' The officer ignored Ms Scroop's attempts to point out the reasons for her predicament, issued the notice, climbed onto his motorcycle and drove away. Ms Scroop was upset and distressed over the treatment she had received. A bit of common courtesy and a short explanation to a member of the public by—

*The Hon. Diana Laidlaw interjecting:*

**The Hon. T.G. CAMERON:** No, not at all. A bit of common courtesy and a short explanation to Ms Scroop would have avoided her distress. It would appear that Ms Scroop now has no alternative than either to go to court on the matter or to write a complaint.

**The Hon. A.J. Redford:** Or go to that fearless campaigner, the Hon. Terry Cameron.

**The Hon. T.G. CAMERON:** Exactly. My questions to the Attorney-General are:

1. Are police officers allowed to use commonsense and discretion before issuing expiation notices where it is more than obvious that a vehicle has temporarily broken down?
2. Do police officers inform members of the public of their rights, and do they inform people of the appeal processes they are able to follow when they receive an infringement notice in cases like this?
3. Will the Attorney-General order an investigation into Ms Scroop's case to verify the circumstances of yesterday's incident?
4. Considering the circumstances, will Ms Scroop be required to pay the fine, and will she receive an apology from the police?
5. Finally, is there any way that this matter can be resolved other than Ms Scroop having to go through a process of writing to the police or going to court to explain her case?

**The Hon. K.T. GRIFFIN:** Of course there is another way: the honourable member has already drawn attention to it, and that is to raise the matter in the Parliament. I am not aware of the facts; I will ensure that the matter is properly examined as soon as possible and bring back a reply.

There are a number of ways in which this could have been dealt with had it not been raised in the Parliament. One option ultimately would have been to go to court, although one would understand that that is not a particularly attractive course of action for most people. Secondly, one could have written to the Commissioner, and the matter would have been the subject of a review by the expiation notice branch. The matter having been raised, I will undertake to have it referred through my colleague in another place and bring back a reply.

## EMERGENCY SERVICES LEVY

**The Hon. J.F. STEFANI:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about eligibility for concessions under the emergency services levy scheme.

Leave granted.

**The Hon. J.F. STEFANI:** I refer to the Government's brochure widely distributed to the community entitled 'How the emergency services levy works for all South Australians'. The brochure contains a series of questions and answers. One

of the questions asks, 'Will there be any concessions available?' The answer is, 'Pensioners and self-funded retirees with seniors cards will receive a concession of $40 on the real estate component of the levy.' Last week I made contact with Revenue SA to obtain details of how the emergency services levy formula is applied and I was faxed information that clearly states that a remission of $40 was only available to pensioners and self-funded retirees with a seniors health care card. Will the Minister give an unequivocal undertaking that the $40 concession is available to all pensioners and self-funded retirees holding seniors cards, as stated in the Government's brochure?

**The Hon. K.T. GRIFFIN:** I will take the question on notice, refer it to my colleague in another place and bring back a reply.

## FREEDOM OF INFORMATION

**The Hon. R.R. ROBERTS:** I seek leave to make an explanation before asking the Attorney-General a question about freedom of information.

Leave granted.

**The Hon. R.R. ROBERTS:** Honourable members would be aware that since 1994 I have attempted to have the WorkCover legislation changed. In particular, I have sought to change schedule 3 to provide lump sum payment to workers with permanent mental injury and I successfully introduced a Bill in 1994 in the Legislative Council, which was subsequently defeated in the Lower House in April 1995, on what has now become known as the 35-11 rule. I successfully reintroduced it in November 1995 and it was defeated in April 1996, again in the Lower House on the state of the House, the numbers being 35 to 11.

In the meantime I am advised that the Government was asked by the Federal Attorney-General whether it thought that any Acts in South Australia required exemption from the Disability Discrimination Act, and I understand that all Ministers were asked on 5 August 1995, during the passage of the Bill through this Parliament in 1995-96, about their respective portfolios. This was reported by Minister Ingerson in the Lower House on 30 June 1996. This started people's minds inquiring as to what was sought by the Government and why. All their inquiries were met by a wall of silence.

I lodged an FOI in November 1998 with the South Australian Government through the Attorney-General. That was refused on the grounds that it may cause bad relations between the State and Federal Governments. I subsequently asked some questions in this Council and received an answer from the Attorney-General, which said that he agreed that I had applied, had been refused, had appealed and had been told by his senior officer that the decision was correct. Being frustrated in not being able to understand the reasons given, I applied to the Federal Attorney-General and, surprise, surprise, he gave the information immediately.

Those papers reveal that the Government clearly knew, because the Federal Attorney told it in writing, that the provisions contained in schedule 3 breached the Disability Discrimination Act. The Federal Attorney-General suggested to the State Government on 15 June 1998 that it amend schedule 3 to comply with the provisions of the DDA. That would have allowed the Government to exempt it but, until that time, South Australian workers with a permanent disability were being disadvantaged as against the Federal legislation. My Bill passed this place on 19 August 1998. It was handled by the Hon. Angus Redford.

**The Hon. A.J. Redford:** And capably so too, if I do say so myself.

**The Hon. R.R. ROBERTS:** Don't get too excited. It was not handled by the Attorney-General. The Bill was not handled by a senior member of the Government who was aware of the Cabinet's deliberations and was aware of the correspondence between the State Attorney-General and the Federal Attorney-General. My questions to the Attorney-General are:

1. Does the fact that the Federal Attorney-General provided me with the materials sought, which I also sought from the Hon. Mr Griffin, give lie to the assertions by his department that the disclosure of same could reasonably have been expected to cause damage to the relations between the Government of South Australia and the Government of the Commonwealth, the disclosure of which on balance would be contrary to the public interest?

2. When the Attorney-General asked the Hon. Angus Redford to handle this Bill, was he made aware that the Federal Attorney-General had suggested that the schedule provision offended the DDA and that the schedule should be amended, and that this would have provided the opportunity to do so in line with the Federal Attorney's recommendation, according to the correspondence that the South Australian Attorney-General received (which I understand was discussed in Cabinet) on 15 June, a month before?

3. If the Hon. Angus Redford was not made aware that that was the case, why was he not made aware of that?

**The Hon. K.T. GRIFFIN:** The second question is rather convoluted. It is a bit hard to understand what the honourable member is on about. I think that he is trying to manufacture something that is just not there. I will set the interpreters on to the second question to see whether we can understand what it means. I will see whether a reply can be given to it, but I cannot guarantee that there will be one. In relation to the first question, the answer is 'No, not that I am aware of.'

## YOUTH AFFAIRS COUNCIL

**The Hon. SANDRA KANCK:** I seek leave to make an explanation before asking the Treasurer, representing the Minister for Youth, a question about funding for the Youth Affairs Council of South Australia.

Leave granted.

**The Hon. SANDRA KANCK:** The Youth Affairs Council of South Australia (YACSA) is currently engaged in a very public dispute with the Minister for Youth (Hon. Mark Brindal) over its funding arrangements and the future direction of the council. YACSA is a strident advocate for young people in this State. It tackles youth issues without fear or favour and, as a result, it appears to have put a few noses out of joint along the way.

On 30 December last year, when the political journalists were on holiday, the Minister announced a review into YACSA's funding arrangements. The review's report has yet to be made public. However, it is my understanding that the report found that YACSA should continue to receive triennial funding. Indeed, aside from specific criticism regarding YACSA's representation of youth from non-English speaking backgrounds (NESB), the report was generally supportive of how YACSA operates.

Despite the report's findings, the Minister has been publicly discussing alternative funding arrangements. The only public support for the Minister's position that I am aware of has come from the Multicultural Communities

Council of South Australia. Coincidentally, the Multicultural Communities Council was the source of the criticism of YACSA regarding its performance on NESB issues. The Multicultural Communities Council is also lobbying hard for funding to employ a youth affairs officer. My questions are:

1. Will the Minister confirm that he told the management committee of YACSA on 14 July that he acknowledges, as an outcome of the review of YACSA, that: YACSA is the recognised youth affairs peak body in this State; there should be an increase to the funding of YACSA and to youth affairs generally; and he is satisfied with YACSA's representation of NESB youth issues?

2. Does the Minister agree with the following statement from the YACSA review report:

> YACSA's most recent triennial funding arrangement, which consists of core funding from the youth portfolio with the ability to negotiate contracts with the Department of Human Services, works well and is an effective model for peak funding. Fee for service funding, although increasingly common in Government funding of community organisations, is not considered a realistic alternative to core funding for a youth peak because of the diversity of the youth sector and the need to address issues across all relevant portfolio areas. We recommend that this funding arrangement be continued.

3. Will the Minister release an unedited copy of the YACSA review?

4. Will the Minister outline details of the contact between himself, his office and the Multicultural Communities Council on the matter of the review of YACSA?

5. What contact was there between the Ministry for Youth and the Multicultural Communities Council over the conception, preparation and dissemination of the 26 July media release issued by the Multicultural Communities Council?

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

## GAMBLING

**The Hon. NICK XENOPHON:** I seek leave to make a brief explanation before asking the Treasurer a question about the Productivity Commission's draft report into Australia's gambling industries.

Leave granted.

**The Hon. NICK XENOPHON:** The Productivity Commission's draft report, the first national independent study into gambling in Australia, has found, as a result of a national gambling survey conducted by the commission, that there are 330 000 Australians with a significant gambling problem, each affecting at least five others, with 70 per cent of problem gambling being due to poker machines. In South Australian terms this means that in the order of 20 000 South Australians have a significant problem with poker machines, each affecting at least five others. The commission also found that the extent of problem gambling is linked directly to the relative availability of poker machines.

On 7 May 1992, in the context of debate on the gaming machines legislation, the Treasurer said:

> I believe that a certain percentage of South Australians who are pre disposed to gambling addiction or affliction will get themselves into trouble irrespective of the forms of gambling that exist in South Australia.

My questions are:

1. Given the Productivity Commission's findings based on its national gambling survey, does the Treasurer now acknowledge that the introduction of poker machines into hotels and clubs in South Australia has led to an increased level of problem gambling and gambling addiction?

2. What progress has the Treasurer made in implementing the recommendations of the Social Development Committee's inquiry into gambling handed down in August 1998?

**The Hon. R.I. LUCAS:** No, I do not resile from the position that I have previously expressed in this Chamber on a number of occasions. I note from the draft report overview that the member sent me—I presume it is much the same as the final report overview—that the analysis done by the Productivity Commission using the South Oaks gambling screen methodology shows that the percentage of Australians with severe problems is less than 1 per cent—it is 0.97 per cent. I note that the table shows South Australia as 1.55 per cent. There has been some publicity from those with extreme views on this issue that this shows, therefore, that South Australia is the most severely impacted as a result of the Productivity Commission research.

I must admit that I did not see in the press reports from those commentators with extreme views on this issue an acknowledgment that there was a note to this table which I would like to place on the public record. The note says in relation to South Australia's figure of 1.55 per cent:

> This result is relatively high and is probably a consequence of sampling error, given the relative small samples of regular gamblers in South Australia.

I think that those who quote this 1.55 per cent figure ought to be honest and ought to qualify their public portrayal of the results of the Productivity Commission research by mentioning the very heavy qualification that the Productivity Commission has placed on that figure. Anyone who has done any market research at all will know that the smaller the sample the greater the problem you have with sampling error, particularly when the productivity—

*An honourable member interjecting:*

**The Hon. R.I. LUCAS:** I have no problems at all with further research being undertaken. What it does indicate is that a number of people, again with extreme views, and I include amongst those the Hon. Mr Xenophon, in relation to this matter have been publicly attacking the view of people on this issue who have said that they believed the number of people with severe problems in relation to gambling was likely to be of the order of 1 to 2 per cent. I know that the Hon. Mr Xenophon has on a number of occasions quoted figures many multiples higher than 1 or 2 per cent in relation to this issue.

I am having some research done on the statements made by the Hon. Mr Xenophon in relation to this issue. I certainly recall figures of the order of 5 per cent or so. I recollect that at one stage he quoted figures of up to 10 per cent. But I will stand corrected; I will not place that on the public record and attribute it to the Hon. Mr Xenophon until I have been able to confirm that he has indeed referred to figures as high as 10 per cent.

The figure that the Productivity Commission has indicated is 0.97 per cent, based on the Australian sample. It is indeed consistent with the view which I have put, and which my colleague the Hon. Diana Laidlaw and others have put. We acknowledged that there are people in the community who have and will continue to have problems in relation to gambling addiction, but that we believed that they were a small percentage of the total Australian population. There is nothing that I have seen so far from the executive summary to contradict this. I have not yet had the chance to study the full copy of the Productivity Commission report. I intend to do so during the coming break, before we have the opportunity to get into a detailed vote on the honourable member's

legislation, which obviously will now not be able to occur until the next session of Parliament. I am sure all members will want to read the Productivity Commission report in some detail before they finally put a view down one way or another in relation to this.

The other thing that I have not seen in any of the public commentary from the media or some of the commentators with extreme views on gambling concerns the reference on pages 31 and 32 of the Draft Report Overview Summary of Australia's Gambling Industries. Under 'Judging the net impacts', referring to the net impact of gambling on the community, it says:

> The net outcome, deducting estimated costs of problem gambling from net consumer benefits (including tax transfers), is a gain to the Australian community from the gambling industries, ranging from $150 million to as high as $5.2 billion.

I quote that in full. There are no notes. There is a Box 7 which explains how the calculation is done. On the following page the commission makes some comments about some of the difficulties in terms of assessing the costs. I must admit that I find one of the comments difficult to understand. They talk about leaving out 'potentially significant sources of costs', which includes gambling-related suicides, etc, yet in the box they refer to the biggest element of the cost of this (up to $5 billion in costs) is a figure for depression and suicide of $2 billion. On the following page they say that these estimates leave out estimates of gambling-related suicide. So I must admit there seems to me some internal inconsistency in the commission's analysis for its report, and there are a number of other areas where—

**The Hon. Diana Laidlaw:** And you have only just glanced at it.

**The Hon. R.I. LUCAS:** I have only had a chance to glance at it, but some of the inconsistencies do jump out and make you wonder a little bit. But we will need some more time to look at the detail. Some $2 billion of the $5 billion—40 per cent of the estimated cost on the high side—is an estimate regarding depression and suicide. I intend to have a look in some detail at how the cost of depression and suicide has been estimated and at the assumptions with regard to causal links.

To be fair to the Productivity Commission, it has acknowledged the difficulty in this area regarding both the benefits and the costs. Let me hasten to say that one cannot say that the benefits are black and white but that the costs are grey. I think that there is grey on both sides. In terms of the irrational public debate on this issue, it is important that we look at the assumptions made on both sides of the equation and that, when we talk about the costs, we equally talk about the benefits, and we also equally say that the commission, having looked at it, says that there is a net benefit to the community from gambling.

That is inconsistent with the view put in relation to gambling by the Hon. Mr Xenophon and others who have extreme views on gambling. I think that the Hon. Mr Xenophon would acknowledge that. He has based his whole case on the fact that there is a very significant negative impact as a result of the availability of gambling in the South Australian community and nationally.

The Productivity Commission strikes a dagger through the heart of the Hon. Mr Xenophon's argument in relation to the assessment of whether there is a negative or a positive impact in relation to gambling nationally (it does not do this on a State by State analysis). On the other hand, let me say that I readily acknowledge, having read the report, that again the commission, as many other reports have done, has highlighted the very significant problems of a very small number of Australians.

**The Hon. M.J. Elliott:** It's 330 000.

**The Hon. R.I. LUCAS:** Well, .97 per cent with severe gambling problems. If you want to widen the definition and include others upon whom the commission has assumed gambling has some impact—that is, those on whom the problem of the gambler has an impact—I acknowledge that you can get wider figures again.

What I am saying is that this is a significant problem for the small number of South Australians and Australians who are afflicted with this problem. It is a responsibility of this Parliament and Governments generally to do what they can to provide assistance. I do not stand here today—and never have—proclaiming that all that can be done is being done. I am very happy to have what Governments do monitored and reviewed and, within the context of how Governments spend their money, Governments having to be accountable for their levels of existing expenditure and any decisions they might make in relation to future budgets in these areas.

I have very much an open mind to the view that we need to have a look at the effectiveness and efficiency of what we are doing in relation to problem gamblers in terms of the quantum and, if we can demonstrate that we need to do more, this Government and future Governments will need to make budget decisions regarding moving money out of somewhere else into this area.

There have been various propositions as to how that might be done, and we can debate that at another stage. I guess I start from a position where I prefer to work through existing structures rather than establishing new structures, but I will listen to the arguments that I know some members have in relation to the need for new structures for the disbursement of funds. If there are to be more funds, I would much rather the funds be spent directly on providing additional services through existing non-government agencies and others that work with problem gamblers rather than establishing new bureaucracies. That would be my starting point in relation to these issues. Ultimately, we in this Chamber and in another place will need to make our own judgments on those bureaucratic structures that we might like to consider.

In relation to the Government's consideration, as I think I indicated when this question was last put to me, the Government is still considering its position in relation to the many recommendations from the Social Development Committee. As I indicated last time, the views of various Government departments and agencies—and, I suspect, Ministers—are as varied as those within this Chamber and in the community as to how we need to tackle it. The difficulty of trying to find areas of common agreement on this issue within the Government is a challenge for me, and it will also be a challenge for the Cabinet when ultimately we consider a collective response to the Social Development Committee on this.

All I can say is that I will endeavour to do all I can to get this response back to the Social Development Committee in some form or another. I would have to say that the response is unlikely to show that every Minister and every arm and element of the Government has one view on the recommendations of the committee. I suspect that the best that we will be able to do with a number of the recommendations is to indicate that these issues will ultimately be determined by a conscience vote of members of Parliament. In other areas I

am sure that we can achieve some sort of Government view on it.

### EMERGENCY SERVICES LEVY

In reply to **Hon. CAROLYN PICKLES** (10 June).

**The Hon. K.T. GRIFFIN:** The Minister for Police, Correctional Services and Emergency Services has been advised of the following information:

The Emergency Services Levy commences on the registration of vehicles from 1 July 1999. Thus registrations which expire on 30 June 1999 (midnight) and then commence on 1 July 1999 will attract the levy.

In order for payment to occur before this new period begins, the last date due for renewal of these registrations is on 30 June. The new registration then becomes valid from midnight on that date. This means that individuals may pay their levy some days prior to the commencement date for the scheme, much in the same way as one may pay insurance renewals before the expiry of the existing policy, so as to ensure there is no gap where no cover is provided.

Early payment of registration and the associated Emergency Services Levy does not change the date of registration renewal, which will still commence after the day after the last day to pay.

### ATKINSON, Mr K.

In reply to **Hon. T.G. CAMERON** (10 June).

**The Hon. K.T. GRIFFIN:** I have been advised by the Police Complaints Authority that Mr Kevin Atkinson has formally registered his complaint concerning treatment of members of the public by the police. In view of this development it would be inappropriate for me to comment until the Police Complaints Authority has investigated the matter fully.

### EMERGENCY SERVICES LEVY

In reply to **Hon. P. HOLLOWAY** (26 May).

**The Hon. K.T. GRIFFIN:** The Minister for Police, Correctional Services and Emergency Services has been advised of the following information:

The examples referred to by the honourable member are actual examples and clearly demonstrate the wide variability within the existing insurance based system where the insurable amounts are personally determined and the insurance premium depends on factors such as crime risk. According to these examples the North Adelaide owner was better off. The reasons for the differences could include higher contents insurance value (North Adelaide), higher excess (Fullarton/Gawler) and higher contribution by the Adelaide City Council towards emergency services. The valuation of the property does not include these factors and thus provides an equitable basis to attribute charges given the relationship between the potential to benefit from service and the valuation.

### BUILDING INDUSTRY

**The Hon. A.J. REDFORD:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Government Enterprises, a question about building site amenities.

Leave granted.

**The Hon. A.J. REDFORD:** I was recently approached by a subcontractor in the building industry who was concerned about the standard of amenities, ablution blocks or toilets on building sites around South Australia, and in particular Adelaide. My constituent went to some trouble to photograph the quality of the toilets for our building workers on building sites, and they show missing doors, which he described as an 'open experience', toilets that had fallen over, chemical drums and toilets with no seats, and they show a rather sad display of the amenities provided to hard working building workers. I am happy to show members photographs of the different toilets. We are all qualified to make our own judgment as to whether they are satisfactory.

The subcontractor told me that he had spoken to Alan Harris of the CFMEU, who indicated that he would not do anything. I suspect that he is busy at Pelican Point stopping jobs rather than improving the amenities of workers on the job. I understand that there is also some concern about hepatitis if these toilets are not properly looked after. I am told that chemical toilets can be provided at a price of $23.10 per week, or a block hole toilet for $152.70 for three months. There is some debate as to who is responsible: the contractor or the subcontractor. Indeed, the Occupational Health, Safety and Welfare Act and a paper put out by WorkCover called 'Workplace amenities and accommodation' in June 1997 state that the principal contractor is regarded as the employer and has responsibility for providing and maintaining access to amenities. In light of that, my questions to the Minister are:

1. Will he make inquiries into the standards of toilets on building sites and determine their adequacy from an industry perspective? I am happy to provide him with the photographs in my possession.

2. If he does discover problems, will the Minister advise on what can be done to improve the lot of workers and subcontractors on our domestic building sites to improve the amenity of their lives?

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

### PARTNERSHIPS 21

**The Hon. R.I. LUCAS (Treasurer):** I seek leave to table a ministerial statement from the Minister for Education, Children's Services and Training in another place on local school management.

Leave granted.

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## MATTERS OF INTEREST

### CYPRUS

**The Hon. CARMEL ZOLLO:** I rise today to speak about the commemoration of the twenty-fifth anniversary of the invasion of the island of Cyprus by Turkish Government troops. Since 20 July 1974 we have seen a divided Cyprus, with the loss of life, freedom and property, people unaccounted for and ethnic cleansing long before the term became fashionable. Nicosia remains the only divided city in Europe. The Greek Cypriot community last week held a church service and laid wreaths at the War Memorial on North Terrace. There were also several public meetings and a dinner to mark the occasion. Professor Van Confoudakis from the Indiana University-Purdue University, Fort Wayne, where he is a professor of political science and the Dean of the School of Arts and Sciences, was the guest speaker at several of the functions, including an address to the University of Adelaide's Centre for Intercultural Studies and Multicultural Education. All functions were well attended by politicians in a bipartisan and committed way to demonstrate their solidarity in assisting to bring the injustices of a divided Cyprus to the attention of or community.

In the other place during the last parliamentary sitting a motion moved by the Premier was supported by the Leader

of the Opposition and other politicians from both sides in a strong show of bipartisan support. The Leader of the Opposition, Mike Rann, has followed the footsteps of the late former Premier, Don Dunstan, in taking up the fight for a just and viable solution for Cyprus. Along with the Federal member for Adelaide, the Hon. Trish Worth, Mr Rann is a patron of Justice—

**The ACTING PRESIDENT (Hon. J.S.L. Dawkins):** Order! There is too much audible conversation in the Chamber; it is very difficult to hear the honourable member.

**The Hon. CARMEL ZOLLO:** Along with the Federal member for Adelaide, the Hon. Trish Worth, Mr Rann is a patron of the Justice for Cyprus Coordinating Committee (SEKA). SEKA has worked tirelessly over the past 25 years to bring the Cyprus cause to the attention of the public, and particularly people in positions of leadership who can assist to make a difference. At the helm of SEKA at the moment is the President, Mr Nick Ganzis, and the Secretary, Mr Louis Christou. I also take the opportunity to pay a special tribute to Mr Con Marinos, one of the first activists in South Australia to bring the Cyprus cause to the public's attention. He has worked tirelessly for many years for his community. His service to the community and the Cyprus cause was recently acknowledged by SEKA at a community function.

In view of the strong bipartisan support for a fellow Commonwealth nation, this morning I was pleased to convene the first meeting of the Cyprus SA Parliamentary Friendship Group. I am pleased to report that the meeting was most productive, and the group has laid down the objectives that it wants to pursue. Apart from the furthering of cultural and economic ties, it agreed to advocate for a just and viable solution and to support the United Nations in its resolution to see a bi-zonal, bi-communal State under one sovereign Republic of Cyprus. I think that at this time in our history more than any other it is important to demonstrate our support for a just and viable solution to the Cyprus problem. I say this because after 25 years it is very easy for the problem to become just another one of the world's forgotten tragedies, and I think that that is exactly what the Turkish Government is hoping will happen.

The Turkish Government has divided and reinvented the make-up of the island and is resisting attempts to enter into meaningful debate without preconditions. Unfortunately, history teaches us that, if we do not have people who are prepared to remember and record history, there are always sufficient people in our society who are prepared to reinvent history. For this reason alone it is very important that the invasion and its consequences are constantly brought to the attention of the people of the world and to forums such as the United Nations, the European Union and, and as suggested by the Leader of the Opposition, for the Commonwealth of Nations to assist as well.

People who care about human rights and who have a strong sense of justice want to see a solution whereby the Greek Cypriots who make up the majority of people on the island can co-exist, as they did for over 400 years, with the Turkish and other minorities. I certainly believe that it can be achieved under one unified state with two communities and one Government of the Republic of Cyprus. If a parliamentary group can help to achieve such an aim, it will be worthwhile and meaningful, and I thank all members who have demonstrated their support for the group.

## POKER MACHINES

**The Hon. CAROLINE SCHAEFER:** I doubt whether I will take the five minutes allocated to me today. I draw the attention of members to the article with regard to poker machines and a poll taken of all members of Parliament in last week's *Sunday Mail*. I am sure members have seen it.

**The Hon. R.R. Roberts:** Is this a disclaimer?

**The Hon. CAROLINE SCHAEFER:** Yes, it is. The standard of journalism in this State is at times puzzling, to say the least. I, along with all members of Parliament, was contacted by the *Sunday Mail* and asked the two questions that everyone was asked. I was asked whether I was prepared to support a cap on gaming machines and I said that I was not prepared to give a 'Yes' or 'No' answer to that without seeing specific legislation. The girl asked me why and I said that it was because I have a view that, although it has some instant appeal, I believe it would give an unfair commercial advantage to those people who already have poker machines and a poker machine licence.

I was then asked, 'If there were a conscience vote to ban poker machines in South Australia now, would you vote for it?' My answer was 'No.' The girl then asked me why, and I said that, for a start, poker machines directly employ about 4 000 people in South Australia. I said that about 1.5 per cent—and I have been corrected: I think it is 1.8 per cent—of the population are in fact problem gamblers and fewer of them are addicted gamblers, and I see no reason to deny those people who enjoy playing poker machines what I think is a legitimate form of recreation.

The reporter then said, 'Did you say "a legitimate form of recreation?"', and I said, 'Yes, I did.' She thanked me very much and, lo and behold, on Sunday morning, there I was unable to make up my mind on either question. I was reported as having no definite views on either issue. Having said distinctly 'No', I am not sure how much more direct or clear I can be for the *Sunday Mail*.

*The Hon. R.R. Roberts interjecting:*

**The Hon. CAROLINE SCHAEFER:** The honourable member interjects, 'Don't you think she could understand?' I am not sure, but I would have thought that 'No' was a fairly clear indication of my intention if such a Bill was brought into the place. I have not spoken to the *Sunday Mail* since. I really cannot see that there is a lot of point because, if it cannot understand a discussion such as that, there is little hope that it will report me more accurately at any time in the future.

A question was asked today on the whole gaming machine issue and, because I chaired the Social Development Committee—indeed, there is some merit in a number of the conclusions and recommendations of that committee—on a number of occasions I have been asked my view on poker machines. That view is no different from my view right from the start: that is, had I been in this place when the poker machine legislation was debated, I would have voted against the introduction of poker machines into this State. However, they are now legal and I fail to see that, as someone who enjoys a day at the races and a glass of wine, I should be able to tell someone else how they should spend their leisure dollar. And by far the majority of people spend their leisure dollar and no more than that.

## COUNTRY SERVICES

**The Hon. T.G. CAMERON:** I found, during my recent tours of the South-East, the Upper Spencer Gulf, the Fleurieu Peninsula, the Clare Valley and regions, that there was an evident and stark contrast between the treatment of metropolitan Adelaide and country South Australia at the hands of government. I emphasise that I am talking about 'government' and not necessarily this or any other Government. In terms of service delivery and the way in which the policies of government impact upon people, agriculture and business, there can be little doubt that country South Australians are on the receiving end of a less than equitable deal.

Country South Australians have some different concerns and views as compared with city South Australians. Public policy has a different impact upon the country. Distance and isolation presents significant obstacles for people living in rural areas. Often they have further to travel and further to send their children to school, the local doctor may be located in the next town, and their nearest neighbour may be kilometres away.

If country families want their children to participate in post-secondary education, the money must be found to send them to university or TAFE in Adelaide or interstate. The isolation is real. The difficulties associated with travel are real, the issue of less disposable income is real and the fragmentation of support networks is only too real. On top of this, they are faced with public policy decision making processes taking place in the city, often by city politicians, many of whom never consult with their country counterparts. Some recent examples highlight the way in which the same public policy has different outcomes in the city compared with the country, for example, having an answering machine at a small police station on Yorke Peninsula. Even though it would be bad enough in the city, if you are on a isolated property with no neighbours in sight, the feeling of helplessness and fear would be even greater.

Imagine, Sir, if you are an elderly person living on a property with the nearest neighbour 10 kilometres away. Someone has broken into your place and has threatened your life before taking what they can and leaving. You phone the police only to find an answering machine either asking you to leave a message or giving you an alternative number to call. Many members of the public, particularly the elderly, do not respond well to answering machines and feel much more comfortable speaking to a real person. That includes me. At times of any emergency, such as a serious road accident or house break-in, an answering machine response to a call for help is a disturbing situation.

This current situation underscores the difference between how public policy is delivered in the country compared with city circumstances. To highlight this difference even further, figures show that the Yorke Peninsula has just one officer for every 689 residents compared with one for every 422 residents for the rest of the State.

Another example which highlights the difference between country and city residents is school bus services. Transport in the city is relatively easy to access. There is generally a bus or train relatively close by and children who need to catch public transport to school can access it. This is not the case for many country families. Many country children often live tens of kilometres away from the local school. For many decades the school bus has helped children get to their nearest school. This policy has helped families ensure that their kids have access to public education. Until recently this access was just and fair. It would appear that this will no longer be the case. It is my understanding that a user-pays system will be introduced, putting the onus on parents to pay for the buses to take their kids to school. This will not deliver justice to the people in rural South Australia.

However, SA First believes that rural South Australians deserve as much justice as people in the metropolitan area. They should be able to access health and mental health services, feel confident that police will attend to their needs as quickly as possible, and have reliable and accessible transport to take their kids to school with as much ease as possible. For SA First, distance should not tyrannise Government into a neglect of the country and a promotion of policies that reinforce the injustices that isolation almost naturally brings. For SA First, out of sight is not out of mind and certainly not a rationale to entrench inequality.

## POLICE, PUBLIC CONFIDENCE

**The Hon. R.R. ROBERTS:** I refer today to public confidence in the police force. I will highlight two things which indicate some of the disaffection that the public has with our police community and which are causing great concern. I refer to a situation cited today by the Hon. Terry Cameron about how a policeman was on hand when a woman's car broke down: I highlight that against the two examples I am about to give. On 21 April 1999, a constituent of mine pulled into the St Agnes shopping centre at the same time as did a suspect, Colin Pearce. The suspect got out of his car and my constituent went straight into the St Agnes police station to report a sighting.

Members ought to be aware that Colin Pearce had featured a couple of days earlier on *Australia's Most Wanted*. We are talking not about a kid who snatched a purse and ran away but about one of Australia's most wanted criminals. He spoke to a woman police officer and gave the description of the man and the colour and the registration number of his car, which was parked 100 yards from the police station. No officer went to inspect the vehicle: in fact, my constituent was quite annoyed.

Later that same day a message was left on my constituent's answering machine to contact the police station. He got home at approximately 9 p.m. that night and rang the police station, only to receive no answer. He then rang the Holden Hill Police Station and was advised that St Agnes Police Station closes at 9 p.m. He told officers at Holden Hill about the sighting and they invited him to ring St Agnes the next morning. When he rang the police station, an officer advised him to ring Crime Stoppers and pass on the information. He rang Crime Stoppers and some details were requested. In the time that had elapsed he was not sure of the details but explained that the entire story was at St Agnes. He also asked why the police officer did not come out and check when it was first reported. He was told that police officers are not allowed to leave a police station unattended. I remind members that I am talking about the suspect Colin Pearce.

I was approached yesterday and again today by Mr Ray Farrelly, mine host of the Queen's Head Hotel in Kermode Street, North Adelaide. He found four sets of credit cards, the pin numbers, wallets, tax file numbers and account numbers in his car park. He was vigilant enough to know that he should not pick them up or touch them, so he contacted the North Adelaide Police Station, which he was advised was unattended. He then rang the 11444 number and waited for 15 minutes without getting any answer whatsoever. He could

not hang around all day on the phone because he runs a business. In spite of the fact that we have eight 00 numbers and eight 11444 numbers, that was not enough for him to make contact. He contacted Angas Street Police Station only to be told that he should take the material to the nearest police station, which he explained was unattended.

My constituent is frustrated and wants to know what the police are doing. He asked the rhetorical question, 'Do I have to become a policeman, close down my business and take these materials to a police station?' Anyone with any idea of investigation knows that such material has to be checked for fingerprints and other things. These are two examples that are undermining the confidence of the police and they are in stark contrast to the story told today by the Hon. Terry Cameron about a woman in distress on a highway for whom someone was on the scene straight away. There is a glaring hole in our policing system and the public's confidence in the police and policing in South Australia is at an all time low.

I will give the Council one other piece of information that was provided to me. There are eight lines with 00 numbers and eight 11444 numbers on the emergency switchboard, and it is alleged that there is one telephonist to handle all 16 lines. One has to ask whether it is any wonder that my constituent sat for 15 minutes without receiving an answer on the police emergency line in South Australia.

## PLANE, Mr T.

**The Hon. L.H. DAVIS:** On 3 December 1997 I made a speech in the Legislative Council alleging that Terry Plane, a former key staff member of Premier John Bannon, was guilty of gross bias in his weekly political column in the *City Messenger*. Because Terry Plane was the bureau chief for the *Australian* newspaper in South Australia, I wrote to Mr David Armstrong, the Editor of the *Australian*, outlining my concerns. That letter was both faxed and posted to Mr Armstrong. I did not receive a reply to the letter.

On 26 August 1998 I again raised the gross bias of Terry Plane in another speech in the Legislative Council. I analysed 79 columns written by Terry Plane in the period since 5 February 1997, which revealed 59 anti-Olsen, anti-Liberal columns and only one anti-Rann, anti-ALP column. There were two pro-Olsen, pro-Liberal columns and eight pro-Rann, pro-ALP columns.

I mentioned that, on 1 February 1998, Plane devoted his whole column to an attack on me for daring to raise the issue of bias. At that point, the Hon. Terry Cameron interjected and said, 'He rang me up looking for dirt on you.' I said, 'Is that right?' The Hon. Terry Cameron said, 'That is right.' I said, 'That was before an article attacking me?' The Hon. Terry Cameron said, 'That is correct.' I subsequently spoke to Mr Cameron and confirmed the approach from Plane looking for dirt on me and I asked him, if required, to provide me with a statutory declaration to that effect. Mr Cameron said that he would do so.

On 9 December 1998, I made a further speech in the Legislative Council in which I outlined the fascinating story of Terry Plane, the restaurant Nediz Tu and the *Australian*. I said that, on 16 July 1997, Terry Plane and his wife Marion Harris Plane became directors of a company, N3 Pty Ltd, which operates Nediz Tu, together with Genevieve Harris. Terry Plane is also the appointed secretary of N3 Pty Ltd. Following Terry Plane's taking up an interest in Nediz Tu, four major, lengthy articles appeared in the *Weekend Australian*, each with the byline of Genevieve Harris of Nediz Tu: 27 September 1997, 22 November 1997, 12 September 1998 and 31 October 1998. I have also been told that there was a further reference to Nediz Tu in the colour magazine of the *Weekend Australian*.

In the six years before Plane became a director of Nediz Tu, or as it was earlier styled Neddys, there was no mention or feature story about the restaurant in the *Australian*, just two brief references, including a reference by Plane himself just a few weeks before he took up an interest in the restaurant. It is also relevant to note that, in the period July 1997 to December 1998, there were no feature articles publicising any other South Australian restaurants apart from two most fleeting references. As I observed in that speech of 9 December, I guess that Terry Plane, bureau chief for the *Australian* in Adelaide and director and secretary of Nediz Tu, just got lucky. In my speech, I updated the continuing bias by Plane in his weekly column in the Messenger.

On 17 December 1998 I wrote again to Mr David Armstrong, the Editor of the *Australian*, and I drew attention to the issue of gross bias and to the issue of Nediz Tu and I asked him for a response. I did not receive a reply so I wrote again to Mr Armstrong on 22 February 1999. Again I did not receive a response but eventually, curiously, I did receive a response from Mr Armstrong dated 9 February 1999 which just said, 'I wish to acknowledge receipt of your letters.' And that was all. I find that response totally unsatisfactory.

Following the widespread publicity given to John Laws' paid promotions for the Australian Bankers Association, the *Australian* had a grand time editorialising about media ethics. It proclaimed on three separate occasions in editorials on 21 July, 24 and 25 July, and 17 and 18 July about the matter of credibility. In fact, on 21 July the *Australian* stated, in part:

> Talkback radio relies for its impact on two main factors: the perceived credibility and integrity of its hosts.

That sentiment could be paraphrased to read, 'Print media relies very much on the perceived credibility and integrity of its reporters.' Does the *Australian* have a code of conduct? Does it not have a policy of responding to serious allegations of bias and conflicts of interest? Mr Armstrong's flippant response does no credit to the *Australian* and the standards it professes to maintain in journalism.

## REGIONAL DEVELOPMENT

**The Hon. IAN GILFILLAN:** I want to raise the issue of regional development. I am disappointed that the Olsen Government is only paying lip service to improving the social and economic wellbeing of regional South Australia. The Government has missed an opportunity to show leadership. It adopted only three of the 72 recommendations of the Regional Development Task Force. The three recommendations accepted, and I give credit for these three, were: to appoint a Minister for Regional Development; to set up an Office of Regional Development; and to establish a Regional Development Council to increase access to Government. However, the level of response did not respond to the pressing need to formulate a development strategy for regional regeneration and renewal and it lacks vision.

Such window-dressing lies within the tradition of metropolitan indifference to regional South Australia as an ongoing, confident and vital community. Beneath the window-dressing is a focus on debt and deficit reduction, microeconomic reform and national competition policy. Regional development in a globalised world is an important issue. According to the report prepared by the SA Centre for

Economic Studies, 'Economic Development from a Regional Perspective', the provincial cities of regional South Australia have borne an unfair share of the pain of structural change that has occurred in the Australian economy in the past two decades. The result has been a decline in the quality of life and wellbeing of regional South Australia to such an extent that John Anderson, Federal Minister for Transport and Regional Services, can speak of Australia being in danger of becoming two nations. However, the Minister's two nation metaphor does not say that Australia is also on the way to acquiring the income distribution characteristics of a Third World country: one with a very rich top 1 per cent and a significant minority which remains below the official poverty line.

Those living in regional South Australia hold that there has been an over emphasis on economic as opposed to social policy. The application of economic rationalist policies in the past two decades to integrate the regional economy into the global market has led to major restructuring and rationalisation in the agricultural and manufacturing sectors, a deregulation of the services sectors and a corporatisation of Government enterprises. The concern with debt reduction, market deregulation, efficiency and productivity and the reduction of services is seen to have led to a less fair society than that of even five years ago. Regional Australia is hurting badly, and those living there express a deep concern about their future. What is troubling is that, according to the above report prepared by the SA Centre for Economic Studies, those who live in the provincial cities express a deep sense of loss and a sense of being abandoned by policy makers. They are also disillusioned with the capacity of political process to deliver economic outcomes that would enhance the quality of life in regional communities.

Economic development viewed from a regional perspective indicates that economic rationalists see 'society as existing to serve the economy', instead of the 'economy existing to serve society'. 'Society as existing to serve the economy' implies an acceptance of competitive market processes as the mechanism to achieve economic growth which will then solve all community problems. In regional South Australia 'competitive market processes' means: declining population, higher levels of unemployment, continuing loss of full-time jobs, a very slow growth in part-time employment and cutbacks to public sector employment.

The cities in the northern Spencer Gulf illustrate that 'society existing to serve the economy' means accepting a market process that undermines the viability of settled communities. It means the acceptance of technology driven capitalism, with its upheavals and disturbances, and condemning the less skilled to a lifetime of stagnant or declining earnings. It means that little attempt is made to establish a policy of regional rejuvenation that would enable these regional communities to flourish.

In contrast, the 'economy existing to serve society' means an acceptance of the need for a more systematic and strategic governmental approach to regional development that ties together policies, processes and plans, instead of the usual emphasis on the parochial provision of infrastructure. As there is no quick fix to regional Australia, an integrated program pursued over several years is needed. To achieve this requires us to think of South Australia as a single region within a federated Australia. If community based development is to be viable, there is a need for a devolution of power within South Australia to ensure greater autonomy for local communities in the regional development decision making process. The regional sense of distrust with the capacity of South Australia's political system to deliver economic growth which results in healthy regional communities means that we need to reform our political institutions and to distribute genuine decision making processes to the regional communities.

## MEN'S CONTACT AND RESOURCE CENTRE

**The Hon. J.S.L. DAWKINS:** In recent times I have become increasingly informed about the role played by the Men's Contact and Resource Centre (MCRC), which is based in the Torrens Building on Victoria Square in the city. I have been aware of the work of those concerned South Australians who established the MCRC for some years. It is my understanding that the Men's Contact and Resource Centre is the only referral centre in this State which is specifically designated to assist men in need. As a first point of referral, the MCRC plays an important role in liaising between men in need and their families and other men's organisations. There is little doubt about the overall community benefit resulting from the work of the centre as its referral work and provision of information can avoid continued stress and aggravation for men who contact the centre and those close to them.

As community awareness of the work of the MCRC increases it will be desirable that greater after hours accessibility of the centre be offered. I commend the commitment that the MCRC volunteers have demonstrated in addressing the substantial and specific areas of need for men in our community. The State Government provides some ongoing support, but the operation of the centre still relies considerably on donations and voluntary input. Following funding received from the Community Benefit Fund (derived from gaming machine revenue), a project officer has been employed for two days a week. However, this person works for MCRC as a volunteer for the remainder of each week. Additional funding has come from the Premier's community fund and the Department of Human Services.

The Men's Resource Centre began operating in 1982 and was registered in South Australia in 1984 as the Men's Contact and Resource Centre. The MCRC seeks to provide a secure and accepting place where men can talk; share their experiences; challenge the negative image of masculinity in the media; discuss how to become better fathers; address the problem of boys' schooling and their falling achievements; cope with violence, childhood abuse and family breakdown; and discuss how to take better care of their health and accept the part alcohol, smoking and other drugs play in this. The MCRC provides the following services: a drop in centre; a contact point by phone and e-mail or the Internet; access to a library and extensive data bases; support groups; and a link with other groups and community aid organisations. It also runs courses, organises camps and publishes an excellent newsletter entitled 'Male Exchange'.

I congratulate the coordinator, Brenton Hales, and the chairperson, Mary Gallnor, and all the volunteers for their work in this important area of the South Australian community. To conclude my contribution, I refer to a recent a letter I received from the chairperson, Mary Gallnor, in which she states:

> The whole community benefits from the MCRC work. This encompasses women, children, young and old, disabled, rural and urban. Not only men benefit because men belong to the society in which we all live. Men's emotional, psychological and physical

wellbeing is essential for the common good and it needs more attention and help.

**The PRESIDENT:** Order! The time set aside for Matters of Interest has expired. I call on the business of the day.

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## PASSENGER TRANSPORT ACT REGULATIONS

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

That the regulations under the Passenger Transport Act 1994 concerning Penalties—General, made on 11 March 1999 and laid on the table of this Council on 23 March 1999, be disallowed.

The passenger transport rules (regulation 18/1999) were considered by the Legislative Review Committee at its meeting on 26 May 1999. The committee was concerned that the regulations extended the expiation scheme administered by the Passenger Transport Board and were akin to the scheme administered by the police, for example, with speeding offences. The committee has long had concerns that expiation notices should not be issued where the date of the expiation notice required the person, the subject of the notice, to pay an amount, and required that person to fill in the date that the expiation fee is to be paid by. Indeed, the issue has been raised by my predecessor on a number of occasions and has also been the subject of critical comment by the Legislative Review Committee in its last two annual reports.

Clearly the Legislative Review Committee is of the view that this is an unacceptable practice and, in that light, the committee wrote to the Minister for Transport with a copy of the letter expressing its concerns. Whilst awaiting the response the committee placed this holding motion on the regulations on 7 July 1999. The committee received a letter from the Minister for Transport on 21 July 1999 which fully met the concerns of the committee. The Minister stated that all expiation forms issued by the Passenger Transport Board would have the date of payment inserted electronically. The Minister stated that expiation notices issued by the Passenger Transport Board would not require the recipient of such notice to work out the due date for payment themselves.

She went on and explained that the expiation notices issued by Transit Police and others still require people receiving such a notice to fill in the date. Unfortunately, regulations pertaining to expiation notices issued by the Transit Police were not before the committee. Indeed the Transit Police come under the jurisdiction of the Minister for Police. The Legislative Review Committee applauds the approach taken by the Minister for Transport and expresses its hope that the Minister for Police and the Attorney-General will add their support to this practice.

Indeed, as caustically observed by one of the members of the Legislative Review Committee, if passenger transport inspectors have the wit to work out when an expiation amount is due and payable why cannot the Police and the Transit Police share that same wit? In the light of that, there is no further work for the Legislative Review Committee to do. I thank all members and the Acting Secretary and the Research Officer of the committee, Ben Calcraft, for the work that they have done. In the light of that, I seek leave to withdraw the motion.

Leave granted; motion withdrawn.

## EDUCATION ACT REGULATIONS

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

That the regulations under the Education Act 1972 concerning materials and service charges, made on 25 March 1999 and laid on the Table of this Council on 25 March 1999, be disallowed.

In moving this motion I indicate, as I have done in the past, that the Legislative Review Committee is concerned, in reviewing regulations, to ensure that they comply with the policies issued by the Legislative Review Committee and endorsed by the Parliament last year. The Legislative Review Committee, in dealing with these regulations, has always had and continues to have the practice of not looking at the underlying policy behind whether or not the policy adopted by the Government in promulgating regulations is one which has the acceptance or non-acceptance of the Legislative Review Committee. However, its focus is confined to those guidelines which are set out and which have been tabled in Parliament, as I have said.

The Legislative Review Committee, when previous regulations of this type were promulgated, decided not to act on the regulations, but when these regulations came before it it was concerned at the propriety of regulations being introduced a third time after twice being disallowed. The committee moved a holding motion on the regulations on 7 July 1999 to enable it to see how other Parliaments handled the matter. We investigated the matter and discovered that the New South Wales, ACT, Tasmanian, Northern Territory and Commonwealth Parliaments all have statutory time limits as to when regulations and statutory rules that have been disallowed can be reintroduced into Parliament. South Australia, Victoria, Western Australia and Queensland do not have any general statutorily imposed time restrictions on the reintroduction of regulations. Indeed, the topic is covered in the recently published book *Delegated Legislation in Australia* by Professor Dennis Pearce and Stephen Argument, and at page 123 it states, and I quote:

To round out the pattern of parliamentary disallowance of regulations, the Commonwealth, Tasmanian, ACT and Northern Territory Interpretation Acts include a provision preventing the making of a regulation; in the case of the Commonwealth, the ACT and the Northern Territory, being the same in substance as the regulation disallowed, and in the case of Tasmania, being the same or substantially the same as that disallowed without a resolution of the House permitting the making of the new regulation. The Commonwealth, the ACT and the Northern Territory embargoes last for six months from the date of disallowance and the Tasmanian embargo for 12 months. The Commonwealth, ACT and Northern Territory Acts go on to provide that any regulation made in contravention of the section shall be void and of no effect. The Tasmanian Act contains no similar provision.

The Commonwealth provision was included as a result of the practice that was adopted in regard to the regulations that were the subject matter of *Dignan's* case (a practice which presumably could be followed also in the jurisdictions other than those referred to in the preceding paragraph). The government of the day could not command a majority in the Senate. Government regulations were disapproved of by the Opposition and it used its Senate majority to disallow the regulations. The government replied by immediately remaking the regulations. The Senate again disallowed the regulations. Again the government remade them, and so the process continued for some time. The effect of this action was to keep the regulations in force except for brief periods, despite the Senate's disapproval of their content. This practice was, in fact, commented on in *The Victorian Stevedoring & General Contracting Co. Pty Ltd and Meakes v Dignan* (1931) 46 CLR 73 at 129.

Confronted with that information and the advice available we came to the conclusion that, where there is no statutory time limit on the reintroduction of disallowed regulations, then that

should be considered as not in breach of parliamentary propriety. In making that comment the committee makes no judgment about the propriety of a Government consistently reintroducing regulations that have previously been disallowed by either House of Parliament; in other words, exercising its will in the face of the parliamentary authority.

The committee was concerned, however. It considered this advice and believes that, in the context of the committee's jurisdiction, it has no alternative but to not continue with this motion. There have been private members' Bills that have endeavoured to deal with and impose time limits on the reintroduction of disallowed regulations. The issue is a matter for Parliament and not a matter for the Legislative Review Committee. That argument is supported by the fact that Parliaments, as I have said, in New South Wales, the Australian Capital Territory, Tasmania, Northern Territory and, of course, the Federal Parliament, have all acted legislatively to prevent this practice.

As such the Legislative Review Committee felt that this was a matter that ought to be dealt with through legislation by this Parliament. Indeed, that would involve some amendments to the Subordinate Legislation Act. This is an issue of vital concern to all scrutiny committees throughout the Commonwealth. It is an issue that the Legislative Review Committee will monitor, and it is an issue that the committee certainly will take into account on the basis of any resolution on the part of the Parliament as a whole or, more appropriately, the passage of legislation to prevent the Executive from acting in this sort of manner in the face of the will of the Parliament. In the circumstances and with that explanation, I seek leave to withdraw the motion.

Leave granted; motion withdrawn.

## POLICE ACT REGULATIONS

**The Hon. P. HOLLOWAY:** I move:

> That the general regulations under the Police Act 1998, made on 30 June 1999 and laid on the table of this Council on 6 July 1999, be disallowed.

When the Police Bill was debated in this Council last year, the Opposition sought to amend or oppose a number of its provisions; and I note that the Hon. Ian Gilfillan, on behalf of the Australian Democrats, also had a number of amendments. During debate on the Bill, the Australian Democrats and the Opposition disagreed on some matters but agreed on others, and as a consequence a number of the Bill's provisions were deleted or amended quite substantially.

Both the Australian Democrats and the Opposition did disagree with the Government's attempt to centralise control with the Police Commissioner and to change the nature of the police force to a contracted force, and we were successful in that disagreement by substantially amending the Bill. Therefore, when these regulations were tabled recently in the Council, it was a great disappointment to us to note that the Government was attempting to go against the spirit and wishes of the Parliament by bringing in these measures through the back door, so to speak. It is the view of the Opposition that some of these regulations are clearly *ultra vires* and go against the spirit and letter of the Police Act and, perhaps even more importantly, against the undertakings that were given by the Government at the time.

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** I'm not sure.

**The Hon. A.J. Redford:** You don't know whether they came into effect straight away?

**The Hon. P. HOLLOWAY:** No, I couldn't answer that. I know that the Police Association is very unhappy with these regulations. It lobbied very hard, as is appropriate for such an association on behalf of its members, to seek changes to the Act which were fair to members of the SA Police. South Australia's police force traditionally has been the one police force in this country that has been held in the highest regard by the general public for the quality of policing they receive. It is highly appropriate that the Police Association and members of the police force should seek to guard the high reputation in which they are held by the people of this State to ensure that the police force is as professional, highly trained and independent as it has been in the past.

To give one example of the problems with these regulations, we can look at the issue of the community constable. An entire division of the Police Act 1998 is devoted to community constables, yet nowhere in the Act or regulations is 'community constable' defined. The Government has indicated that it sees no reason why the scheme should be limited to the Aboriginal community. When the scheme of community constables was established, it was accepted by the Police Association that there was a need for Aboriginal involvement in the police industry because that was identified by the Royal Commission into Aboriginal Deaths in Custody.

However, under these regulations what appears to be happening is that the recruitment and use of non-indigenous people, with less training and lower pay than fully trained and sworn police officers, is being used by this Government as a stop-gap measure to fill staffing shortages in the police force. Clearly, that was not what was intended or indicated by the Government during debate on the Bill: it was clearly intended that the community constable scheme would address those problems that were identified by the royal commission, and it was not intended that the scheme would be extended more broadly into the community. I understand that the Minister has stated that he sees no reason why the scheme should be limited to the Aboriginal community. That statement appears to indicate the Government's intention to use this scheme far beyond what was ever intended or required when it was introduced.

One could cite a number of other examples in relation to these regulations. I note that the Hon. Ian Gilfillan has a similar disallowance motion on file for discussion later. I am sure that when he gets the opportunity he will outline more of the problems that we see with the regulations. Regulation 7 provides:

> If the Commissioner, by general or special order, directs that a specified employee in the department who is not a member of the SA Police is responsible for the performance of a particular duty, all members of SA Police engaged on that duty must, subject to any general or special order of the Commissioner, comply with the orders given by that person for the performance of that duty.

This regulation creates a situation where trained police officers could be placed under the control of untrained public servants in an operational situation. That matter was discussed during the debate on the Police Bill 1998. There was no similar provision under the old regulations. That is something that the Opposition finds unacceptable. That is another example of one of the regulations we have difficulty with and, I am sure, the police officers of this State also have difficulty with.

Because the Hon. Ian Gilfillan has a similar motion on this matter—and I am sure he will debate it—I will seek leave to continue my remarks. I believe that this Parliament should have the opportunity at the earliest time, which I think will

be next week, to further debate these issues. I hope that it will reject these regulations so that the Government can renegotiate them with the Police Association and come up with regulations that are acceptable to that organisation and are of a quality that the police force in this State deserves, because clearly that is not the case at the moment. I will have more to say about this next week, but at this stage I wanted to flag the Opposition's displeasure with the police regulations. We will be seeking the opportunity to have them disallowed at the earliest opportunity next week. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

*A quorum having been formed:*

## TAXIS AND HIRE CARS

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

That the regulations under the Passenger Transport Act 1994 concerning vehicle accreditation, made on 17 June 1999 and laid on the Table of this Council on 6 July 1999, be disallowed.

Passenger transport and particularly the issue of taxi licences has been plaguing Governments and Transport Ministers for many years, as the Minister for Transport and Urban Planning would agree. From Hilmer to the current unpublished Competition Policy Review into the local Passenger Transport Act, the taxi industry's reaction to increasing competition has been predictable. Nationally, and more so in South Australia, intensive lobbying has kept taxi operators protected from competition, yet when you talk to hire car operators none of them want deregulation of the taxi industry. None of them want to sit on taxi ranks or install meters in their vehicles. So, what is the fuss about?

After deregulation of the hire car industry in 1991, South Australia being the only Australian State to do so, we saw a dramatic increase in chauffeured vehicle numbers, or blue plates, from fewer than 70 to more than 500 today. These vehicles range from prestige Rolls Royces, plush stretch limousines and Harley Davidson motorcycles to current model sedans and people movers. During this time, a number of significant changes occurred:

- In 1994, the Passenger Transport Act replaced the Metropolitan Taxicab Act 1956.
- In October 1996, regulations abolished many avenues of work for hire cars, advertising restrictions, and 'not for hire' signs.
- In July 1997, there was an eight month moratorium on the further issue of blue plates 'to support initiatives being undertaken by the PTB to address development of vehicle standards and issues of passenger comfort and safety'.
- In February 1998, regulations established seven categories of hire cars, with increases in fees of up to 600 per cent for some operators. Some vehicles are now not permitted to travel more than 40 000 kilometres per year or reach a total of $320 000 kilometres, inclusive of private use. Vehicles such as Ford Fairmont, Mitsubishi Verada, Toyota Camry and Holden Calais, as well as any station sedans, are no longer allowed, thus increasing entry and exit costs while drastically reducing practicality and efficiency in the industry.

I quote Minister Laidlaw during her second reading contribution on the Public Transport Bill in 1994, when she said:

This is not to say taxi operators can complacently sit back behind a wall of Government protection. . . .It will, however, ensure that hire cars and mini buses maintain a quality of vehicle at least as good as that of a taxi. It will be up to the taxi industry to keep that competition at bay by providing a responsive, quality service.

In order to jog members' recollections of the Passenger Transport Act, the objectives of the Act are as follows:

Part 1—Objects

The objects of the Act are—

(a) to benefit the public of South Australia through the creation of a passenger transport network that—

- (i) is focused on serving the customer; and
- (ii) provides accessibility to needed services, especially for the transport disadvantaged; and
- (iii) is safe; and
- (iv) encourages transport choices that minimise harm to the environment; and
- (v) is efficient in its use of physical and financial resources; and
- (vi) promotes social justice; and

(b) to provide a system of accreditation for—

- (i) the operators of passenger transport services; and
- (ii) the drivers of passenger transport vehicles; and
- (iii) the providers of centralised booking services within the passenger transport industry,

in order to encourage and facilitate the observance of industry standards for public transport within the state; and

(c) to require the licensing of taxing cabs; and

(d) to provide a new approach to the provision of passenger transport services by the public sector.

Consultation with members of the transport industry was supposed to have taken place. However, I suggest that those most affected by the changes were not invited. Busy operators who actively compete in the marketplace are now penalised for working. There are no increased services on the part of the Government for the huge hike in fees.

I also note the lack of consultation with consumers. Why is it that the taxi industry has a consultative mechanism such as the Taxi Industry Review Panel while hire cars are represented by the bus industry? What forum is used to combine the views of the various sectors of the passenger transport industry to get this State and its people moving in the same direction? The Act was to provide an environment which would attract a diverse range of suppliers to the marketplace who were 'customer focused, safe, efficient and who offer value for money.' The Minister proclaimed that 'the taxi industry will not be cocooned in Government protection.' I submit that these aims have not been achieved and, furthermore, that many of these restrictive regulations are contrary to the National Competition Policy and in direct conflict with the objects of the Act.

The old argument for protecting the taxi industry because operators pay a high price for licences is flawed in the following ways:

1. A new operator who purchases a taxi plate today can sell that same plate in five years for a profit. Plate values have increased steadily. There is no such luxury anywhere else in the industry.

2. Taxis are the only kind of passenger vehicles able to operate on a meter, giving taxis a huge advantage in terms of consumer confidence. At the same time, drivers can discount or charge a higher fee if agreed to by the passenger.

3. Taxis are the only kind of passenger vehicles able to pick up clientele in the street and on ranks; 42 per cent of all taxi work is obtained in this way, according to the baseline study.

4. It is the high price of plates that keeps taxi drivers in the lowest paid occupation.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. T.G. CAMERON:** I will recognise the Minister's interjections if they add anything to the debate. As

the Government regulates fares, that is, fares are not keeping up with increasing operating costs, drivers are forced to work longer hours to make ends meet. Unfortunately, if you ask most taxi drivers, it is the competition from hire cars which is eroding taxi income. This sometimes leads to heated exchanges in the streets between drivers of opposing modes of transport, whilst the real cause is the price of plates. The only solution is to set a time frame in which to remove the value of taxi plates, thus removing the investor from the market. A model such as the Northern Territory buy-back must at least be considered.

The new regulations remove section 27(1), which now enables a person or body corporate not residing or based in South Australia to own Adelaide taxi licences. For the life of me I cannot understand that one. I am sure that the Minister is aware of the concern that corporate bodies collect these taxi licence plates and that they are now being financed in negative gearing schemes. According to the information that has been put to me, they are being purchased by solicitors, doctors and various other people.

**The Hon. Diana Laidlaw:** That happened under the Metropolitan Taxicab Board when Labor was in government, because you no longer had to own and drive for one year.

**The Hon. T.G. CAMERON:** Labor is not in government at the moment: you are in government. Surely you are not suggesting that the only way we can fix this up is to put a Labor Government into office.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. T.G. CAMERON:** I remind the Minister that that was the Labor Party and the Labor Government. I now refer to age limits. There is a valid reason for taxis having a maximum age. These vehicles are on the road for 24 hours, seven days a week and, most importantly, are for hire on the streets and on ranks. A passenger does not have a real choice and needs to be assured of minimum safety and comfort standards in these very public passenger vehicles. If one jumps into a taxi anywhere in Asia, one notes that the difference between the quality and standard to which our taxis are maintained is all too obvious.

However, I return to hire cars. A hire car, on the other hand, is engaged in a private hiring, where the customer has made a conscious choice to use that specific company or operator, knowing what sort of vehicle is likely to be used. Land based transport is regulated by State Governments. The reason for this is the existence of differences between States in road conditions, climate, ethnic mix, population density, industry and so on. For example, South Australia is renowned for having tidy streets, for which our 5¢ refund for empty drink containers is largely responsible. What works in Sydney may not be viable in Adelaide. Yet what is acceptable in Adelaide may not be palatable in Sydney. National road laws and vehicles safety standards are subjects that have little to do with the age of a well maintained car that is inspected regularly and maintained properly.

The new regulations further limit the use as hire cars of vehicles over 6.5 years of age (section 72(1b)(1c)) while removing the discretion of the PTB to grant exemptions in some categories (section 72(3)). Again, I cannot understand the rationale for that regulation. I invite the Minister to look at the way in which vehicles are maintained and looked after and in what sort of condition these hire vehicles, particularly some of the older vehicles, are put onto the roads. Many are in better condition than some of the taxis that I see around the place.

I refer also to the Government subsidy scheme, that is, access vouchers. This excellent program has been in place for some years whereby a member of the public who has mobility problems, to the point where access to public transport is almost impossible, receives a Government subsidy for taxi travel. Only the drivers of licensed taxicabs, that is, metered vehicles, are able to accept these vouchers. A particular wheelchair accessible hire car had to display a sign to this effect inside the cabin, if the Access Cab company was unable to satisfy the demand for specialised transport. I suggest we open up the usage of access vouchers to non-taxi operators and look after this especially vulnerable group of people. It seems inappropriate that new regulations such as 119 of 1999 be passed at a time when the passenger transport industry is eagerly awaiting the results of an important study, such as the national competition policy review, which is sure to focus on accessible transport issues. For these and other reasons, which time does not permit me to go into, I believe that the new regulations should be disallowed and the whole of the regulations under the Passenger Transport Act reviewed with the consumer in mind, as stipulated in the objects of the Act.

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

## POLICE ACT REGULATIONS

**The Hon. IAN GILFILLAN:** I move:

> That the general regulations under the Police Act 1998, made on 30 June 1999 and laid on the table of this Council on 6 July 1999, be disallowed.

No doubt there will be a variety of reasons why these regulations should be disallowed. I was interested to hear the Hon. Paul Holloway mention a couple of reasons which I have considered but which I do not necessarily regard as on their own being a substantial enough argument to move for disallowance. However, there are three particular regulations that I want to mention and I make it plain that upon inquiry I have found that these regulations have taken advantage of section 10AA(2) of the relevant Act to enable them to be brought in forthwith before consideration by the Legislative Review Committee. The Legislative Review Committee will, no doubt, address these regulations in due course, but I do not believe we can wait for that, and that is why the Democrats have moved for disallowance.

The three regulations that we believe significantly add to the argument for disallowance of the regulations are regulations 20, 29 and 36. I repeat to this Council an anomaly that I hope we can address sooner or later. If one seeks to change or amend a regulation, the only available means is to reject the whole lot, which is a very unsatisfactory process for the Minister, the departments involved and this Parliament. However, reverting to the substance of the three regulations that I consider to be unacceptable, I refer to regulation 20, which provides:

> An employee must treat information obtained as confidential and disclose only in proper execution of duties.

I understand that the Police Association believes that this regulation is not restricted to confidential issues and will stifle debate over management practices and industrial issues—free speech. It may, in its opinion, even prohibit whistleblower type disclosures. These concerns are legitimate. The whistleblower protection Act affords protection for whistleblowers exposing serious illegality or corruption, but

there are potentially controversial issues of policy less serious than that, public discussion of which may well be stifled by this regulation. Contrary to Government assurances, the wording of this regulation also seems to be wide enough to cover industrial issues. I regard this regulation as totally unacceptable. Regulation 29 provides:

> The Commissioner may (under section 47 of the Act) transfer a member to a position of higher rank for up to three years.

I am advised that the Police Association believes that this permits the Commissioner to circumvent the promotional selection and appeal process under sections 53 to 58. It permits 'contracts by stealth, nepotism, patronage'. Apparently there was no previous equivalent in regulations: I have not checked that myself. This section was the subject of much discussion in this place in Committee on 4 August last year and my amendment, which was accepted, provided a safeguard for any persons aggrieved by a transfer decision, not merely the person transferred: an aggrieved person might be someone who feels they might have missed out on a promotion. Their grievance may be dealt with in accordance with a process which is specified in the regulations, rather than merely in general orders, and indeed the Police Association is not complaining about any process specified in the regulations.

So, the regulation is a type within the scope envisaged by the Act and by my amendment, but the significant question is whether three years is a term long enough to be regarded as subverting or circumventing the normal promotion or selection and appeal process. I very clearly believe that it does. It cannot be regarded as a temporary, *ad hoc* period of a substantial promotion, so I believe that regulation 29 is unacceptable and therefore should be grounds for disallowance.

Regulation 36 concerns the Unsatisfactory Performance Review Panel. Section 46 of the Act outlines a process for dealing with officers' 'unsatisfactory performance'. Part of the process is a determination by a panel of persons that the processes followed and assessments made conform with statute and were reasonable in the circumstances. Regulation 36 provides that all three persons on the panel are to be appointed by the Police Commissioner, and that is the issue with which I take exception.

I am advised that the Police Association believes that this does not have the appearance of independence, which is required to give it credibility. It suggests that only one should be appointed by the Commissioner, one by the association and that one should be independent. Incidentally, this section of the Act was passed without debate. It does not apply if under performance is due to 'lack of necessary resources or training'. No action may be taken unless the member has first been given six months to improve. After that time, the penalty for continuing unsatisfactory performance is demotion or, if demotion is not practicable, termination.

These safeguards in the Act may be viewed as sufficient protection for an officer accused of under performance. However, on the other hand, this is a new procedure introduced for the first time and, in my opinion, it would aid confidence in the process if it were seen to be a clearly impartial panel by having a selection of people, at least in part, from authority or sources other than the Commissioner of Police.

There are other reasons why the Police Association feels uneasy about the regulations, some of which I understand, but I do not believe that on their own they would qualify for an argument for disallowance. Because we are unable to move for partial disallowance, I have to move that they be disallowed in their totality and that is the purpose of my motion.

**The Hon. R.R. ROBERTS:** Regulations are one of the functions of Government. The Government initiates an action and, as a result of the process, that action can be rejected by either House of Parliament in a combined vote. This set of regulations covers many of the areas that were rejected by the Parliament in the lengthy debates on the Police Bill.

**The Hon. K.T. Griffin:** That is not correct.

**The Hon. R.R. ROBERTS:** Many aspects of that debate have now turned up in regulation. I point out that that is the assertion that has been put to me, and I can see some merit in it. I have highlighted in Parliament before the provisions of 10AA(2), of which this is another example. Under 10AA(2), if a Minister believes that it is necessary that regulations come in, they take effect immediately. The Act states that we should pass the regulation and there should be a period of three months for public consultation and argument to see whether it is fair, just or reasonable, and then it is supposed to take effect.

During the life of the Bannon Government, it was argued that that could cause problems in matters of urgency that ought to be addressed straightaway. That argument was accepted by the Bannon Labor Government and the process of 10AA(2) was established. It was established for unique, unusual circumstances, but as has been highlighted in annual reports year after year in this Parliament, the process is being abused. There are a number of classic examples. The recreational fishing regulations and Housing Trust rents are two such examples.

It must remembered that we only discuss regulations on private members' day. The point I make in that respect is that regulations are the process of Government. They are not the process of private members. It is an anachronism that we still look at regulations only on private members' day. By doing that we invoke a tortuous process that is not designed to give relief to members of the community who are suffering by bad regulation. The normal process is that the regulation is laid on the table and, as is his or her right, a member can move that the regulation be disallowed. We adjourn that motion, as is the custom of the Council, and I do not complain about that, but by next Wednesday no-one is ready to speak so it goes off again. Before we know it, six weeks have gone past. That is fine for members of the Parliament in this debating society but, if a person happens to be a victim of the regulation, it is an enormous impost. From time to time, fortunately not consistently, the system is abused.

I have advocated on a number of occasions that we ought to look at our Standing Orders and regulations ought to be part of Government business so that if there is a problem with a regulation we can get the debate over quickly. It is true that most people in Government do not look all that favourably on private members' legislation. In fact, it is a burden to listen to private members' time. The question we must ask ourselves is: are we providing justice and are we providing relief to those people who are disadvantaged? My submission is that we are not.

The Attorney-General by way of interjection said that my assertion was wrong that many of these regulations cover matters that were rejected in the key debate on the Police Bill that was passed in this place. Next week we will see how enthusiastic the Government is in resolving the issues that come before Parliament. There is only one more week in this

session and, if this regulation is not defeated next week, it will be another six to eight weeks before it is even looked at. In the meantime, the processes that are envisaged within these regulations, one of which is that trained officers will be supervised by untrained public servants, will be put into place. If problems are inherent within them, which the Police Association asserts, those problems will continue for six to eight weeks until this Parliament can conclude the debate and either reject or accept the regulations. I support the proposition moved by the Hon. Ian Gilfillan that these regulations be disallowed.

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

## DISABILITY DISCRIMINATION ACT

**The Hon. R.R. ROBERTS:** I move:

That this Council condemns the actions of the Liberal Cabinet for its contrivances in knowingly preventing South Australians with disabilities from accessing proper compensation for work related injuries in contravention of the Disability Discrimination Act 1992 in respect of permanent mental disability, and, in particular, the Attorney-General (Hon. K.T. Griffin, MLC), the Minister for Government Enterprises (Hon. M.H. Armitage, MP) and the Minister for Human Services (Hon. D.C. Brown, MP).

It is with some regret that I have to move this motion. From time to time in the life of a Parliament all members are subjected to things done by the Government with which they disagree. We often have heated debate in Parliament but, at the end of the day, provided the views that have been expressed or the actions that have been taken are properly held and the processes have been open and honest, members accept the result, despite defeat.

One of the very important functions of Government is to protect the weak, the vulnerable and those people who are disadvantaged in any way to ensure that, in their times of need or suffering, systems are in place to ensure that they receive justice.

This impinges on most citizens in Australia in two areas: first, State legislation should be designed to protect them; and, secondly, Federal legislation, which, in most instances, overrides the actions of State Governments where those actions are inconsistent with the provisions of the Federal legislation. One of those areas is the Federal Disability Discrimination Act which ensures that people who suffer disabilities or who incur disabilities either as a consequence of their daily lives in the community or as a matter of course in their work are entitled to the protections of the Disability Discrimination Act.

Everyone knows that for about four or five years I have been passionately in favour of overcoming an anomaly which arose in the legislation in 1992. At that time they were known as the Peterson amendments to the WorkCover Bill, whereby there were substantial changes to the WorkCover legislation. It all revolved around a passionate argument and a strong assertion, especially by employers, about the cost of WorkCover. One of the soft targets were those people who, through their everyday work, were unfortunate enough to incur a stress injury. The stress claim was derided roundly by employers in particular, and the media commentators who regarded it as a popular issue jumped on the bandwagon and talked about costs and unfunded liabilities.

I can remember clearly the heated debates within the forums of the Labor Party about the need for amendments and indeed what amendments ought to occur. History should record that the Labor Party rejected all the arguments for amendments to the legislation at that time. What actually happened is that it involved the Independent members of the Lower House, and Norm Peterson asked that amendments be drawn up to amend the WorkCover legislation. When those amendments were drawn up—and it is my belief that they were drawn up by WorkCover on Mr Peterson's behalf—they were presented to the Labor Party Caucus, which rejected them.

Whilst the legislation in respect of these matters was changed during the life of the Bannon Government, history should also record that it was not done with the official sanction or the votes of the Labor Party. In the Lower House it was the combination of Liberal Party members and Independent members who passed that legislation, and in the Upper House it was the combination of Liberal Opposition members and the Democrats who passed the legislation.

That was where the problem started. In one sense, I suppose, we could have been accused of being not all that vigilant, because we did not pick up what was in schedule 3 of section 42. The legislation passed through the Parliament in the late hours of the night. Indeed, the Labor Party had looked at the whole package and said, 'We do not accept any of that.' Section 42, schedule 3, went through with a substantial change in respect of those workers who suffered permanent psychological or psychiatric injury during the course of their work.

There is a provision which allows those members with a physical injury to the brain to receive lump sum compensation under that clause as a consequence of an injury sustained at work. The difference with a physical injury is that you can see the scar and psychologists and psychiatrists can measure the effect that that injury causes to your ability to use your brain or other senses of that nature. People who have been robbed a number of times in violent bank robberies or women who have been physically assaulted and indeed raped in the course of their work are prime suspects for this particular injury. When this injury is sustained, it can be measured by psychologists and psychiatrists.

I have presented evidence in this place that these injuries are permanent, measurable and will not go away when I have introduced Bills of this nature into this Chamber on three occasions, one being only last year. On the first two occasions that these matters were raised in this Chamber, the Bills were handled by the Attorney-General. He made speeches opposing the point of view and opposing the amendment which was supported by the Law Society, the plaintiff lawyers, the psychologists and psychiatrists association, the trade union movement and the disability community in South Australia. Everyone supports this amendment bar the Government.

On the first two occasions the Bill was handled by the Attorney-General and he made his speeches, no doubt written for him in part by people at WorkCover and by his legal team within the Attorney-General's Department. On both occasions he talked about stress. The whole emphasis was basically on stress. What really happens with stress is handled in section 30A 'Stress'. As part of the Labor team handling the WorkCover legislation in the Parliament in 1993 and again the following year, I was involved in discussions with Minister Ingerson at the time in respect of matters such as dispute resolution; and a whole range of other issues were again amended at the time.

That is when I first raised this issue with the Hon. Graham Ingerson. I pointed out that I intended to introduce legislation and explained the effect of the Peterson amendments—and, incidentally, I am advised that Mr Peterson has said privately that it was never his intention that this group of people already permanently disadvantaged with a mental disability were to be disadvantaged further.

When I explained it to Minister Ingerson he said, 'That is not right; it is not supposed to happen.' In his indomitable style he said that he would fix it up. I thought 'Great; that is good. I do not need to go to the trouble, and the Parliament does not need to go to the expense of a protracted political process to fix this up, because Graham Ingerson will do the right thing by those permanently injured workers.' I was extremely surprised that when the legislation hit the Lower House the person who opposed it most vigorously was indeed the Hon. Graham Ingerson. I had some private discussions with him—which I will not go over because it is not my habit to discuss private discussions—but nonetheless I was surprised.

Mr Ralph Clarke asked a question of Graham Ingerson, who gave an answer on 30 June 1996 in which he said:

> I am advised by the Attorney-General that, by letter of 5 August 1995, all Ministers were asked to advise whether any legislation within their respective portfolios required exemption from the Commonwealth Act.

That is the Disability Discrimination Act. It continues:

> In response to this letter, I advised that certain provisions of the Workers' Rehabilitation and Compensation Act 1986 required exemption from the Commonwealth Act which included: schedule 3 regarding non-payment of lump sums for non-economic loss arising from psychological injuries. On 11 December Cabinet approved application to the Commonwealth Attorney-General for exemptions from the provisions of the Commonwealth Disability Act 1992 in relation to this provision.
>
> By letter of 18 December 1995 application was made to the Commonwealth Attorney-General in accordance with Cabinet's decision.

He also advised the Lower House that, to that date, no response had been received to his application.

No-one really knew what the applications were and, in fact, a number of people tried to find out. As I mentioned by way of a question today, they were met by a wall of silence. All inquiries seemed to run into this wall of silence. It was so much so that I did receive some correspondence from Mr Kevin Reid, who suggested that an FOI request would be warranted. He had made some applications for information about this particular matter and was continually frustrated.

In November 1998 I made a freedom of information application. This was after the Bill had passed this Council and had been sent off to the Lower House for the consideration of members of the House of Assembly. I was very happy with my negotiations with Independent members and National Party members in the Lower House and with their response to my explanation as to what this problem was all about, and I felt that it was looking somewhat promising, in that, after some six or eight years, the Kevin Reids and Elizabeth Hanns of this world, very competent people in their own right before their injuries, had stuck in the whole of the way through this problem.

I pay particular tribute to the courage of Elizabeth Hann in particular who came to see me. These type of people have to prepare themselves for two or three days and when you meet one of these victims you cannot but feel some compassion and sympathy for their position and respect for the great courage that it takes for these people actually to leave their homes and go out into the community. But they do it because they feel that they have been unjustly treated and want some justice done.

My freedom of application was sent in and I received a reply from a Mr Nick Baron, Freedom of Information Officer from the Attorney-General's Department, on 27 November 1998, and it said:

> Freedom of Information Application dated 5.11.98.
>
> I refer to your application pursuant to the Freedom of Information Act 1991 (the Act) which seeks the following:
>
> 1. Copy of the application dated 18 December 1987 to the Commonwealth Attorney-General for exemption from the Disability Discrimination Act (1992) of certain provisions of the Workers Rehabilitation and Compensation Act 1986, including Schedule 3 (regarding non-payment of lump sums for non-economic loss arising from psychological injuries).
> 2. All further correspondence forwarded to the Commonwealth Government by the State Government regarding this matter.
> 3. All further correspondence received by the State Government from the Commonwealth Government regarding this matter.
>
> The following table identifies six documents held by the Attorney-General which fall into the scope of your request.

That list shows the following letters: a letter of 18.12.95, application for exemptions, from the South Australian Attorney-General to the Commonwealth Attorney-General; a letter of 3.4.96, which was a follow-up application from the South Australian Attorney-General to the Commonwealth Attorney-General; a letter of 10.10.96 from the Commonwealth Attorney-General in response to the South Australian Attorney-General's letter; a letter of 16.4.97, a response from the South Australian Attorney-General to the Commonwealth Attorney-General's letter of 10.10.96; a letter of 15.6.98, a response to a letter of 16.4.97 from the Commonwealth Attorney-General to the South Australian Attorney-General. That is an important one. That is the important letter, which was the subject of the question that I asked today, and later on in my contribution it will become clear what I am talking about. There was also a letter of 3.11.98 in response to the letter received on 15.6.98 from the South Australian Attorney-General.

The letter from Mr Baron continues—and this is the interesting part:

> Access to all six documents is refused on the basis that they are exempt pursuant to clause 5(1) of the first Schedule of the Act. The exemption relevantly provides that a document is an exempt document if it contains matter, the disclosure of which could reasonably be expected to cause damage to relations between the Government of South Australia and the Government of the Commonwealth and the disclosure would, on balance, be contrary to the public interest.

You can imagine my surprise when I got to that point, because what we were talking about was an invitation extended by the Federal Government to the State Government and some exchanges about that. Why it would cause bad relations between the two Governments was beyond me. He went on to say:

> I have reached that conclusion having regard to the content of all the documents, but I decline to further elaborate on the reasons for refusing access, as to do so would result in this letter being an exempt document (see section 23(4) of the Freedom of Information Act 1991).
>
> If you are dissatisfied with this determination you are entitled to a review in accordance with section 29 of the Freedom of Information Act 1991. Your application for a review of this determination:
>
> - must be in writing;
> - must be addressed to the Chief Executive, Attorney-General's Department;
> - must specify an address in Australia. . . and
> - must be lodged at an office of the Attorney-General's Department within 28 days. . .

I took them up on that invitation, on 3 December, having in the meantime asked the Attorney-General a question in the Parliament of why it would cause bad relations. I asked that question on 8 December 1998. The answer was provided to me and I will read it in:

> The matter was dealt with in accordance with the usual departmental procedure for dealing with freedom of information requests.

Incidentally, I just report that, again, my application was refused and deemed to be incorrect. The answer continued:

> I am advised that the responsible officer determined that the documents were exempt pursuant to clause 5(1) of the FOI Schedule. I understand that this decision was confirmed by the subsequent internal review.
>
> I am not in a position to comment further on the reasons for refusal of the application as to do so would require me to reveal the information which is exempt.

Same old story, Mr President. Given that that was the situation I thought I would try one more routine to get this matter out in the open for the benefit of my constituents who are crying out for some relief. So I applied to the Commonwealth Attorney-General with a freedom of information application, and within days the information was returned to me. The six letters outlined were there. I was not too concerned at that stage, until I read the letters. When you read the letters it reveals what I believe was a very covert operation by the Minister, Trevor Griffin, in his letters. He had received advice in respect of these matters but was clearly hiding that advice from the Parliament, because during the debates he had received advice from the Federal Attorney-General. Indeed, he had received advice with respect to section 113 of the Act. In the letter of 10.10.96 from Daryl Williams, in his advice to Trevor Griffin he states:

> I also note that Schedule 3 of the above Act has no provision for lump sum payments for psychiatric illness. I believe that such payments are permitted elsewhere in Australia and seek further advice on the objectives of this regime.

Clearly, he was expressing concern about the fact that workers in South Australia were not entitled to these payments. The Attorney-General wrote back to him on 3 April as follows:

> I refer to my letter of 18 December 1995 wherein I advised the former Attorney-General that the South Australian Government requested the following provisions be made prescribed laws. . .

And there are about eight things he wanted prescribed. Then, on 15 June 1998, about a month before this Council passed the Bill to provide relief to injured workers with permanent disabilities under schedule 3, a letter was sent to Attorney-General Griffin. I will not read it all, but in part it states:

> In relation to section 30A and schedule 3 of the Workers Rehabilitation and Compensation Act 1986 I agree that both should be made prescribed laws. It is likely however that the prescription of schedule 3 will be strongly opposed by the disability community of South Australia. There is also a possibility that such a regulation will be rejected by the Senate. In order to avoid these problems I suggest that you may wish to consider, as an alternative to prescription, how schedule 3 might be amended so as to comply with the DDA.

There it is. The Federal Attorney-General suggested to the State Attorney-General that he should move amendments to schedule 3 of the legislation, the very subject which I had proposed in this Parliament, which was being debated vigorously and which had been passed in this Council on two occasions with the absolute opposition of the Attorney-General. I am advised that that information was discussed by State Cabinet at a subsequent State Council meeting.

That brings me to the next aspect of my motion. Because this correspondence had occurred over a couple of years and twice when the matter was being debated, all Cabinet members were aware that workers in South Australia were being discriminated against when compared with workers with similar disabilities in all other States and that they were not being given the protection of the Disability Discrimination Act. Yet, they did not say a word: not a dickybird did they come up with. They contrived and, by their silence, deprived one of the most disadvantaged groups in society—injured workers with mental disabilities. By their silence, they denied them.

When I said yesterday that they were malicious and devious you, Mr President, ruled that I had to change the motion. Well, I did change the motion, in line with the practices and policies of this Council, but I ask any fair-minded person, given that these people knew that South Australians were being disadvantaged, omitted to let them know and denied information after people had made inquiries, if that is not malicious and devious towards disadvantaged workers who are permanently injured—and it is not only permanent but manageable and identifiable—during the course of their work. I believe that they colluded and contrived to deny justice to those people. What occurred is an absolute disgrace.

That Bill was passed with the full knowledge of three past Ministers—and I cannot put the Hon. Graham Ingerson on my list of suspects in terms of the motion because he had left the Cabinet. Clearly, the Hon. Dean Brown and the Hon. Michael Armitage must stand condemned, because those two members of Cabinet had particular roles to play in Cabinet and had particular input into this matter—that is, my assertion that there should be an amendment to the Act to apply justice to injured workers. In my opinion, in the past few months Dean Brown has been showing considerable signs of compassion and sensibility towards mentally disabled people. He has been quoted in the press recently: in fact, the *Sunday Mail* of 13 June 1999 quotes him as follows:

> I want more cash for the mentally ill.

I was impressed with his compassion for and support of the mentally ill. Then I looked at the record and found that, during the carriage of my Bills, at one time Dean Brown was the Minister for Industrial Relations and, therefore, when these letters were passing backwards and forwards between the South Australian Attorney-General, on behalf of the Cabinet, and the Federal Attorney-General's Office, he was in the Cabinet and this matter would have been in the direct province of the Hon. Dean Brown as Minister.

At the same time, the Hon. Michael Armitage was the Minister for Health. One would expect that the Minister for Health would have had some compassion and sensibility for an injured worker with a mental disability, but obviously he sat in Cabinet in the full knowledge that these workers were being disadvantaged, as he was advised by the Federal Attorney-General, Daryl Williams, and again he either said nothing or—and I give him some credit: there is a chance—he was rolled by the rest of the Cabinet. That information only reinforces the motion, because it condemns the whole Cabinet and those members in particular.

The story gets worse because, by the time the Bill was again put through the Parliament, the numbers had changed in both Houses. The Hon. Dean Brown changed horses in that, whereas previously he had been looking after industrial relations, he became the Minister for Health; and Michael

Armitage also changed horses. So, everything that applied to Brown and Armitage on the first occasion was reversed. But that does not exonerate them from not discharging their duty towards injured workers in South Australia who were suffering psychological injuries.

The Bill passed from this place to the Lower House with very promising indications of support. In fact, it got to the stage where, before Christmas last year, we were advised that the Bill would be passed one Thursday morning. But what happened? Urgent representations were made by Michael Armitage on behalf of the Government to the Independents with stories such as, 'If you pass this, it will cost $40 million. There will be 2 700 claims. If this goes through, every stress claim will go through.'

They trotted out the same old arguments that had been clearly defeated by this Council on two occasions. So, we had to go back to the Independents and provide information that the figures they were being given were false, that there were no figures anywhere near them, and that what we were talking about was a small number of people who had hung in—the Elizabeth Hanns and the Kevin Reids—and tried to get justice whereas many other people, through frustration at the system, had dropped out and had taken a payout with no extra claims, forgoing their rights.

The real disgrace is that they did that at a time when this Cabinet, not necessarily the Government, knew that they should have been entitled to that relief and, under the Federal Discrimination Act, they should have been pulled into line. All along, they knew that this was wrong, as people continued to drop out of the system and give up their rights. Having got to that point, we also had the situation where they were talking about how many claims there were, how many more claims would go through and how costly it would be. We were able to provide information that showed that the number of stress claims last year was nowhere near the figure that the Government was telling the Independents to frighten them.

To their credit, the Independents were not convinced and, with the help of the Trades and Labor Council and its WorkCover apparatchiks, we were able to blow out of the water the false figures that were provided to them. In its desperation the Government has done two things. First, it tried to convince the Independents that what I proposed did not do what I wanted it to do. I am advised that the Independents and the National Party member have taken legal advice, and I understand that they believe that there may be too much scope in my proposition. They are looking at that, but they are still giving indications of support for some relief.

The Government also sent off this last letter. This is the real gem; this is the one that really puts the boot into injured workers. On 3 November the Attorney-General wrote to the Federal Attorney-General, Daryl Williams, in the following terms:

> I refer to your letter dated 15 June. . .

The Attorney-General had this letter in his possession on the final day of debate on this issue. The Attorney-General had not spoken, and we all thought he was handling the Bill as he usually did, but whom did the Government trot out? It trotted out the Hon. Angus Redford, a month after it had received the letter of 15 June advising it that the legislation was discriminatory and that schedule 3 should be amended. What did the Attorney-General do? Being a shrewd operator, I suggest, and in line with my accusation of connivance, given that he was a senior member of the Government and a member of the Cabinet and had access to the documents provided by Attorney-General Williams from the Commonwealth Government, he did not handle the Bill; he trotted out Angus Redford.

The Hon. Angus Redford was obviously keen, but uninformed. Earlier today in Question Time I asked the Attorney-General whether he informed the Hon. Angus Redford of the advice given by Daryl Williams. He feigned brain damage; he obviously had a psychological disability. He said that he could not understand the question, which I thought was reasonably simple. I asked the Attorney-General whether, when he conned the poor old Hon. Angus Redford into handling the Bill, he told him that Daryl Williams had said that it was crook and that schedule 3 ought to be amended. To do the right thing by his Party—and I do not criticise him for that—the Hon. Angus Redford weighed in and read the prepared speech that the Attorney-General had given him in the absence of the information which indicated that he ought to have been doing something else. Thankfully, members in this Chamber were not fooled and they passed the legislation and sent it off to the Lower House.

I return to the letter that the Attorney-General sent to the Federal Attorney-General (and I will comment on it as I go through it):

> I refer to your letter dated 15 June 1998 regarding the prescription of the South Australian legislation under the Disability Discrimination Act (DDA) and I note your comments regarding possible opposition to the prescription of schedule 3 of the Workers Rehabilitation and Compensation Act (SA).

So, obviously at this stage the Attorney was running scared. He then put this proposition to Daryl Williams:

> I am aware that there is some opposition to the exclusion of mental disability from schedule 3. However, this matter has been extensively debated in the South Australian Parliament in 1994 and again in 1995-96. On both occasions, the amendments, to include mental disability in the schedule, were defeated.

**The ACTING PRESIDENT (Hon. J.S.L. Dawkins):** Order! Can we have a little silence in the Chamber, please?

**The Hon. R.R. ROBERTS:** I think they may be applicants, Mr Acting President. It was defeated; that is what he told Daryl Williams. He did not elaborate. The Hon. Daryl Williams would have taken it to mean that it had been before the Parliament twice and that it had been knocked off. However, the Attorney did not explain, so again it is deception by omission. He did not mention that it had passed the Upper House twice but was defeated along Party lines 36 to 11 in the other place. The merits of the case were never discussed in the Lower House: it was a pure crunch job. He did not tell Daryl Williams that. He did not mention that it has just passed the Legislative Council again and has been dispatched to the Lower House where it will probably be supported. He did not tell the Hon. Daryl Williams that; he left that out—deception by omission. The Attorney-General went on to say:

> The South Australian Government is concerned at the impact of the DDA and, in particular, the fact that the Commonwealth has legislated to override State legislation in a general way so that the continued operation of some State legislation is, in effect, dependent on the promulgation of regulations which are subject to disallowance in the Commonwealth Parliament. The time delays in obtaining the exemptions are also of concern, particularly given the sensitive nature of the exemptions sought. Therefore, I request that you arrange for the prescription of the relevant provision of South Australian legislation, including schedule 3 of the Workers Rehabilitation and Compensation Act, as a matter urgency.

Being a responsible Federal Attorney-General, Daryl Williams received that letter in good faith, not knowing that

it was now before the Lower House or the history of what had happened.

Additionally, given his advice of 15 June, the Attorney-General did not advise Daryl Williams that he had the perfect opportunity in the consideration of the Bill in this place to move his suggested amendments to schedule 3 of the Workers Compensation Act so that he could get an exemption. The obvious question is: why did he not do that? The answer is clear: because the Attorney-General knew that if he had moved amendments to schedule 3 he would have put the birds in the air. He would have had to explain why he was doing it. He would have had to come clean and say, 'The reason we are doing it is that Daryl Williams, the Federal Attorney-General, has suggested that this is the way that we should do it. He has suggested it to me because this legislation that we have opposed on two or three occasions is actually in contravention of the Federal Disability Discrimination Act.' He would have had to come clean. He would have had to reveal to the Parliament that he knew about this for two years and that he had denied injured South Australians their rights or expectations under the Federal legislation.

If that is not devious and malicious I want to be convinced about what is. That is where the situation seemed to rest. The Attorney-General was outed when, on the first request, Daryl Williams provided the information that he had been hiding and keeping back, not only from me and the members of this Parliament but from the injured workers—including that disadvantaged and most vulnerable group, the brain injured workers (who will have this injury for the rest of their life). The Attorney-General denied them access to this information. That is the act of a disgraceful Attorney-General; it is the act of a disgraceful Minister for Health; and it is the act of a disgraceful Minister for Industrial Relations charged with looking after injured workers. That is what has occurred and what I ask this Parliament to consider when deliberating on my motion. Even at that stage, given that information, it was clear that if challenged there would have been a strong argument for those people to seek relief under the Federal Disability Discrimination Act. The intrigue goes on.

This dispossession of the rights of injured workers continued quietly behind closed doors and one assumes that the Attorney-General knows or knew that I had been given this information, because it would be a surprise to me if the Federal Attorney-General did not advise the State Attorney-General that he had provided me with this information, given that he had received this urgent letter, with all its deficiencies, requesting that this be done as a matter of urgency. To dispossess these workers of their rights, he then proceeded. I was shocked to receive some correspondence from my constituent Mr Kevin Reid, a victim of this process, who wrote to the Human Rights and Equal Opportunity Commission and received a response on 21 June 1994 as follows:

> I refer to your letter of 17 June. I confirm that the South Australian Workers Rehabilitation and Compensation Act 1986, section 30A and schedule 3, has been prescribed under section 47 of the Disability Discrimination Act. (Please note that the relevant provision is section 47 not 55 and the correct title of the Federal legislation.) The effect of this—

Mr Mason from the Human Rights Commission explains—

> is that actions done in compliance with those provisions cannot be held to be unlawful under the Disability Discrimination Act.

So, there it is, after all that intrigue, deception and malicious and devious action by this Government to dispossess those workers of rights that they could rightly have been entitled to. They ought to have been able to expect that Cabinet Ministers in this Government would provide them with fair and accurate information so that they could pursue their claims for rightful compensation for permanent disabilities, which was denied. After all that, the Government has actually succeeded. It actually succeeded in saying, 'Now it is exempt.' The fact that there was this entitlement and they were not told about it is an absolute disgrace and a blight on the ministry.

I do not get too passionate about Ministers resigning, but I think on this occasion, where we have an Attorney-General who has been the leading player in this matter, a person from whom the community has a right to expect justice, or a right to expect that he would protect their rights to justice in compliance with the laws, a person who would know that the Federal legislation is to protect all Australians—and that means all South Australians—he would ensure that someone suffering a permanent disability would be given the correct information on their rights. To deny them by deception and deceit, withholding information and providing information to those involved in the process misleading them by omission, is an absolute disgrace. If we cannot rely on the Attorney-General to be open, honest and fair, and to protect the legal rights of workers and any other citizen, on whom can we rely?

When somebody has done that and can be shown to have been involved is a disgrace and is worthy of their being sacked—but that will not happen, because the Premier and the rest of the Cabinet all knew. The Hon. Angus Redford was trotted out to handle the Bill because none of the Cabinet members, who all knew of this disgrace, was game to handle the Bill. The Attorney-General reneged, because he would have been accused. We could have said, 'You knew this, Attorney General, when you got it from the House and read out that speech—the same speech that Angus Redford read out. You had been advised on the fifteenth that you should have done that, yet you did not say that in the Parliament.' He sat there silently and poked poor old Angus Redford up at the pointy end of the boat so that, when people like me were to criticise him, he could say, 'Not me, ace: I did not say it.' Again, he hid behind his ministerial right to appoint some other sucker. I do not say that with any personal criticism of the Hon. Angus Redford, but the Attorney needed someone to carry the can for him and his Cabinet colleagues in this despicable act of dispossessing mentally injured workers of their rights. It is a disgrace. The whole Cabinet must stand condemned.

The Premier will not sack him, but if he had a shred of decency—and he has had a lot of experience in Parliament, and has made a lot of passionate speeches about his respect for the law and the rights of citizens in the community—he would know that he has done wrong. He knows he has misled them and he knows that he has let down those injured workers: he ought to resign. All members in this place who have been given the information I provided today and the information package provided by Daryl Williams that outlines the process—and I am prepared to make it available—ought to join with me in supporting the motion condemning this Government—or this Cabinet. I am not condemning the backbench, as members did not know: they were kept in the dark. I am assuming that acting Presidents would not have been in the Cabinet and would not have known either. All backbenchers would not have known.

Unfortunately, I do not condemn the Government, although I often do that. I specifically condemn the Cabinet

and those Ministers who had a particular involvement. That does not diminish the responsibility of the rest of the members of Cabinet who were sitting there. The Hons Diana Laidlaw and Rob Lucas were there. They were all around the Cabinet table, conspiring to keep the information from those injured workers who might make a claim and push the claim through the court to win what was their right. Why would you do that? It can only be out of spite and maliciousness, ideology and dogma. The Ministers do not get anything, any advantage, out of it. They do not lose any money or anything. They simply get the satisfaction of saying, 'We have defeated the Labor Party, the Independents and the Democrats who are trying to provide support and be responsible for those injured workers. We have defeated them.' They might think they are clever defeating them, but who suffers? Those brain injured workers who will be permanently disabled for the rest of their lives have been disadvantaged.

There is some relief in sight, because the Bill is still before the Lower House and I am eternally hopeful that the Independents and the National Party member in the Lower House, who will undoubtedly be able to access the information I have provided here today, will move to amend the schedule in line with the proposition put by the Labor Party on behalf of those injured workers to redress something that was never contemplated should occur, except by a couple of bureaucrats and managers who wanted to reduce costs and fall into line with those screaming about stress.

I will finish my contribution with the stress issue. People who suffer stress show the symptoms of stressors. I refer to section 30A, which I do not complain about because it was well debated in Parliament. Everybody knew what it was about. We knew that people could not claim stress if it resulted from a reasonable action by an employer. We all know that. The Attorney-General applied for that to become prescribed law and, whilst I did not agree with the argument when it went through the Council, it was properly debated, it was open, it was honest and nothing was withheld, so we have to cop the decision. However, that is not the case with respect to schedule 3 where information was deliberately withdrawn and withheld to the disadvantage of workers in South Australia.

I am reasonably confident that the Independents and the National Party member will see through the Government and amend the legislation in the way that this Council has suggested, or very close to it, which will ensure that injured workers who have a permanent, measurable psychological injury as a consequence of their work will be entitled to just compensation, as they have a right to expect under the Act. In that way they will be excused from this maliciously contrived exemption that the Attorney-General was able to wheedle out of Daryl Williams.

I urge all fair-minded members of this Chamber and of the other place to do two things. First, members of the Lower House should pass the legislation this week so that people like the Elizabeth Hanns and Kevin Reids of the world, who have been through hell for the last six years, get their just compensation. Secondly, I ask them to join with me in condemning the actions of this Cabinet in trying to deprive those injured workers of the rights to which they are entitled by deception or omission. They have been deprived of the right just to put their case. I ask all members to support the motion.

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

## TUNA INDUSTRY

**The Hon. T.G. ROBERTS:** I move:

That this Council—

1. Notes with concern the allegations concerning processing, loading and transporting tuna at Port Lincoln by foreign nationals which may breach Federal and State legislation with respect to immigration, quarantine, customs, occupational health and safety and other Acts.
2. Calls upon the Federal Government to urgently set up a commission of inquiry to investigate this matter and set in place procedures to ensure that this is never repeated.

It is unfortunate that I have to move a motion such as this in this day and age. It appears from evidence that I have been given by the MUA that a program is being carried out in Port Lincoln that involves foreign ships that are operating legally in international waters in relation to their catch, I would assume, but, when it comes to the processing and transportation of their catch from onshore bases, the people associated with the catch are involving themselves in what is regarded as local industry work.

It is very difficult to imagine Australians involving themselves in the same sort of process. For instance, I cannot imagine an Australian ship and its crew moving into a Japanese port, processing Japanese fish caught off the Japanese coast and trying to involve themselves in any sort of activities onshore in which Japanese nationals are involved. It would be the same for all the other countries involved. We certainly would not be welcome in the Philippines, China or South Korea to provide labour for the transportation and/or processing of any fish in those countries. I understand that, as I speak, an investigation is going on, that the Immigration Department is looking at the issue, as are customs and quarantine officials. Federal Ministers have been notified by the MUA as to the extent of the problem and the difficulties that it perceives.

Purely by accident I was drawn into a dispute in Hobart during one national conference where Russian trawlers were involved in doing similar work or stevedoring in Hobart. A conference was set up between the stevedores, the Russian trawler operators and the Trades and Labor Council. A process was put in place that everybody agreed would occur in future when trawlers were to be loaded and unloaded, when they were taking on stores, and how the provisioning of the deck space was to be carried out, and other matters relating to servicing trawlers in that port. In calling for this inquiry, I suggest that Federal authorities work with State bodies.

I noticed an article in the *Advertiser* of Tuesday 27 July by regional reporter Catherine Hockley, who mentions that the EPA is investigating five foreign tuna freezer boats off Port Lincoln. I am not sure what authority the EPA has or under which section of the Act it is investigating this issue. It might be looking at some of the waste products that result from processing, but my understanding is that no waste is associated with the loading, unloading and freezing process. It appears that the State and Federal authorities that should be looking at this issue, that is, immigration, customs, occupational health and safety and industrial relations officials, are not involved.

The EPA might be able to report back to the Premier who, on my understanding, has not seen the video produced by the MUA. Although he did not discount that the breaches occurred, he was a bit sceptical about the claims being made. I have in my possession the video that was taken to prove to those doubting Thomases that what was claimed actually took

place. The MUA is not in the business of fabricating, nor is it in the business of putting together bodgie or bogus tapes to prove its point. I hope that, by the time this motion is passed next week, it is sent to Canberra to alert Federal bodies of the activities of these foreign vessels and hopefully the defenders of our shores and our resources can at least appear to be in control of the processes of catching, transporting and exporting a very valuable resource.

It appears that Canberra has cut back on a lot of the surveillance of our coast. It has privatised many of the roles that the surveillance bodies used to carry out under the auspices of the Australian Government through the navy. We now have little or no surveillance methods available to us other than the privatised methods of small aircraft and, in some cases, particularly in the north-western area, the policing of Indonesian fishing boats. In relation to the orange roughy and other resources that are valuable to Australia's exports and domestic consumption, all we can do is take photographs from Orions and wave them as evidence that breaches have taken place. I am sure that other steps can be taken, including following up breaches with court action. With Australia sticking to its side of international agreements, surely we ought to be able to convict, fine and, in the worst possible cases, confiscate the gear and equipment that is being used to—and I guess there is no other word for it—steal our Australian resources.

I would hope that this issue can be thrashed out locally using our State, Federal and local authorities to put together recommendations for an agreement on how the catch is to be processed. We hope that Port Lincoln becomes a show case in relation to the export of this very valuable resource. I understand that large sections of the fishing industry in Port Lincoln that are involved in tuna catching and processing are doing the right thing. There is evidence that a section of the industry is doing the right thing; that is, carrying out the catching, freezing, processing and transporting using what would be regarded as the traditional methods. However, another section of the industry appears to be hell-bent on saving what little expense there is in the transporting and processing of this resource and maximising their returns by using foreign nationals, probably for little or no payment.

I recommend that this Council supports the motion. I do not think that there is anything for Government members to fear by supporting it because it supports local fishermen, local labour and potential jobs in Australia and in South Australia. Hopefully, in respect of the breaches that have occurred, a protocol can be worked out whereby these breaches can be stopped and also a protocol worked out (and abided by) for all catches around Australia under the international agreements in relation to the catching, freezing and transporting of tuna in South Australia.

**The Hon. J.F. STEFANI** secured the adjournment of the debate.

## ENVIRONMENT PROTECTION AGENCY

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

That the Environment, Resources and Development Committee investigate and report on the functioning and operation of the Environment Protection Agency, with particular reference to—

I. the adequacy of the current legislation to enable the agency to achieve its aim;
II. the adequacy of the resources provided to the agency;
III. the adequacy of the monitoring and policing functions of the agency;
IV. alternative interstate and overseas models for the administration of environmental protection legislation; and
V. any other relevant matters.

(Continued from 7 July. Page 1588.)

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

That this Order of the Day be discharged.

Order of the Day discharged.

## EDUCATION ACT REGULATIONS

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

That the regulations under the Education Act 1972 concerning materials and service charges, made on 25 March 1999 and laid on the table of this Council on 25 March 1999, be disallowed.

It is interesting to note, in respect of this motion, the remarks of the Hon. Angus Redford in a similar motion earlier regarding the deliberations of the Legislative Review Committee, because I think this is the third time we have dealt with this motion. It was disallowed in this Chamber, and then the Government whacked it back into the Parliament the next day or within a week or so. I just think that as a Legislative Council we have to look at the way in which the Government deals with regulations. It will be interesting if the Legislative Review Committee pursues this, and I will await its deliberations with interest.

As I have said, this is the third time that this Government has sought to deprive South Australians of a free public education. To introduce compulsory school fees is an extraordinary attack on the basis of a civil society. In our society where knowledge is power, this Government's policy creates more powerlessness and entrenches poverty and hopelessness. By putting a price on education, this Government is putting a price on the future of our children and their children. Attacks on education are the hallmarks of a conservative Government both at the State and national level. The private school sector continues to benefit while State schools suffer a vicious cycle of deprivation of vital resources.

This Government continues to cut funding to schools in real terms. Because of this, schools are unable to meet costs associated with their running, such as keeping up with new technologies like computers. Schools are then forced to find other means of raising resources, leaving them with little option but to introduce fees.

I am not unsympathetic to school councils which argue that there are some people who simply will not pay this fee. When my children went to school it was called a voluntary contribution; it was a very small amount of money; and I believe that everyone was happy to pay that voluntary contribution and to take part in fund raising activities to help boost the schools' finances. It is quite clear that in some areas of South Australia where there is a more affluent population the schools are able to raise more money. Even if there is a cap on the goods and services charge, the schools in the leafy green suburbs of Adelaide—because of the resources of the parents—are able to raise more money, and we are getting a gradual, creeping divide between the haves and have-nots in our public education system, which is regrettable.

The onus for funding the public education system rests with the Government—whichever Government it is—and not with parents already forced to meet other financial costs. Further, since the 1993 election this Government has gutted the School Card, which really does deprive some parents who

simply cannot afford to pay the ever increasing costs of school fees, and, again, that is regrettable. This is the third time the Government has tried to introduce this agenda of what one might consider to be privatisation of the public education sector. As a society, we need to consider whether education should continue to be free. I believe that most parents, if they can afford it, are prepared to put a hand in their pockets to help out the schools when needed, but I do not think that we should expect parents to prop up the whole school system. This is what we are seeking to do with this motion.

The Government's use of subordinate legislation is designed to avoid any proper parliamentary scrutiny of this retrograde policy. Most people in the community simply do not understand what subordinate legislation and regulations are. So, we have to go through the whole process of disallowing the regulation after the Government has put it back in again. Perhaps the Government should get the message that this Parliament has disallowed it for the third time. One would hope that the membership of the Parliament is the same as it was the last time this regulation was introduced and that it continues to be disallowed. I urge members to support this motion, which is, of course, the same motion as that moved by the Hon. Mr Elliott last week.

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

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

## DRUGS

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

> That the regulations under the Controlled Substances Act 1984 concerning expiation of offences, made on 3 June 1999 and laid on the table of this Council on 6 July 1999, be disallowed.

I feel compelled to move this motion for a number of reasons. First, I chaired and then, after the election, sat on a select committee that was looking at the whole issue of illegal drugs in South Australia, and we on that committee made recommendations that would deal with marijuana related issues. I do not believe that there has been wide consultation about the changes to the legislation and, as I stated previously in my contribution on a previous motion dealing with regulations on materials and service charges, I do not believe that the general public is aware of what regulations are, how we deal with them and that they are part of legislation.

These regulations have been in force since 1984. Some members of the Australian Labor Party—not all—had a briefing some six weeks or so ago by the police and the Hemp Party. There is a complete misunderstanding about what the present law does, and I do not think that there has been a wide debate on how we should deal with the issues that the police have brought to the attention of the Government.

My understanding is that the police are concerned that, as a result of the use of hydroponics and the present regulation allowing up to 10 plants, some people are using the hydroponic method to grow marijuana as a means of trafficking illegally in marijuana and perhaps having 40 plants a year grown in four separate lots. It would seem to me that one of the issues that we could perhaps look at, rather than changing the numbers of marijuana plants that one can grow, either hydroponically or otherwise, is some kind of compromise which might allow, perhaps, five plants grown in the garden to be considered completely legal, whereas if one grew more plants hydroponically that might be illegal. When we were given a briefing by the police department, I certainly raised that issue with them and I think it was something that they said they would think about.

I do not believe that there has been widespread understanding of the difficulties that the police have encountered with this, nor is there a widespread clamour for change. I think the police have said they have one particular problem. Within the context of what is a larger debate going on in Australia about the whole problem of illegal drugs, and in particular the use of heroin and amphetamines in Australian society, I think to try to change the regulations in isolation could be a dangerous move. The law has worked well for some 15 years, and I cannot see the urgent necessity to change it at this time. I would much rather see a wider debate on other options that we could use, perhaps looking at the whole issue of the growing of certain numbers of marijuana plants to be legalised completely, with no element of criminality being attached to it, no CENs and no element of on-the-spot fines or anything else being involved. That would be the way to go, and then one could deal with the use of hydroponics in another way.

I think that this is premature legislation. Because the number of plants is dealt with in the regulations under the Act, it is going through the regulation process, and that does not provide for a wide-ranging debate in the community. I am not unsympathetic to the concerns of the police, but I do not believe they have made a case that is completely watertight and to my satisfaction or to the satisfaction of a number of people who are concerned that they are doing it in isolation of any other kind of legislative move or any other kind of societal change in relation to how we deal with drugs.

I commend the Government for making some moves, if only to produce a pamphlet that is going out to every household. It is a recognition that a problem exists. Certainly, I think the New South Wales Government has taken a very brave step in moving towards having safe injecting rooms. I would much rather see us take this on a wider front and not deal with it in isolation at this time. There could be a problem attaching criminality to what one might consider to be minor drug offenders, that is, people who use drugs recreationally.

I recently attended the conference, which was run by the police, on drugs in Australian society, and I have congratulated the SA Police previously for actually organising that conference. I think one of the things that came out of that conference is that we must be very honest about the use of drugs. I think it is very clear that a lot of people use drugs recreationally quite safely whereas others do not, in the same way that some people use alcohol recreationally with no adverse effects and others do not. Some people can gamble with no ill-effects and other people cannot. I think that marijuana has been widely accepted in our community as a recreational drug that a large number of people use, or have used, and I admit to having inhaled in the past. I do not smoke tobacco or any other form of drug at the present time.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. CAROLYN PICKLES:** No, I am just being honest about it.

*The Hon. Carmel Zollo interjecting:*

**The Hon. CAROLYN PICKLES:** I have. I said that I have inhaled. I have smoked cigarettes and I have drunk alcohol in the past; I have done all those things. I will not be hypocritical about this. The trouble is that we are so hypocritical about the use of drugs: we say that some are okay and

some are not, and some can be legal and some cannot be. I think that this is the problem in Australian society today and the world society, that—

*The Hon. M.J. Elliott interjecting:*

**The Hon. CAROLYN PICKLES:** Just don't abuse it by sniffing it. It seems to me that this is a very premature move. It has not been the subject of wide discussion and debate. I hope that members will allow the disallowance to go through in order to have a wider debate on the issue. I do not know when the Legislative Review Committee can turn its attention to this issue but, in the meantime, I would not like to see a regulation in place that I do not believe has been the subject of widespread community discussion or has widespread community support. I think that if there is criminality attached to the number of plants that people grow, hydroponically or otherwise, we should look at it in a separate context. It is a wider debate; it is not just a debate about the use of marijuana.

I think we have recognised for the past 15 years that marijuana can be harmful—like any other drug, legal or otherwise—if used to a wider extent. I do not want to see people who have considered this to be a recreational drug for the past 15 years being forced into criminal action because we are hastily bringing in a regulation with very little public debate. For that reason, I urge honourable members to support the disallowance so that we can look at the whole issue of drugs and the number of plants in a wider context and not just in isolation.

**The Hon. M.J. ELLIOTT:** I support the motion to disallow the regulation. This regulation is, at best, knee-jerk reaction—

*An honourable member interjecting:*

**The Hon. M.J. ELLIOTT:** Let me finish first, and then you can decide whether you agree with me or not. I believe very strongly that it is knee-jerk reaction. The stated reason for it is that organised crime has found that this is a way of producing cannabis and that, by changing this regulation, we will close off, if you like, this loophole.

Let us go back a step further and ask: what, indeed, is it that we hope to achieve overall? Are we trying to stop people from using cannabis and, if so, will this change the situation? It will not. Long before hydroponics, and this particular loophole perhaps was being exploited, cannabis was readily available. While it might be true that some cannabis is flowing from South Australia to the other States, the majority of the cannabis would be locally grown, or even imported. If this loophole is closed off, the cannabis supply will not change one iota.

Members have to realise that the people who supply the cannabis are, indeed, criminals. They are involved in a 'for profit' activity—supply and demand. The demand will not go away and neither will the supply. It might be true that there will be some minor variations in how the plants are produced and where they come from but the quantity being produced simply will not change, because it really is responding to the marketplace.

Let us look at some of the other ramifications. It might be true that organised crime is using this regulation as a loophole, but I do not think it is producing the majority of the cannabis that way, by any stretch of the imagination. We are still finding plenty of busts of big and medium sized crops in warehouses and all sorts of places. I am not saying it is insignificant, but we would be kidding ourselves if we tried to suggest that it is the major source of supply.

The majority of people who are growing between three and 10 plants are probably at most what you might call 'disorganised crime'. They are not the Mr Bigs or the syndicates: they are individuals, perhaps sometimes a couple of friends, who are growing small crops. Yes, they are selling those crops illegally, but it is almost certain that these operators are selling cannabis and nothing else. In the South Australian market at the moment we have probably a significant number of suppliers who grow cannabis only, grow relatively small numbers of plants and offer cannabis and nothing else for sale.

Clearly the risks for people growing those small crops will be greatly increased, and the level of 'disorganised crime' will diminish, but organised crime will grow. It will continue to meet the market demand, so the big end of the drug business will increase market share, and it is the big end also that sells drugs besides cannabis. It is the big end that also sells amphetamines, LSD and whatever else, so when our young people are offered cannabis they will also be offered other drugs.

There are a couple of ramifications. The first ramification is that it will not alter the supply level one iota. Some people might feel good that they have shut down a particular operation, but it will not shut down the Mr Bigs; they will just change the way they source their stuff. In fact, the Mr Bigs will benefit, because the risks will become greater for the smaller, disorganised end, and those people who have been growing three to 10 plants will disappear. So, it is organised crime that will be the big winners of this change, and it is organised crime that is also more likely to be offering other drugs as well.

There is no pharmacological truth that cannabis in itself is a stepping stone to other drugs, but it is true that, as long as the markets for cannabis and other drugs are mixed, the suppliers are the same. That is the way in which it is more likely to act as a stepping stone. That is certainly the belief of the Dutch, who set about separating the markets totally by allowing cannabis coffee shops. They set about trying to separate the cannabis market from the rest.

I might not have had any problems with this regulation if it had been part of a suite of changes. I myself have advocated the need to consider licensed suppliers of cannabis. That would imply licensed growers, but I would not envisage large numbers of growers growing up to 10 plants. I think that going back to fewer than three plants, where people are genuinely growing just what they want themselves, will work fine in the circumstances where any adult who is seeking to purchase cannabis is able to buy it elsewhere legally. Of course, with the model I am advocating I am seeking to separate the cannabis market from the other drugs.

I would not have had any problems with this regulation at all if it had been part of a suite of changes where the Government set about regulating the market in a realistically achievable fashion. This will achieve no good result at all. I defy anyone anybody to tell me what benefits will derive from this regulation.

However, I can point at two clear negatives due to this regulation: the benefit that actually goes to organised crime (not a 'disbenefit' but a benefit); and the risk that the markets for cannabis and other drugs will become more intermingled. Of course, the stepping stone theory, which then has no pharmacological basis, will exist because of that mixing of the markets. I do not believe that it has been very well thought through. I know the reasons it has been done. I know that the police have been lobbying for it because of their

frustration in busting these sorts of crops and they can see people thumbing their nose at the intent of the law. But one must look at the outcome, and the outcome will be clearly negative. For that reason it is a bad regulation and we should be looking only at these changes as part of a comprehensive suite of changes and not a change in isolation.

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

## ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: NATIVE FAUNA

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

That this Council calls on the committee to examine and report on the interaction of native animals with agricultural activities and, in particular, current proposals and/or approvals to shoot native bird species.

I have been approached by several groups concerned about the removal of certain protections for native species, particularly as they relate to birds near commercial horticultural concerns. I am not an opponent to responsible controls and, in the past, I have supported the rights of farmers to protect their interests. I have in this place and on the record supported the kangaroo cull in the north of the State. I have also supported the culling of koalas on Kangaroo Island, where they are not a native species and in fact were causing enormous ecological damage. In one case for environmental reasons and in another case recognising the legitimate concerns of farmers I have supported culling.

It is with some concern that I noted the Minister's moves to remove the need for destruction permits for killing protected species. In the absence of a detailed examination which demonstrates any inefficiency in the current licence system, I am concerned that the Minister's move will create an unnecessary and potentially costly imbalance of interests; thus I will move the interaction of native animals with agricultural activities to be examined by the Environment, Resources and Development Committee.

I have made contact with several groups to seek their opinions and concerns on the issue. I have spoken with both conservation interests and farmers' interests and I will briefly present a couple of views they have put. I do genuinely want the committee to look at all sides of the argument and to come to a resolution—and hopefully a resolution that can work for all parties.

Dr Tim Doyle, President of the Conservation Council, was interested to know the extent of the baseline surveys on the species where the permits were no longer being allowed. He expressed concern that the Government is not following the precautionary principle and is concerned that the trial area is too extensive. Also from the Conservation Council, Vice-President Dr David Close argued that it was naive to expect non-specialists to differentiate between targeted and non-targeted species.

I suspect that an awful lot of orchardists would not know one rosella species from another, and indeed would not differentiate necessarily between several parrot species, just as an example. It is probable that the result will be an open season on all rosellas, including some that are in quite low numbers. Dr Close also expressed concern that there are no safeguards to ensure that the birds were killed in a humane way. Sharon Blair of the Bird Care and Conservation Society feels that horticultural interests are already met under the permit system, and that one important aspect is the designation of how many birds are to be destroyed.

She was concerned that with unlimited culling rare subspecies of rosella (*platycercus elegans adelaideae* and *platycercus elegans flaveous*) may be threatened. She noted that some of the targeted species are responsible for pollinating native trees and the control of pests and also noted the significant impact of land clearance on native bird species. Martin Reeve, of the Nature Conservation Society, noted that there cannot be a broad statement on the culling of native species and that we need to take things on a case by case basis. They have concerns that without proper research and monitoring one can only pay lip service to ecological sustainability. In principle the Nature Conservation Society does not oppose culling but supports the precautionary principle. There needs to be careful and flexible management plans. There we have a cross section of interests of conservation groups and among them there is not outright opposition to culling but there is concern about what appears to be almost open slather at this stage.

I also contacted the Farmers Federation, and Mike Gaden, the Chair of the Natural Resources Committee, noted that SAFF is committed to ecologically sustainable agricultural practices and regional development; that SAFF seeks stronger action on the development of management plans for pest native species (I do not think that anyone has problems with that); and calls for affordable, practical and sustainable responses to koalas that do not just transfer the problem elsewhere; the export of pest cockatoo species as part of a management plan; changes to regional restrictions to prevent the commercial use of kangaroos when pests to agricultural areas; changes to responses to Cape Barren geese to allow shooting and trapping when threatening farmers' livelihoods; and consideration of the cull of excess wallabies on Kangaroo Island and their commercial use.

There have been, just in the past 12 months, a number of quite high profile cases of culls and calls for culls. It is not that long ago that we saw the culling of galahs in Port Lincoln; they were being shot with shotguns and many were falling wounded to the ground and being clubbed to death. We also saw on Eyre Peninsula Cape Barren geese problems. On 25 May the Minister announced the Eyre Peninsula Cape Barren Geese Committee to oversee a management plan for birds. Reportedly these birds are causing problems for local farmers by feeding on pastures. The southern coast of mainland Australia and Tasmania are the only places where these geese exist. This highlights again the need to balance the needs of producers and biological conservation. I look forward to this action committee with representatives of farming groups and Government agencies providing the kind of balanced approach required.

An Adelaide Hills Bird Management Task Group was formed to offer advice to the Wildlife Authority on areas where there have been problems with native bird management. I note the involvement of a wide range of commercial Government and interest group representation. However, I have been informed by a constituent that there are no representatives on the Conservation Council or other conservation groups. The Adelaide Hills Bird Management Task Group is quite a large one, and the fact that there has not been any official representation of conservation groups, although there may be one or two conservationists in the group, is unfortunate. It was also only in recent times—I think a couple of days ago—that there was an article about the Tamar wallabies, which have been introduced onto

Boston Island and which are now overpopulating. It is not surprising: if you introduce an animal and do not introduce a predator at the same time there are any number of cases of an explosion in numbers, and that is precisely what happened with the koalas when put onto Kangaroo Island. Clearly a problem has emerged there.

There are also claims of problems of wallabies on Kangaroo Island. We quite regularly hear complaints about corellas and damage they do to crops and sometimes to electrical equipment and other things. I am not seeking to debate whether or not native animals have the capacity to cause significant harm as that is beyond question. However, I would like to see the ERD Committee, which has managed throughout its existence to be non-Party political, to look at the issue of the interactions of native animals and agriculture in particular and to make recommendations in terms of directions to take.

There is no doubt that there has been a rapid move towards almost the deregulation of controls in the last 12 months—and there is pressure for more. That is causing a deal of unease. For those reasons, I hope that all members in this place will be prepared to support a motion which does not state an opinion about whether or not culling should occur but simply says that the interaction between native animals and farmers and proposals for culls should be examined by the ERD Committee.

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

## JETTIES, COMMERCIAL

Adjourned debate on motion of Hon. P. Holloway:

That the Legislative Council calls on the Minister for Government Enterprises to guarantee continued safe public access to commercial jetties for recreational purposes, including fishing.

(Continued from 7 July. Page 1594.)

**The Hon. T.G. ROBERTS:** I support this motion and indicate that there are a number of nervous councils around the State that are looking at the cost of maintaining their jetties and the infrastructure on them. For some time the Government and the Hon. Diana Laidlaw have been telling the local councils to look at their jetties as infrastructure within their own council boundaries, to take responsibility for maintenance and upkeep and to look at them as an asset for recreational and tourism purposes.

The local government bodies tend to agree with that way forward, but they do not want to take the final responsibility for upgrades prior to transfers that are taking place. They would prefer the Government to bring the jetties up to a standard for recreational and operational purposes, and then perhaps they may consider taking over the asset and continuing with the maintenance.

In a lot of cases jetties have become redundant in relation to transport or operational infrastructure for economic purposes. However, with other jetties around the State, such as Beachport in the South-East, for a particular length commercial activities in relation to fishing take place, so catches are landed, boats are moored and there are landings for smaller craft. However, the last third of such jetties, all of which is for recreational purposes, does not play any significant economic or financial role in relation to fishing or wheat loading activities.

In the gulf regions, the major activity revolves around the loading and unloading of wheat, and there are certain periods when recreational activities in conjunction with commercial activities are not safe. I can understand the Government and local government taking a position to protect errant fishermen who want to fish in the same vicinity as an unloading activity, as that might be dangerous. A management plan must be drawn up for each jetty by individual councils, and those proposals should be put to the Government to indicate exactly what role and responsibility local councils are prepared to play and take. Local government might then be able to recoup some of its costs on a fee for service basis from the commercial enterprises. In relation to some of the agreements that have been struck, I understand that the argument has not been finally settled.

If this motion is carried, it will bind the Government to guaranteeing continued safe public access to commercial jetties for recreational purposes, and the jetties will be dual purpose jetties, that is, they can be used for loading and unloading by the fishing industry; they can be used for loading wheat, etc., by rural industries in regional areas; and they can be available for recreational purposes by fishers taking their rods, reels, chairs, bait and tackle boxes.

One problem associated with jetties concerns children. A lot of children go onto jetties, some accompanied by adults, and they fish or act responsibly. In other cases, children go onto jetties unaccompanied. It is up to local government and the State Government to put together a package which reminds people that, where they have roles, responsibilities and rights, the responsibility of acting in a safe manner goes with access. It is a matter of commonsense. I know that the State Government wants to relieve itself of the responsibility of maintaining jetties in areas where local government is prepared to take them over. Local government is prepared to take over the role and responsibility of looking after the operational and recreational components of jetties, but it has to be done with agreement, and the joint funding components must be equitable.

The last thing local government wants to do is to put levies on people using jetties in order to maintain those jetties in a safe and effective manner. Local government sees that as a function for State Government so there would have to be a silver tongued and smooth Government negotiator to convince local government of the benefits of taking over the role, function and responsibility of looking after jetties if there is not accompanying financial compensation paid. I hope this motion will bring this matter to the Government's attention and we are able to get a reasonable agreed position between the two tiers of government and maintain commercial enterprises and recreational activities in a safe and useful manner.

**The Hon. K.T. GRIFFIN (Attorney-General):** It is to be remembered that this motion is about commercial jetties and not about recreational jetties. There is a significant distinction between the two and, in relation to recreational jetties, there has been an ongoing program under the guidance of the Minister for Transport and Urban Planning, one which is bringing jetties up to a minimum standard and then allowing local communities, through their local government bodies, to take a continuing responsibility for them. This motion is not about those jetties but about commercial jetties and their use for recreation purposes.

The Government is aware that issues have been raised regarding the in principle decision to sell PortsCorp, particu-

larly in regional areas, about ongoing access to commercial port facilities for recreational purposes such as fishing. The Government has demonstrated a strong commitment to recreational fishing facilities: $12.8 million has been committed to a program of upgrading recreational jetties (the ones to which I referred a moment ago); $3 million on the upgrade of the boat ramp, boardwalk and other facilities on Garden Island; and the recent development of Brennan's jetty at Port Lincoln to allow safe recreational fishing. In addition, the Government is supportive and encourages the work by local councils and developers to create new facilities such as those at North Haven, West Lakes and Lincoln Cove and the latest which is under construction at Wallaroo.

Whilst there is scope for multiple use of commercial port facilities, it has to be remembered that they are primarily work sites for which the port operator is responsible for the safety of its workers and visitors.

**The PRESIDENT:** There are about five or six different conversations going on in the Chamber. Could members please carry on those conversations outside or keep their voices right down?

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.T. GRIFFIN:** In these commercial areas there has been a longstanding policy for the past seven years of reducing public access because of the risk to both public and employee safety. With a new owner, public and employee safety will remain a primary concern. The PortsCorp sale project team has completed an initial round of on site inspections and consultations with communities adjacent to commercial ports. The councils and the relevant regional development boards were invited to the consultation sessions. The communities consulted included Port Lincoln, Yorke Peninsula, Ceduna, Copper Coast, Port Pirie Regional Council, Kangaroo Island, Yankalilla and the City of Port Adelaide Enfield. A range of peak industry and community organisations were also offered consultation meetings. As a part of this process the PortsCorp sale project team met with the peak recreational fishing group, the South Australian Recreational Fishing Advisory Council Incorporated and the Trailer Boat Association.

From the consultation meetings held, the community leaders would understand that the Government is at a very early stage in the sale preparation process for PortsCorp and that the Government has heard the concerns of the community. It is also apparent that there is considerable scope to accommodate recreational and tourism activity alongside the commercial activities on PortsCorp commercial wharves. The Government, through the sale project team, is determined to find a solution suitable to both the needs of the community for recreational access to the commercial facilities and the private commercial port operator.

The Government is committed to ongoing consultation. The second phase of the consultation process started last month with the release of a sale preparation issues paper. This paper addresses the specific issue of recreational access to commercial wharves and is available from the sale project team's web site at www.dais.sa.gov.au/initiative/ports.html. The Government is not proposing rigid options. We are committed to fully exploring the issues of each community which are as diverse as the ports that serve them. Through the sale preparation issues paper the Government is seeking input from interested stakeholders by 30 July 1999—that has been extended from the original date of 23 July. To facilitate this, a public discussion forum has been added to the project team's Web site. Interested parties without access to the Internet can request a copy of the report and send submissions by mail.

The information collected through the public discussions forum and submissions in response to the sale preparation issues paper will be included in the careful examination of recreational access to commercial wharves on a port by port basis by the sale project team. The objective of this process is to develop a sale package and provide certainty to both the public and potential buyers. This is no different from what has occurred under the management of PortsCorp where consultation has resulted in arrangements that are acceptable to all parties. On that basis, it is obvious that both the Minister and the Government are working to try to resolve this issue. Undoubtedly, there will continue to be tensions, but the dual objectives for using commercial jetties is certainly being pursued diligently by the Minister.

It is for that reason that I think the Hon. Paul Holloway's motion is both unnecessary and premature. If one looks at it carefully, it requires the Minister for Government Enterprises to guarantee continued safe public access. It really may not be possible to achieve such a guarantee, and I think it is—

*The Hon. T.G. Roberts interjecting:*

**The Hon. K.T. GRIFFIN:** Rubbish! The honourable member has not been listening to what I have been saying. Any suggestion that the council should seek to require a guarantee is misplaced. The Government is not really keen on the motion: we will await the outcome of the vote following the debate.

**The Hon. IAN GILFILLAN:** The Democrats support the motion. It is rather hollow to indicate, as the Attorney has done, that what is proposed may be difficult if not in some circumstances supposedly impossible. That is no reason not to support a motion which seeks to ensure as its major target the ongoing privilege that the public has had of using resources to enjoy their coastline, principally the jetties. I do not see any reason why there should be a compromise or a sell-out of what the general public has been able to enjoy for decades—in some cases close to a century—because of what might be the bargaining position of some possible purchaser.

Although unrelated to this motion, there are some quite profound areas of disquiet on Kangaroo Island in relation to the PortsCorp sale and the jetties at Penneshaw and Cape Jervis in so far as possibly allocating virtually monopoly use of shore facilities as well as the shipping between the island and the mainland. I take this occasion to indicate that I hope to pursue that as a matter of profound concern. But, as far as this motion is concerned, the Penneshaw jetty of course has been a feature not only of local usage but of significant tourist usage. It is now wrapped in the *Sealink* project both in terms of wharf facilities and their own offices, and it would be unthinkable if money was able to bargain away the right of the residents of Kangaroo Island to use that jetty. I believe that is the feeling of most people in South Australia. We support the motion.

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

## RURAL ASSISTANCE

Adjourned debate on motion of Hon. Paul Holloway:

That—

I. The Legislative Council notes the considerable hardship suffered by farmers in the north-east of this State due to exceptional circumstances, including drought and insect plague, and the refusal by the Federal Government to grant assistance to these farmers while it has assisted farmers suffering similar hardship in the adjoining area of New South Wales.

II. This Legislative Council therefore calls on the State Government to more actively lobby its Federal colleagues to support the application by farmers in the north-east of our State for financial assistance.

(Continued from 2 June. Page 1287.)

**The Hon. CAROLINE SCHAEFER:** I move:

Paragraph II—Leave out this paragraph and insert new paragraph II:

II. This Legislative Council supports the State Government in its current efforts working with the local community to support the north-east farmers in their applications for exceptional circumstances.

I am sure that there is no-one in this place who does not have immense sympathy for the people in the north-east of this State, many of whom are still suffering (even though this motion was introduced some time ago) from the effects of horrendous drought and, indeed, a combination of what I believe to be 'exceptional circumstances'. I for one am prepared to do all I can to support their to date unsuccessful application for exceptional circumstances drought funding from the Federal Government.

I perhaps have more personal understanding of what they are going through than many members in this place. Eyre Peninsula, and particularly northern Eyre Peninsula, underwent a similar series of horrendous events during the 1980s which brought many people to their knees financially and which indeed saw many people ruined financially, losing their homes and their farms. Indeed, in some circumstances we saw a number of suicides. So, I do understand very much what these people are going through.

I pay a tribute to the Hon. Dale Baker, the Minister for Primary Industries at that time, and the staff of what is now PIRSA. They did all they could for Eyre Peninsula, as indeed did the Labor Federal Minister at the time, Bob Collins, who was a Territorian and who had a great deal of understanding. They did all they could for Eyre Peninsula. Even when we did eventually receive 'exceptional circumstances' funding it was allocated on a local government boundary basis, which meant that some next-door neighbours were able to receive assistance and others were not.

When it does come, it can be a great help, but it can also divide communities, and there always seems to be people who miss out. However, it is worth noting the involvement of PIRSA staff and the current Minister in this appeal for exceptional circumstances funding. Before I do that, I would like to comment that, in my view, the hurdles are just too high for exceptional circumstances funding. If the Federal Government is not prepared to look at amending the requirements and the criteria necessary, it should be honest enough to withdraw exceptional circumstances altogether so that people know they will not get any assistance.

The example that I will use on Eyre Peninsula is in some ways parallel to what people in the north-east are experiencing. Eyre Peninsula suffered a series of droughts, but it is an area that is prone to drought, and most people make provisions for that. However, it also suffered what is I hope a once in a lifetime—perhaps once in a century—event where there were exceptional and protracted rains which meant that grain that was ready to be harvested was shot in the head and became worthless or, at best, of feed quality. So, while they had bumper crops, they had drought income in that year.

Also two exceptional frosts came not at the beginning but at end of the season and effectively snap froze the grain in the heads, and all those crops, if any good at all, were good only for hay; in many cases they were not even much good for sheep feed. In addition to those exceptional circumstances, there were two mouse plagues in a row. However, those in Canberra failed to see that a combination of all those exceptional circumstances make it a one in 25 or one in 30 year exceptional circumstance. Instead, they prefer to look simply at drought on its own. The people in the north-east at present are suffering from a similar tunnel vision by bureaucrats who live a long way from where these tragedies are taking place. The people in the north-east have suffered from locust and grasshopper plagues, as well as droughts and in some places flooding which, while it sounds as though that would alleviate the drought, simply washed away a lot of their already parched soil, fences, infrastructure and their stock troughs. There is more to what is a terrible drought. I have driven through that country recently, and it is a terrible drought, indeed. However, there is more to it than that. There is a combination of exceptional circumstances which no-one in Canberra seems to be able to understand.

I would like to note the involvement of PIRSA in this State, as well as that of the current Minister. Minister Kerin received a letter from the Orroroo/Carrieton District Council requesting exceptional circumstances support on 29 April 1998. The PIRSA Adverse Seasonal Conditions Monitoring Task Group met on 6 May to discuss the request, and its offer was conveyed by the Minister to the council at that time. On 14 May representatives from PIRSA's staff attended a public meeting at Orroroo, and the current conditions necessary for exceptional circumstances funding were discussed. It was agreed that PIRSA staff and community representatives would collate relevant data and meet again to review the criteria.

They did that on 1 July 1998, and it was agreed that the data did not support a case for exceptional circumstances funding and that further information was required, including a survey of land-holders to be done by the rural counsellor, with PIRSA assisting. Climatic data was to be collected by PIRSA and livestock data collected from the ABS section of PIRSA. So, I think that is a reasonable amount of Government help, so far as help can be given.

The PIRSA Adverse Seasonal Conditions Monitoring Task Force met on 10 July 1998 to review the situation. A further meeting with the community reference group was held on 4 August. The response to the request for landowner information had been poor to that time and it was agreed that more voluntary information would be asked for—and, certainly, I remember that being widely advertised on regional radio.

The area of proposed exceptional circumstances was better defined as a result of the information received from landholders. Again, I point out that one of the criteria required by the Canberra bureaucrats is that extensive historical environmental data be supplied which, in some cases, can be supplied by district councils but, very often, cannot be supplied by individual landowners, particularly if the land has changed hands over time. Of course, the pastoral people, unless they keep their own records, cannot access those of their local district council. Again, the hurdles are just too high to jump.

On 10 September 1998, PIRSA staff met again with the community and agreed to collate all the information they had

in a report which would be submitted to the Minister. PIRSA staff prepared the report and submitted it to the Minister. The Minister agreed to the recommendation that sufficient evidence existed to justify a submission for exceptional circumstances. State Cabinet agreed on 16 October to support the submission, and that submission was sent to the Commonwealth requesting an exceptional circumstances declaration. PIRSA staff arranged a visit to the area by the Rural Adjustment Scheme Advisory Council (RASAC). RASAC toured the area on 2 and 3 December 1998, and there have certainly been a number of anecdotal allegations that those who went there appeared simply to be fulfilling an obligation rather than having any real sympathy or understanding of what was happening or, indeed, any real interest in what they were doing.

On a considerable number of occasions through December 1998 and January, February and March 1999, PIRSA and community members provided additional information to RASAC. I am not sure whether Minister Vaile lined it up with April Fools' Day or whether it was a coincidence, but on 1 April 1999 Minister Vaile announced that 'exceptional circumstances drought' would not be declared, as the criterion of a one in 20 to 25 years severity event had not been met. On 20 April a meeting of PIRSA staff and the community reference committee decided to continue to gather data which would support a re-application for exceptional circumstances.

On 7 May 1999, a meeting was held at Orroroo when Minister Kerin, the member for Grey (Barry Wakelin), the member for Stuart (Graham Gunn), PIRSA staff, members of the RASAC secretariat and other AFFA members met with the local community to share feedback and to try to reason why the application was refused. It was decided to proceed and gather extra data which would support a re-application: that has been done and is ongoing. One hoped that the season would have changed by now and that it would not have been necessary: that is not the case for many land-holders in that area.

I certainly would not like to predict that they will indeed receive exceptional circumstances funding. As I say, I have seen the heartbreak that goes with people applying and hoping for exceptional circumstances, in some cases as their last chance, and its not arriving, and there always seeming to be another set of insurmountable hurdles that they must meet.

The member for Stuart in another place had much to say about this in his always colourful fashion, but I think it is worth quoting him briefly. He said:

> I wrote to the Federal Minister and said, 'If this is the best you can do, this scheme is only a stunt: you might as well wind it up, because it is only unduly raising people's expectations.'

Sadly, I agree with those sentiments.

**The Hon. IAN GILFILLAN:** I take the opportunity to indicate the Democrats' support for the motion and to add the codicil that it does appear to be frustrating and almost a dead-end road in approaching the Federal Government for assistance. Given that the State Government is so concerned about it, perhaps some source of revenue could be applied at least to reduce in the short term some of the suffering of these people. I am not being facetious when I say that there may be a bit of cream on top of the emergency services levy.

**The Hon. P. HOLLOWAY:** I thank the Hon. Caroline Schaefer and the Hon. Ian Gilfillan for their support of the general thrust of this motion, which I moved originally to draw attention to the plight of those farmers in the north-east of the State and to increase pressure on the Federal Government, through the State, to correct its flawed decision to refuse assistance to those farmers. I think we all accept that the situation in that area is serious, and it is not one which should descend into politics, except in so far as it is necessary to jolt the Federal Government into action.

I am therefore happy to accept the Hon. Caroline Schaefer's amendment so that a unanimous position on this matter can be taken by the Council. An amendment identical to my motion has been accepted by the House of Assembly. So, if this House supports the motion as amended by the Hon. Caroline Schaefer, I am conscious that a resolution will have been passed unanimously by both Houses of Parliament to acknowledge the situation in the north-east of our State.

I trust that that will serve to be of some assistance to those farmers who are affected in the north-east of the State in order to improve their case for a declaration of exceptional circumstances from the Commonwealth. I appreciate that exceptional circumstances assistance will not of itself be sufficient to resolve all the problems facing those farmers in the most difficult circumstances in that region. Obviously, we can only hope that nature will be favourable in the coming few months.

As a result of the failure in operation of the exceptional circumstances provision so far in this case (and I think the Hon. Caroline Schaefer referred to this), I hope that the system for determining assistance in these circumstances will be reformed by the Commonwealth. I note that the member for Stuart in another place suggested that, if they did not resolve it, perhaps those responsible should jump into Lake Burley Griffin. Whether they should do that or not I do not know. However, I do know that the Federal Government, really, in the final analysis, cannot hide behind the advisory committee. In such an obvious and justified situation such as this, if it does not come down in support of exceptional circumstances, the system itself is obviously finished. So, I thank members for their support. I hope the motion will be carried unanimously and that ultimately the farmers of the north-east of the State will get the assistance they deserve.

Amendment carried; motion as amended carried.

## AQUACULTURE COMMITTEE

Orders of the Day, Private Business, No. 12: Hon. Ian Gilfillan to move:

> That the regulations under the Fisheries Act 1982 concerning the Aquaculture Management Committee, made on 1 April 1999 and laid on the table of this Council on 25 May 1999, be disallowed.

**The Hon. IAN GILFILLAN:** I move:

> That this Order of the Day be discharged.

Order of the Day discharged.

## ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: FISH STOCKS

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

> That the report of the committee on fish stocks of inland waters be noted.

(Continued from 24 March. Page 1017.)

**The Hon. J.S.L. DAWKINS:** I have just been informed by the Hon. Mr Holloway that he will not make a contribution on this Bill, so I will conclude debate on this motion. I thank members of this Chamber who have contributed to the debate.

I can briefly report that the Minister for Primary Industries, Natural Resources and Regional Development has tabled his response to the report in another place only in the past 24 hours. Many of the recommendations of the committee have been supported or partially supported by the Minister. Some recommendations have not been supported, but generally as a member of the committee I am pleased that the Minister has made that response. I thank all members of this Chamber to their contribution to the debate on this motion.

Motion carried.

## ROAD TRAFFIC (NOTIFICATION OF USE OF PHOTOGRAPHIC DETECTION DEVICES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 May. Page 1195.)

**The Hon. CAROLYN PICKLES (Leader of the Opposition):** I will make a brief contribution because I understand that the Minister for Transport will move to send this Bill to the Transport Safety Committee, which I think is probably very appropriate. I am not unsympathetic with the sentiments of the Bill but, having distributed the Bill for public consultation, some people have expressed difficulties with it. There is probably all round agreement, and I understand that the Hon. Mr Redford believes it would be useful if the committee looked at the Bill.

It is an all Party committee which allows people to give evidence before it. With those brief words, I will certainly support the Minister's motion to send this Bill to the Transport Safety Committee where it can be looked at in more detail. The Hon. Mr Redford was a little critical about some members of Parliament not dealing with this Bill. I can sympathise with the honourable member's criticism, but I point out that the Opposition did not deal with it because it is a private member's Bill, and I understood that some elements of the Government were not particularly supportive of it in its present form. I was waiting for a response from the Minister for Transport, which she will provide this evening and in so doing will move that it be referred to the Transport Safety Committee, which I believe is appropriate.

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** I move:

> That all words after 'that' be deleted and the following words inserted: 'the Bill be withdrawn and referred to the Joint Committee on Transport Safety for its report and recommendation.'

On behalf of the Government, the Attorney-General and I have undertaken considerable discussion in respect of this Bill. Concerns have been expressed about aspects of the Bill and, in the circumstances, it is wise to refer the Bill to the Joint Committee on Transport Safety. The committee comprises members of both Houses and, in addition to me, as Chair and Minister for Transport and Urban Planning, it includes the shadow Minister for Transport (Hon. Carolyn Pickles) and the Democrat spokeswoman on transport (Hon. Sandra Kanck), so that we get a broad perspective of other Party views on complex transport issues.

The use of photographic detection devices would be ideal for the committee's consideration. The Hon. Angus Redford's Bill proposes that, in terms of the use of photographic detection devices, there must be signs in place after the use of any speed camera. There is some debate between the Attorney and myself about whether this should be required in law or as part of police policy and practice. These issues can be resolved amicably by the Joint Committee on Transport Safety. I thank the Hon. Angus Redford for accepting this course of action and understanding that it is not a way to kill off this Bill or to stifle further debate but a positive move to advance some issues that are of some concern across Government.

**The Hon. A.J. REDFORD:** I thank all members for their contribution, in particular the Hon. Sandra Kanck, who supported the Bill, and, I must say, without any lobbying on my part. I am grateful for the suggestion by the Leader of the Opposition that the matter be referred to the transport committee. I am a great supporter of that committee. Members of Parliament provide a far more sensible approach to issues of road safety than some of the bureaucrats and some of the suggestions they appear to come up with to reduce the carnage on our roads. I am grateful also for the comments made by the Hon. Di Laidlaw.

The other matter I will raise with the parliamentary committee when I have the opportunity to put my views concerning this Bill is the rather silly sign put out after speed cameras, which is an insult to the intelligence of ordinary South Australians. The attitude of ordinary South Australians at the moment is that speed cameras are random mobile tax collectors and there is a lot of work to be done if we are to convince South Australians that they are actually an important tool in reducing the road toll.

**The Hon. Diana Laidlaw:** Have you seen the latest advertisement we are running on television?

**The Hon. A.J. REDFORD:** The Minister interjects about the advertisement. I think it is one of the more clever road safety advertisements I have seen, and in that respect the Government is to be congratulated. It does provide a stark contrast to the rather silly words put on the speed signs. Anyway, that is my view. I am sure that those members of the public who think they are wonderful signs have written numerous letters to people.

The other issue that can be explored is the issue of demerit points associated with speed offences. I have mixed views about it, simply on the basis that, if we are to be genuine about using speed cameras as road safety measures, one would find the proposition that the imposition of points in a points demerit scheme would be unanswerable. There is a lot of merit in that argument. On the other hand, I have some misgivings on that issue in that I would hate to see three quarters of South Australians put off the road because of the sheer efficiency of the speed cameras.

**The Hon. Diana Laidlaw:** Because they have a heavy foot.

**The Hon. A.J. REDFORD:** Well, if three quarters of South Australians are off the road, losing jobs and not working, that would have some economic effect. If we are to deal with the points demerit issue we need to have a full and complete understanding of the ramifications in regard to licence suspensions. In closing, I thank all members for their contribution and look forward to meeting with the standing committee.

Amendment carried; motion as amended carried.

## RACING ACT RULES

Order of the Day, Private Business, No. 18: Hon. A.J. Redford to move:

That the rules under the Racing Act 1976—Harness Racing Authority, concerning alcohol and drug testing, made on 30 July 1998 and laid on the table of this Council on 17 November 1998, be disallowed.

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

That this Order of the Day be discharged.

I advise this place that, at its meeting on 10 February 1999, the Legislative Review Committee considered the regulations which are part of the national scheme of harness racing rules. I must say that, as a practitioner dealing with the enormous range of subordinate legislation with which the committee has to deal, this was something quite unique. Not only was it a national scheme regulation: it was a non-government regulation as a form of delegated legislation.

The committee wrote to the Minister for Racing and the Chief Steward of the Harness Racing Authority expressing some concerns. The regulations generally dealt with the taking of blood samples of people involved in the harness racing industry to ensure that they were not affected in any way by alcohol consumption in the course of their very important duties conducting harness racing meetings throughout South Australia. However, we were concerned whether or not the rules were unduly harsh in terms of their application and whether there was any possibility for any allowance for mitigating circumstances.

The offences created in the rules appeared to be absolute, so that any level of a substance, particularly alcohol in one's body, constituted an offence, irrespective of the effect that that alcohol might have on their ability to conduct their respective duties, and the tolerance was zero, and the blood alcohol level was stated to be zero. There were also question marks about the process concerning people who returned a positive reading, and there were concerns about what might happen to a level of alcohol in the blood that might not affect people or drugs that were medically prescribed. There was also some concern about the circumstances under which a steward might require a person to undergo a drug and/or alcohol test.

Finally, the other concern we had was that, irrespective of whether or not the person who had been requested to undergo a test had completed their duties so far as harness racing was concerned, they could still be liable for an offence. During the course of our deliberations, the Hon. Ron Roberts—who has considerable experience in the harness racing industry—pointed out to the committee that often you would have owner/drivers—

*The Hon. T. Crothers interjecting:*

**The Hon. A.J. REDFORD:** Well, he won this time! He pointed out that it is not uncommon for owner/drivers to be in the first, second or third race, put their horse into the event and then go into the bar and, perhaps with a remote possibility of having had a win, celebrate and have a few drinks, their duties having been completed. If one read the regulations, on the face of it, they committed an offence. We felt that, whilst it is important to maintain high standards, it is also important to recognise the amateur nature of the sport and the fact that harness racing does involve more amateurs or people who are doing their own thing than perhaps the racing industry might have. We felt that it was important—

**The Hon. T.G. Roberts:** Semi-professionals.

**The Hon. A.J. REDFORD:** Yes, semi-professionals. We felt that the harsh imposition of these sorts of rules could have some unfortunate consequences. The committee heard evidence from Mr D. Jones, Chairman of Stewards of the South Australian Harness Racing Authority, and Mr Mills, the legal adviser to the stewards, on 7 July 1999. I go on record to thank both those gentlemen for the way in which they gave their evidence. They were frank, they made concessions where appropriate and they acknowledged all the concerns expressed by the committee.

The committee also had a very positive letter from the Minister for Racing on 24 May 1998 in which he quite candidly indicated that he agreed with the concerns posed by the committee and suggested that we refer our queries back to the Harness Racing Authority, which we did.

The committee has now received a letter from Mr Mills dated 19 July 1998 stating that new harness racing rules would be promulgated which would include a sub-rule that an official would not be defined so that it did not include a person whose duties are unrelated to the care and control of horses or the conduct of a race, thereby dealing with the owner-driver who has won in the first race and wants to have a beer to celebrate that win subsequently.

It is more power to the Legislative Review Committee of South Australia because, not only did we change the harness racing rules in South Australia but we caused a change to those rules right throughout the Commonwealth. I know that the Hon. Ron Roberts has made comments about whether or not the Legislative Review Committee flexes its muscles enough and that it should perhaps be quoted as the powerful Legislative Review Committee in the same way as the Economic and Finance Committee. I have to say that, in relation to his chosen pastime, he flexed his muscle, he had support from the Legislative Review Committee and I suspect that in harness racing circles we are now deemed to be the powerful and influential Legislative Review Committee.

On a serious note, I think that this whole process indicates that, with goodwill, with cooperation and with the experience of the Hon. Ron Roberts, which was of great assistance to the committee in its deliberations, a positive outcome can be achieved. I congratulate everybody concerned and, in particular, the Harness Racing Authority for not being defensive.

Order of the Day discharged.

## TECHNICAL AND FURTHER EDUCATION ACT REGULATIONS

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

That the principal regulations under the Technical and Further Education Act 1975, made on 10 September 1998 and laid on the table of this Council on 27 October 1998, be disallowed.

(Continued from 9 December. Page 427.)

**The Hon. CAROLYN PICKLES (Leader of the Opposition):** This is a very curious set of regulations. It is my understanding that the original regulations were gazetted on 28 August 1997 and a motion for disallowance was moved in May 1998 and August 1998. A lot of toing and froing has taken place. The shadow Minister for Education in another place has spoken on two or three occasions on these regulations and has indicated her opposition to some of them. I understand that some agreement has now been reached on regulations 4, 8, 12, 13, 14, 24, 31 and 43, as a result of negotiations between the Minister and the Australian Education Union. This negotiated agreement was what the Opposition put forward initially. It has taken two years to get to this point and I suppose that one could say it is better late

than never. It would seem that the Minister was very reluctant to move more swiftly on these negotiations.

Certainly, the Australian Labor Party highlighted its opposition to these regulations, and as I have indicated that was some two years ago. I am disappointed that it has taken the Minister for Education, Children's Services and Training so long to reach some kind of accommodation with the Australian Education Union. It seems to me that he has had to be taken to the negotiating table time and again and has taken a rather recalcitrant stand on this. However, I am pleased that finally after some two years the Opposition's initial dismay at this set of regulations has been taken into account by the Minister; and the Australian Education Union, the Minister and other bodies have agreed, finally, to the process that was originally set in train by the Opposition in 1997. Although the Hon. Mr Redford will move that these regulations be discharged, the Opposition will oppose the motion but will not seek to divide.

**The Hon. A.J. REDFORD:** First, I acknowledge and thank the Leader of the Opposition for her contribution and cooperation in being able to deal with this matter this evening. The Legislative Review Committee at its meeting of 18 November 1998, which is a considerable time ago, considered these regulations. The committee had drawn to its attention regulation 43, which provides:

(1) The director of a college is responsible for ensuring orderly conduct on the part of students at the college so as to facilitate the effective implementation of the college's education programs.

(2) The director must for that purpose—

(a) establish a body of rules and directions governing student conduct; and

(b) from time to time review and revise the rules and directions; and

(c) ensure that the rules and directions are properly promulgated and enforced within the college.

(3) The director may delegate powers, functions or duties under this regulation to a member of the college staff.

(4) A delegation by the director is revocable at will and does not prevent the exercise or performance of the delegated power, function or duty by the director.

We briefly considered whether or not it was appropriate to delegate a rule making power to an official. In these circumstances we believed that it did not offend against the basic principles of delegated legislation. That is not to say that the committee will not come to that view on every occasion.

What did attract the committee's attention was clause 3, which indicated that the director could delegate powers, functions or duties under this regulation to a member of the college staff. We felt that, if any power is to be delegated, that power or responsibility should be the subject of a written delegation as opposed to some message over the telephone. Indeed, we also believe that, whilst the delegation might be revocable at will, such revocation should also be in writing so that there is paper work to enable those who might want to check any problems associated with student misconduct for a breach of a rule established by a TAFE college properly to do so and consider the matter. Indeed, it was the firm view of the committee that the delegation was so wide that the delegation and the revocation should be in writing and signed by a director.

The committee wrote to the Minister on 4 November 1998 and moved the holding motion on 25 November 1998. The Minister responded to the committee on 9 February 1999, saying he had received advice from the Crown Solicitor and introduced an administrative system to enable written delegations to be used in TAFE colleges. The committee wrote to the Minister on 18 February 1999 requesting advice as to when the requirement for written delegations would be included in TAFE regulations. The committee was of the firm view that the requirement for written delegations should not be the subject of an administrative direction but should be part of the regulations.

There was some considerable delay in subsequent correspondence but, at the end of the day, the Minister responded and informed the committee by letter dated 18 May 1999 that the words 'in writing' would be added to regulation 43, and he has given an undertaking to that effect. The committee has a policy of accepting undertakings from Ministers, although obviously the committee would have a different view if any such undertaking was breached, and accordingly has accepted that undertaking on the part of the Minister. In those circumstances, the committee accepts the undertaking and therefore I move:

That this Order of the Day be discharged.

Order of the Day discharged.

## LEGISLATIVE REVIEW COMMITTEE: UNPROCLAIMED LEGISLATION

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

That the report of the committee concerning unproclaimed legislation be noted.

(Continued from 26 May. Page 1180.)

**The Hon. A.J. REDFORD:** I am not sure who contributed to this, so I will be cautious when I say I thank all members for their contribution because I suspect I am the only one who made a contribution. However, I am absolutely confident that, if anyone else made a contribution, it was of a very high standard and I thank those people accordingly. I urge all members to support the motion.

Motion carried.

## PARLIAMENT (JOINT SERVICES) (ADMINISTRATIVE ARRANGEMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 207.)

**The Hon. A.J. REDFORD:** At the outset it should be noted that this Bill was introduced on 4 November 1998. Since then, the Hon. George Weatherill spoke briefly on it on 18 November 1998. Thereafter, not one of us has spoken on the Bill. I suppose that there is collective shame on the 21 members of this place—except, of course, you, Mr President, because you do not speak on these matters—that we have not given the honourable member the courtesy of responding to his Bill by putting our views until tonight. I understand that the Hon. Caroline Schaefer will also make a contribution. To wait over eight months for a simple response to a private members' Bill is grossly unfair on the honourable member and is perhaps indicative of the need for reform in this Chamber, particularly in respect of the way in which we deal with private members' business. I know that a lot of discussion has taken place in the corridors, particularly about the last two Wednesdays of the session, in relation to how we spend so much time on private members' business. Perhaps in that regard all of us—Government, Opposition and individual members—share some collective responsibility.

I understand that the Government opposes the Bill, and I will be voting with the Government in relation to the Bill. In discussing some of the issues—and I will not go into detail—one of the reasons it will be opposed is that (and I am now speaking personally) the reforms do not go far enough. In my view, it is now time for a complete review of the administration, with the objective that the administration of Parliament and the administration of services to members of Parliament be completely separated from the Executive arm of the Government under the management of the only two persons who are directly elected by the Parliament, namely, the President and the Speaker. I mention them in that order because that is the order in which they are normally mentioned pursuant to State protocols that have existed for over 100 years.

People outside of Parliament and people not familiar with the operation of Parliament or the way in which services are delivered to members of Parliament to enable us to serve the people who elect us would not know much about how it operates. I suggest that, if one gave them an explanation of the administrative structures in so far as Parliament is concerned, they would not be criticised for saying that that must come from a Monty Python book of structural management, and I say so in the following regard.

I may well be wrong, because a number of these things are not the subject of any writing or any direction or any publication, but I understand that you, Mr President, and the Speaker are responsible for the staff and the like in your respective Houses with regard to desks, lights, some of our equipment, the maintenance of the building, and, indeed, that often reported issue—particularly in the media—our travel arrangements. I understand that the JPSC is responsible for things such as *Hansard*, catering, and some building services, and there are other incidental things for which it is responsible, including collecting the mess bill from various members.

I understand that the Treasurer is responsible for things such as electoral offices and mobile phones—and I will not go into any detail about mobile phones, as tempting as that might be. I also understand that the Treasurer is responsible for the odd piece of equipment. Again, the responsibility between the Treasurer and you, Mr President, and, indeed, the Speaker is not clearly delineated and, when issues and problems arise, the question of accountability is something that is always up in the air and is never properly and sufficiently resolved. We also have, of course, the Minister for Administrative Services, the Hon. Robert Lawson, who I understand is responsible for our new computer system (and I must say, I am starting to become computer literate, which surprises even me) and the various computers that have been provided to us.

When one looks at the management structure of all these things that are associated with the provision of services to members of Parliament, one is struck by the fact that there appears to be no line of authority, no-one ultimately responsible and no single reference point to which members can go if they have problems, complaints, needs or desires. Indeed, at the end of the day, if something goes wrong, the lines of accountability are unclear and, in that regard, that is unfair on all persons concerned, not the least of which are the members of Parliament.

There is an enormous overlap and, as a consequence, there is a potential lack—I am not saying that there is anything wrong, although there might be one thing wrong, but I will not go into that tonight—of accountability, and there is also a lack of transparency. Budgets and administrative decisions that are made are potentially poorly communicated and generally—and I might be the only one who says this—are a mystery to members of Parliament, the people that this place and the various services that we enjoy are designed to serve. I know there are also problems in relation to the management of staff, particularly the movement of staff between the Lower House and the Upper House and, indeed, there is a lack of clear responsibility in relation to that issue.

There is also the issue of funding of parliamentary committees, and I have to say in that regard—and I make no criticism of you, Mr President—that collectively we need to be more serious about this matter. We probably have the most poorly resourced parliamentary committees in the Commonwealth of Australia. Indeed, last week, I attended a conference at which we had the smallest representation and the smallest set of resources, and I am including that Government which in some quarters is described as local council but which, in real terms, is the ACT Government. It is better resourced in areas such as the Legislative Review Committee than is this Parliament. Indeed, on the three occasions that I have had to travel interstate in the past six months as Chair of the Legislative Review Committee, I was struck on each and every occasion that we were the most poorly represented.

There are also questions about distinctions between the Houses. In some cases I know that there have been suggestions that might occur as a result of stubbornness, although in other respects it might well be that it is important to maintain and continue the distinction between the Lower House and the Upper House to ensure that we do not become merely another area for the administration of the House of Assembly.

It is interesting to note that members of Parliament are treated differently, and they are treated differently in respect of the services with which they are provided. Whilst members of the House of Assembly are treated extremely generously in relation to the flexibility with which they can use resources made available to them, we have no such luxury in this place. When I observe the way in which all members conduct their important activities, I note that they do so in different ways. They have different areas of responsibility; they operate in different parts of the State; and they concentrate on different issues. In that regard, there needs to be a greater flexibility in relation to the resources they are given.

Mr President, I acknowledge that there have been great and significant improvements following the 1993 election and the improved facilities that we enjoyed under the management of your predecessor. Indeed, those improvements have proceeded apace under your administration and the administration of the Speaker. Now we have come to the time when we need to seriously consider separating the administration of this Parliament from the administration of the Executive in a way that the Commonwealth Parliament seems to have done so successfully. I know that, in terms of resources and structural changes, we are well behind our interstate colleagues. It is for all these reasons that I say that it is now time for reform in relation to the administration of this Parliament. However, it needs to be carefully thought through and we all need to be involved.

Parliament is a very different place now from what it was 10 years ago. We have greater representation from minor Parties; we have more Independent members; and, in some respects, there seems to be some discrimination if you happen to be a member of the governing Party or the Opposition Party in a negative way when one compares the resources

made available to Independent members of Parliament and members of the Australian Democrats. That process has been promulgated, generally speaking, by Governments and not by Independent Speakers and Independent Presidents who have to retain the support of not just the governing Party but all of us in this place.

In the true tradition of the Westminster system, if we are to ensure that the Executive operates as an Executive and we operate as parliamentarians making the Executive accountable and ensuring that the best laws are passed and that we have the best available research and the best prepared speeches, we need to seriously consider our priorities, not from the perspective of the demands of the Executive arm of Government but from the perspective of the demands of parliamentarians, whether they be Government backbenchers, Opposition members, Independent members whose votes are critical or, indeed, the Australian Democrats. In some respects, it is a cry for treatment on an equal basis irrespective of whatever association or allegiance you might have to any particular Party.

I congratulate the Hon. George Weatherill. In some respects, while we have been slow in digesting the suggestions that the honourable member has made in this Bill, I think the sentiments and the thrust he has expressed in the Bill have caused a number of us on this side of the Chamber to think and I would hope that extensive consultation involving you, Mr President, and indeed those charged with looking at parliamentary issues on the Executive side of Government—and I note the Leader of the Government is taking a great interest in this contribution—will lead to important and significant reform. In closing, I congratulate the honourable member but, unfortunately, I cannot support the measure on this occasion.

**The Hon. CAROLINE SCHAEFER:** Mr President, I serve on the Joint Parliamentary Service Committee with you as Presiding Officer and with the Hon. George Weatherill. I spoke to the honourable member when he was preparing this Bill and, like the Hon. Angus Redford, I commend him for his efforts in looking at the running of the Parliament and, indeed, the running of the JPSC. I am not averse to some change. In fact, I believe very strongly in the principles of the Westminster system and all that that entails. However, I do think that there is always a need to move on, to move with the times, but I cannot agree with part of the structure of this Bill and I will not be voting for it. That does not mean that I do not think that there is room for improvement and that we should not enter into discussions as a group to collectively discuss methods that we think would improve the running of the Parliament.

I hope that some of the Hon. Angus Redford's wish list can be achieved, but it did sound to me to have a budget of monumental proportions. However, I would be one of the beneficiaries of that wish list, and I hope that he is successful.

One of the specifics in the Hon. George Weatherill's Bill is to increase the membership of the JPSC from six to eight, including two independent members, one of whom must be a female and one of whom must be a male. I cannot say that I have any great difficulty with that aspect, because at the moment I am the solitary female on that committee of six and I would be quite happy to have another of my gender there. However, the effect that those two extra independent members would have is that the 61 Liberal and Labor members who still make up 88 per cent of both Houses would be represented by six members, and the other 11 per cent would be represented by two members, which would mean that the two major Parties were represented on a ratio of 1:10 and the minor Parties represented on a ratio of 1:4, which I think is probably unfair.

One of the major changes in the amendment to the current Act proposed by the Hon. George Weatherill is pretty much a complete rewriting of section 6, and it would remove the duty and the right of the two Clerks to serve alternate years as the secretary of the JPSC. That has always been their job, although for many years, as members would know, Mr Andrew Schulze was the nominee of both Clerks. Currently, we are being served by our Clerk in this place, and last year Mr Geoff Mitchell, the Clerk from the Lower House, was the secretary. While that idea again has some merit, this Bill creates separate divisions for finance and building services instead of the present joint services division. Two officers from these sections would be made chief officers and would therefore be eligible to be secretary of the joint committee. I think that that would set up an even larger layer of bureaucracy and, in fact, may well open up to there being a single manager over and above the two Clerks. Again, as a passionate defender of the Upper House, I believe in our separation of powers and I would not like to see the management of our Council overrun by a manager above our two Clerks. There may be an argument for an independent person to be appointed as the JPSC secretary but, again, I cannot see that that could happen without yet another relatively large salary over and above those who serve us now.

Another criticism is that apparently the JPSC met irregularly and random decisions were made. That has not been the case, certainly since I have been on the JPSC. We meet regularly on a monthly basis, and I believe we are well served by our Presiding Officer.

I cannot support this Bill, but I do think we need to look at more efficient methods of serving members and staff within this Parliament. Certainly, we are an institution in our own right; however, we need to compare ourselves with a large corporation, and certainly from my point of view on many occasions there is a lack of transparency. As members, we find it difficult to work out exactly what are our individual allowances, and there are a number of discrepancies between the two Houses. I am not averse to change, and I would certainly be in favour of our discussing together with some of the administrators improvements that could be made to the running of the Parliament. However, on this occasion I do not support this Bill.

**The Hon. M.J. ELLIOTT:** I will speak briefly at this stage. I have had discussions outside this Chamber with the Hon. George Weatherill and a number of other people, and I share the concerns that have been expressed about the Joint Parliamentary Service Committee. In fact, not just that committee but a number of structures within this Parliament need to be overhauled, because the Parliament has changed in a whole range of ways.

The complexity of the Parliament has changed in terms of the composition of the Houses with the range of Parties and Independents. Those groups are not represented on the Joint Parliamentary Service Committee or a range of other committees around the Parliament at this time. Another example is the Standing Orders Committee. We have just had tabled in this place documents which have not been the subject of any discussion between the Parties; they have been discussed only within the Standing Orders Committee itself, and that appears to be largely the way the Joint Parliamentary

Service Committee also works. People have not been elected to it. I can think of only one member of that committee who has ever consulted me.

We must recognise that the complexion of the Parliament has changed somewhat. While the processes that we have had in place probably worked very efficiently some years ago, I do not think they are up to the job that is before us today. I do not want to reflect upon individuals or go into more detail about those concerns, but I want to indicate to the mover of this Bill that I share his concerns, although my judgment was that this Bill did not necessarily solve the problems that he was seeking to address. That is one of the reasons why I have taken so long to speak: it was my intention to draft some amendments but, as happens so easily in this place, one gets buried in the sheer quantity of business before us. I know that I get frustrated that my private member's business sometimes lingers a long time, and unfortunately that has also happened in relation to this Bill.

I cannot support the Bill as it is, but I am prepared to support the second reading to indicate support for the general principles that the Hon. George Weatherill is seeking to address. I indicate that I will make a more earnest effort before the next session to see if we can find a way to move forward. In recent times I have had conversations with other members in this place from other Parties who have given a similar indication. I hope we can come back in a couple of months with a Bill which will offer some real reform and have support across the broad representation that now comprises this Chamber.

**The Hon. T. CROTHERS:** I did not intend to speak but I want to put a number of facts on the record as a member who served on the JPSC for 11 years. I also offer some support for my colleague the Hon. George Weatherill and I will come to that in a moment. The position is very clear, Mr President, as you would well know being a member of long service and a very principled member of the sovereign independence of the JPSC, like myself. Over the years I served on the JPSC I saw various Premiers of both the Labor and Liberal Parties endeavour to try to usurp the sovereign powers of the JPSC by using the Treasury in respect of ensuring that we worked with strictures on our budgets. Alas, if you like, in an underhanded and devious way, both major Parties—

*The Hon. R.I. Lucas interjecting:*

**The Hon. T. CROTHERS:** I cannot speak about the present Treasurer; I was not a member of the committee when he was Treasurer. No doubt if I looked carefully enough I would find something. However, having said that—

*The Hon. R.I. Lucas interjecting:*

**The Hon. T. CROTHERS:** I will not be deterred—Mr President, you and I both know, as long serving members, how that matter did happen. The core framework of the JPSC is a separate Bill of Parliament that delineates the parameters of the activities of the committee and its responsibilities. From memory, it was established in the early 1980s. It has altered little since. Whilst I will support the Hon. Mr Weatherill in this place when it comes to the vote tonight although I know that we cannot get up, to some extent I am pleased about that and, in a moment, I will explain why I hope we will not get up tonight.

The JPSC was established in such a way that it would be an apolitical body with its own sovereign independence. Over the years, unfortunately, due to the activities of Premiers from both major Parties, that has not been the case. They used the Treasury as a blunt instrument to demean the sovereign independence of the JPSC, which should and must be responsible solely to Parliament. I am not one who believes that matters are sketched in stone, as it is said the Ten Commandments were. I believe that when change occurs we must be flexible enough to make mutative change to any of the instrumentalities which were put in place many years ago and which still govern the way we go forward.

For instance, when that Bill was first formulated Jessie Cooper may have been the only female member in this Parliament. That was back in the late 1970s. There may have been others, I do not know. I will not argue the point with those who were around at the time. Certainly there were many fewer female members then than there are today. I suggest to the Hon. George Weatherill that I will be touching on certain matters at the CPA meeting next Wednesday about which the Hon. Mr Elliott referred, and I indicated that to our Presiding Officer today. However, if the Bill is passed in this Council it will not pass in the other House, and for the Joint Parliamentary Service Committee to be effective it must have the approval of both Houses.

If one looks at the voting patterns one will see that that is the way it is set up. The four Government members, that is, the two Presiding Officers and the Government members from both Houses, cannot effectively carry a resolution of the Joint Parliamentary Service Committee unless one of the Opposition members is present. I think that was the rule when I was a member of the committee and I think that it still is. A simple majority is not enough.

In addition to what transpired with female representation, there are now nine members out of 69 in the whole of this Parliament who do not belong to either of the two major political Parties. There are three Democrats and three Independents in this Upper House and two Independents and one National Party member in the Lower House. I did some quick, rough figures in my ragged trousered mathematical way tonight and that equates to 13.05 per cent of the 69 seats in the totality of the Parliament.

So I well understand what my former or present colleague (call him what you will—he is still my friend), George Weatherill, is saying when he says that the committee should be expanded from four members to six. However, above all I believe that total and absolute reform of the JPSC is needed in order to reflect the changes that have occurred since the 1970s in electoral voting patterns within and without this State and indeed worldwide, and to reflect the fact that at this point in time, rather like the 1930s, people seem to be saying, with respect to major political Parties, a plague in both your houses.

That certainly happened here in the 1930s when in 1938 the largest single group of politicians in this Parliament in South Australia were the 17 Independents—a much larger grouping than any of the major political Parties. The first thing they did on the first morning that Parliament sat was to call a caucus to see whether they could govern in their own right. Such was the independent nature of many of these gentlemen that they absolutely failed at the first hurdle.

Be that as it may, this is the type of time we live in again—a time of high unemployment, a time of forced change, a time of rapid change, a time of change that will go on as far as we can see into the indiscernible future. For all those reasons and to show the support I have for the aims of my colleague, I will be supportive of George Weatherill. Although I would otherwise vote for the Bill, I hope it dies, simply because the Bill cannot operate unless it has the full

support of both Houses. At a meeting of the CPA, which I attended and spoke at, some members of the Lower House were prepared to use their superior numbers—47—to hold sway over the 22 members, those of us with the purple robes in the Upper House.

**The Hon. Carolyn Pickles:** They did not have the numbers, though.

**The Hon. T. CROTHERS:** They did not have the numbers, as the Hon. Ms Pickles says, but it was not for want of trying by some of them. I have no doubt that a communique will be issued to all and sundry in the Lower House to the effect that this Bill is not to be supported. I would hope that you, Mr President, and the Chairman of the JPSC (who I understand from you is the Speaker in another place this year, as you alternate year about) and the four committee members get together and recognise the need for a total and absolute upgrading of the core of this legislation, which was first promulgated around 1982 and has had only minor amendments since, so as to be more in keeping—

**The Hon. Carolyn Pickles:** It was 1985.

**The Hon. T. CROTHERS:** I thought that that was the last amendment. I am wrong again. Even 13 years is too long a time for legislation to remain immutable, which is what it has done. The time has come for a change, a change itself in this Council and in another place which demands that the JPSC legislation be revisited. Above all else, the JPSC is the child creature of the Parliament, and it must not be swayed by any outside influences, whether they be the shadow Executive or people other than the members of this Parliament itself and both its Chambers.

I hope and trust that enough members will not support George so that the Bill is defeated. As a longstanding member of the JPSC, I will be supporting George, but I recognise that to get it up in here is foolhardy if we cannot get the support of Lower House members, because if we cannot get the support of both Houses the JPSC loses its Westminster tradition of being an apolitical committee of the Parliament set up to deal with the particular matters of importance to members of Parliament. I commend the Weatherill proposition.

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

## GAMBLING INDUSTRY REGULATION BILL

Adjourned debate on second reading.

(Continued from 7 July. Page 1598.)

**The Hon. M.J. ELLIOTT:** I rise to support the second reading of this Bill. I understand in conversation with the Hon. Nick Xenophon that it is his intention not to go beyond the second reading stage and for us to return to debate this, if it passes the second reading, when Parliament resumes in September. In indicating that I will be supporting the second reading, I will be looking for a number of substantial changes and some not so substantial changes to the legislation. Perhaps I will work my way through some of the major points in the legislation.

The Hon. Nick Xenophon proposes a gambling impact authority. I have for sometime on behalf of the Democrats promoted the idea of a gaming commission—a gaming commission that would operate not under the auspices of the Treasurer or Minister for Recreation, Sport and Racing but under the Minister for Family and Youth Services, as he is titled today.

I do not oppose gambling, but I do think it is something the Government should seek to regulate. When we first introduced the TAB and when we first introduced the Lotteries Commission, both of those were acknowledgments that gambling occurs and that people in the community want to gamble, but the Government was seeking in some way to regulate it. I believe that that regulation in those two cases did not go far enough and in fact things have got more out of hand since.

Before the TAB was commenced, gambling was still occurring at a significant level in this State. It was happening with SP bookies, often operating through the front bars of hotels and, try as they could, the police simply could not control it, and the Government's view was that perhaps if you could not control it by simply making it illegal, then perhaps you legalised it. They established the TAB—

**The Hon. Nick Xenophon:** The SP bookie never took your home away!

**The Hon. M.J. ELLIOTT:** I will get to that. The idea at its simplest level was quite a good one, but where the Government went astray was that it got hooked on the income, bit by bit. The TAB saw it as a positive thing, if it did more business this year than it did last year, and more business that year than the year before. Of course, government loved it because it just continued to bring in more and more revenue.

The Lotteries Commission also came in with, I suppose, similar thinking. South Australians were buying tickets in Tattersalls and other operations running interstate and the argument was, 'All this money is going interstate'—gee, it is starting to sound like gaming machines—'it is best that we keep it here in South Australia and it will be for a good cause, because all the money we make we will put into hospitals.' That sounded fairly reasonable, so another little empire was set up. It thought it was doing good business if it did more business this year than last year and more business that year than the year before.

The Government thought that that was not a bad thing and at that stage it started to lose sight of things and established a Casino. It was established under separate authority, each year seeking to grow business on the previous year. They all operated on good business principles and probably ran into each other's market from time to time. Each of these separate kingdoms was steadily trying to gain more territory and saw success as a growth in gambling because, the greater the turnover, the more they were getting. They were on a guaranteed take every time. They were set up not to lose. That is how anybody who seeks to profit from gambling works, but it is the mug punter who always ends up losing.

None of these bodies had any social responsibility, and that is where the real failing occurred. It was not wrong to set up a TAB, a Lotteries Commission or a Casino. However, none of those was established with any sort of social policy in mind. They simply sought to regulate something that the Government could not control otherwise, in the case of the TAB and the Lotteries Commission, although I suspect that the Casino was a straight-out case of wanting to make some money. That is probably also true with the introduction of gaming machines. I am sure that Mr Blevins in his time in Treasury thought about good ways of making money and realised that gaming machines were one heck of a good way of doing so.

**The Hon. T.G. Cameron:** I can't believe that they ever saw any projections on revenue from poker machines! Would they have done that?

**The Hon. M.J. ELLIOTT:** I am absolutely certain that they would have. Even in their wildest dreams gaming machines brought in more than they expected. The failure in each case was that there was no requirement for social responsibility. It is for that reason that I believe that a single body should have oversight of all gambling activities in the State. It should report not to the Treasurer or the Minister for Recreation, Sport and Racing but in the first instance to the Minister for Human Services. It is the Minister for Human Services who theoretically picks up the pieces, although some would argue that is not happening.

I suggest that a gambling impact authority, which has been proposed by the Hon. Nick Xenophon, is heading in the right direction, but I would like to give it a lot more teeth. For instance, in relation to gaming machines, I would give the GIA, the gaming commission or whatever we end up with power to regulate the advertising which occurs under the various gambling codes. I would give it the power to regulate the games that are played with gaming machines, scratchie tickets and lottery games of other sorts. It would certainly operate under a set of objectives.

This Bill should contain a set of objectives for a gaming commission or a gambling impact authority which gives it a very clear direction, and one of those objectives would be to seek to minimise the harm caused by gambling in South Australia. Having given a commission that objective and having given it power to regulate games, one hopes that, if gaming machines were not removed totally, the games would be modified to regulate the size of bets, how quickly punters can bet, and require the machines to make regular payouts, not accumulate points. A whole lot of things can be done to regulate the game so that those people who say they are just having a bit of fun and for whom money is, in effect, tokens, can have fun with a gaming machine, but they could not lose the quantum of money that they are losing at present.

There is one person quite close to my family who has lost horrendous amounts of money. I will not say more than that, otherwise it will identify the individual, but I have been simply appalled at the behaviour of the hotels at which this person has been gambling. Effectively, they have just had a direct electronic link between her bank account and their bank account with an arrangement that money can flow only in one direction.

That is precisely what has happened and virtually everything that this person and her partner had in life (and they did have a bit) has been lost, and lost, so far as I am concerned, without a modicum of morality in terms of the behaviour of the people in the hotels who give free birthday dinners and various other things to this person to make her feel especially welcome in the hotel. Of course, they are especially welcome because there is still a little bit of money left and they might as well get hold of that as well. I am concerned by the gross immorality of some of the people running these hotels. Certainly, providing entertainment for people is quite different from knowing that you are milking them and continuing to do it for all it is worth.

**The Hon. Nick Xenophon:** It's predatory.

**The Hon. M.J. ELLIOTT:** It is predatory. I would hope that a gaming commission would have responsibility for monitoring the behaviour of groups so that, if there was a code of conduct, it would be enforceable. The AHA has a code of conduct now but it is not an enforceable code and there is no obligation for people to act according to it. Indeed, having a code of conduct which is implemented by a gambling commission or whatever is one thing but, if it is set up by statute, it would also open up other legal avenues. The behaviour of individual outlets has been such that they might set themselves up more clearly for legal action if they do not behave in a proper and responsible manner.

That can happen: hotels already face such threats in relation to serving alcohol and it is not unreasonable that, if they have behaved wrongly—we would have to spell out what that meant—they face up to those other activities.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** I agree with that: it is not impossible but it might be tricky.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** Nothing is beyond the wit of man and woman given sufficient time and goodwill. The general concept of a gambling impact authority is something that I support. I suggest that I would beef it up a lot more and give it more responsibilities than it currently has. I also support the idea of a gambling impact fund. Political donations are an interesting matter and one need only look at Catch Tim and various other fun and games that go on in this place to realise that no matter—

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** There are so many contrivances available to people who decide that they are prepared to use them that it is probably true that this clause will turn out to be ineffective. After all, the people who own gambling entities probably often own other businesses as well and would find all sorts of routes to channel the money in. Probably, that would be an unenforceable provision.

I am moving fairly quickly through the Bill because we will not resolve it in this session, but I refer to the phasing out of gaming machines over five years. I know what the cost of keeping them is: what I do not know is the cost of getting rid of them; that is, the cost in terms of what the obligations to the State would be in terms of payouts. The Government, in first allowing this legislation to go through, created an enormous capital gain for owners of hotels. Certainly some of them made major investments but, on top of all that, I have heard suggestions that many hotels increased in value—

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** Yes, a Labor Government, with just enough Liberals prepared to cross the floor to guarantee that it happened. It was one of those curious little things that the numbers were exactly right at the end of the day.

**An honourable member:** Why would that surprise you?

**The Hon. M.J. ELLIOTT:** I am not surprised. It is a cynical exercise because it is quite plain that gaming machines in particular are the most regressive form of taxation that exists in Australia. There is no question about that at all. Only a couple of days ago I was looking at some data which effectively shows that those in the lowest income groupings are spending close to about 4 per cent of their income on gambling, whilst those in the highest are spending, as I recall, about 1 per cent.

**The Hon. Nick Xenophon:** And that's the average.

**The Hon. M.J. ELLIOTT:** And that is the average; that is right.

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** No. It is all very well to say that people do it by choice, but one also has to look at the practical reality of what is happening. Do not just get

theoretical: let us talk about what is happening in the real world. In the real world, the average low income person is losing 4 per cent of income in gambling and the average—

*The Hon. T.G. Cameron interjecting:*

**The Hon. M.J. ELLIOTT:** Absolutely, but it is an absolute cop-out to say that it is choice alone. The State has done everything to allow gambling—and as a libertarian I have no problems with allowing gambling. However, it has positively encouraged gambling to occur, and it views it as an industry that should be encouraged. I make a comparison using the view that I have had in relation to drugs. I have never said that we should ban tobacco, but many years ago I sponsored a Bill to ban tobacco advertising because I saw a huge difference between people choosing to smoke and people being induced to smoke. I also supported a ban on products that were being aimed at minors. For instance, I supported a ban on chewing tobacco, which was not in demand in the general community but was being promoted heavily among teenagers—

*The Hon. R.I. Lucas interjecting:*

**The Hon. M.J. ELLIOTT:** It actually has been successful. Tobacco consumption is in decline. There are no miracles; many other forces are at work. Again, since we are digressing, I note that tobacco companies have found another way to advertise and that the actual amount of smoking occurring in films emanating from the United States has doubled in the past four years—

*An honourable member interjecting:*

**The Hon. M.J. ELLIOTT:** —because the companies are sponsoring the making of the movies and they are getting the stars to smoke. I would have no problems if the State decided to intervene in terms of the level of smoking that was allowed in movies, particularly movies that were being given a G rating.

The point is that the responsibility of the State is not necessarily to stop people from doing things, even though we believe them to be harmful, but the State does have the responsibility to recognise that harm can occur and it should seek to minimise that harm as best it might. In saying that, my first approach in relation to gaming machines, recognising that removing them may cost more than this State can afford at this point in time—

**The Hon. Nick Xenophon:** Assuming that compensation is payable.

**The Hon. M.J. ELLIOTT:** I am assuming that compensation is payable, and I have not seen definitive information on that. Certainly, that is an assumption that I have made. However, I would have no compunction, as I said earlier, in the State's intervening in the way in which the machines operate. For instance, I am prepared to look at the hours that they are opened, the size of the bets, the accumulation of points (which is money), forcing the machines to pay out more regularly and slowing down the machines. I think that there is a range of things we can do which would make them less addictive in their behaviour. To some extent, it would be a bit like setting a content of nicotine that was allowable in a cigarette, which would be one way of reducing their addictiveness.

So, in a very quick excursion over a couple of the issues I have indicated support for the direction in which the Hon. Nick Xenophon wishes to move. I indicate my preparedness during the break to consult further with the Hon. Nick Xenophon and with anybody else who wishes to do so to see whether we can find a Bill that might negotiate its way through the two Houses. It seems to me that, when there is a conscience issue and when we now have a multitude of Parties and Independents, the longer and more complex a Bill, the chances of getting enough members to agree with the total Bill (as distinct from getting its various amendments up and then finding at the end members will not vote for it because they disagree with some parts of it) are much slimmer. It might be easier to have a much simpler Bill and to do it in bite sized pieces, if you like.

Perhaps we should tackle the issue of the Gambling Impact Authority almost as a single issue on its own, and the issue of gaming machines themselves, their numbers, etc. might be an issue on its own. The more complex we make the Bill, the more difficult, particularly in terms of the conscience issue, it will be to get enough consensus in the Parliament to get it through. I indicate support for the second reading but intimate that when we undertake the Committee stage, which I understand will be in September or October, I will be looking for some significant amendment.

**The Hon. SANDRA KANCK:** In speaking a few weeks ago to the further noting of the Social Development Committee report on gambling I believe that I spelt out my position and rationale on gambling fairly clearly. I refer members to that speech so that I do not need to go over ground I have already covered. I have taken a position that the provision of and access to gambling is not of itself a sin and that more than 98 per cent of people who gamble do not have a problem. The figure of fewer than 2 per cent of gamblers having a problem was commonly repeated in evidence to the Social Development Committee during its 15 month investigation. The recently released report of the Industry Commission has basically confirmed that figure, although it has set it slightly higher at 2.33 per cent nationally and 2.19 per cent for South Australia, using the SOGS (South Oaks Gambling Screen).

The slightly higher figure that the Productivity Commission gives is explained by the fact that SOGS was the method used, whereas the Social Development Committee heard evidence that, although SOGS was internationally accepted as a method of assessing the degree to which a person has a gambling problem, it has its limitations as it was designed for the United States and can overestimate the extent of the problem in Australia. So, I remain confident in my assertion that 98 per cent of people who gamble do not have a gambling problem. The 2 per cent who do have a problem can, of course, provide some dramatic anecdotes. The front page story of the *Advertiser* last week is an illustration of that.

**The Hon. M.J. Elliott:** Add their families and that takes it to five or six per cent—

**The Hon. SANDRA KANCK:** And I do not downplay the impact on their families at all; but when we have to look at the assorted problems we are dealing with as a society—particularly for us as legislators—I look for instance at the damage that has been caused by the road toll and cigarettes and at the effect on the families of those people who are involved as being far greater than that caused by gambling. At the time of the tabling of the Social Development Committee report on gambling I was a signatory to that major report which did recommend, amongst other things, a cap of 11 000 gaming machines in this State.

In a Bill that we voted on earlier this year, I did not support that majority report. I know that the Hon. Mr Xenophon did not understand why I voted that way, because I did not speak on the Bill at that time. I will now take the opportunity to explain that, because it appears again

in this Bill. I supported that major report at the time not because I believed it would achieve anything but because I did not feel strongly enough about it to go to the extent of moving my dissent and writing a dissenting report. However, faced with legislation to cap the numbers, I find that I have to take a stand and oppose it.

It was interesting to read an article in the business section of Saturday's *Australian*. The article was written by Terry McCrann, who said the 'pokey crackdown, capital gains tax hysteria have a common parent'. Towards the end of the article he referred to what the Prime Minister said about the 'shame' of the number of a poker machines we have in Australia, as follows:

> Surely the number is the problem? Cut them, and you reduce the gambling? Yet Victorians with just 30 000 pokies manage to gamble almost as much as New South Wales, where there are 100 000.

*The Hon. R.I. Lucas interjecting:*

**The Hon. SANDRA KANCK:** That's correct, yes. The article continues:

> Limiting the machines might do nothing to limit gambling—especially as the genie is well and truly out of the bottle. But it will certainly—and, indeed, already does—deliver a lovely monopoly profit to those lucky enough to own a machine.

There is no evidence to show that a reduction in the number of machines will reduce the incidence of problem gambling, and capping the numbers is nothing more than a way for Parliament to give some hotels an inbuilt advantage over others. Why would we want to do that? Each year hundreds of people are killed as a result of vehicle crashes and far many more are injured.

**The Hon. T.G. Cameron:** In South Australia?

**The Hon. SANDRA KANCK:** No, I'm talking Australia wide. Anecdotal evidence speaks of suicide resulting from gambling addiction, although suicide figures do not show any increase. While providing good copy, these stories of gambling related suicides do not rank with the number of deaths on our roads. The cost to our community of the road toll is huge, the cost to our health system, in terms of emergency services, hospitals and rehabilitation, is equally huge, yet no-one talks of capping the number of vehicles on our roads because some people are incapable of handling the risks and responsibilities of driving. If no-one talks of capping—

*The Hon. T.G. Cameron interjecting:*

**The Hon. SANDRA KANCK:** You have to look and see. When something is causing a danger (and that seems to be the argument of the Hon. Mr Xenophon), you have to try to restrict access to it or prevent those things from being there altogether. We are talking about a different machine here—a machine on wheels.

*The Hon. T.G. Cameron interjecting:*

**The Hon. SANDRA KANCK:** I don't think it is, particularly when we are talking about the number of deaths involved. If no-one starts talking about the capping of vehicles on our roads because of the few people who make major mistakes in driving them—

**The Hon. T.G. Cameron:** Is this the new Democrat policy—to place a cap on the number of motor vehicles?

**The Hon. SANDRA KANCK:** That is not what I am saying. I am making a comparison so that members can see the idiocy of the argument to limit the number of poker machines. Limiting something because a few people cannot handle it is an illogical way of going about it. I do not know anyone who is advocating, for instance, that we remove most cars off the road, yet this Bill is saying that, comparatively, we need to remove all gaming machines from hotels in five years.

**The Hon. M.J. Elliott:** We do regulate the cars themselves, though.

**The Hon. SANDRA KANCK:** We certainly do. We make them safe and things like that, and there are aspects of this Bill that I will support because—

**The Hon. T.G. Cameron:** We let all these bombs drive around on the roads.

**The Hon. SANDRA KANCK:** I think we might be getting a bit distracted. As I see it, the move to cap the number of poker machines is over the top. I do not understand why the Hon. Mr Xenophon in his Bill is singling out hotels only that have gaming machines because, if they are a problem, surely they are a problem in licensed clubs as well.

**The Hon. R.I. Lucas:** Exactly.

**The Hon. SANDRA KANCK:** Thank you, Mr Lucas, it is lovely to have agreement. It does seem to me that this is yet another example of hotels becoming the stalking horse for the anti-gambling crusaders in our State. I definitely will not be supporting the clause which makes it an offence for a gambling entity to make a political donation. I do not like the vagueness of the definition of 'gambling entity' which for the purposes of clause 14 includes 'a close associate of a gambling entity'. Whatever that means I have not got a clue, but it looks like you could drive a car through it very easily.

If a political Party holds a function in a hotel and the hotel proprietor does not charge for that room, the Australian Electoral Commission regards this as a donation in kind. I would like Mr Xenophon to let us know whether he, too, looks upon that as a donation. If he does, he may have to amend his Bill accordingly. I see no good reason for preventing hotel proprietors from making donations to political Parties, whether directly or in kind. Presumably, the proprietor of a bottle shop which sells alcohol can make a donation but if the proprietor of a hotel, which also sells alcohol, wants to give a donation they can do so only if their hotel does not have gaming machines. To me, it does not have logic.

If the money from gaming machines had been obtained from crime, that would be another matter and I could see the reason for having this sort of preventative measure, but it is done quite legitimately. I believe that those who wish to donate to political Parties should be free to do so knowing that their donation if it reaches more than a few hundred dollars will be revealed in a register of those people who donate to political Parties. There is also no good reason for forcing the owners of licensed premises to fork out money to completely separate the gaming area from the rest of the premises. It gives the impression that something wrong must be going on and if there are people who have problems with gambling it is more likely to marginalise them.

I also find myself a little uneasy about the section for compensation for victims of gambling related crime. We already have a victims of crime levy in criminal injuries compensation in this State, so I am wondering why it is necessary to spell out things in the Bill as it stands.

**The Hon. Nick Xenophon:** It is not for personal injury; it is for economic loss.

**The Hon. SANDRA KANCK:** Thank you for that. The Hon. Mr Xenophon says it is only for economic loss and, hence, that is the reason he has it in the Bill. I think that is one of the vague parts of the Bill with which I will have difficulty, but I will wait to hear what the Hon. Mr Xenophon says when he sums up.

Prohibiting gaming machines which allow rapid betting and pay out large amounts is another of the clauses in this Bill. I am reasonably comfortable with the idea of prohibiting gaming machines that allow rapid betting, but I am not so comfortable with the clause which deals with machines paying out large amounts, particularly when a large amount is deemed to be an amount of more than $50. In the in-house footy tipping competition here, it is quite possible to win $50 in a week, and although it is—

*The Hon. T.G. Cameron interjecting:*

**The Hon. SANDRA KANCK:** Exactly; there are many gambling options where you can win $50 or more. You can win it through the TAB, SP bookies at a racecourse and Footybet yet, again, we are singling out gaming machines. I find this peculiar. In the evidence the Social Development Committee heard there was some suggestion that gambling on the thoroughbred, harness and greyhound racing was probably more addictive than gaming machines because those people who gamble in those areas see it as being a contest between themselves and other punters as to who has made the right choice. They regard it, I suppose, as a more intelligent form of betting and it is, therefore, much more addictive.

*The Hon. T.G. Cameron interjecting:*

**The Hon. SANDRA KANCK:** I am not sure at whom that remark is aimed, but I am sure that the Hon. Mr Cameron will elaborate on that when he speaks. The Bill intends to prohibit interactive gambling. The term 'interactive' is a strange one, and I know we used it in our Social Development Committee report. It seems to be a word that is synonymous with Internet gambling but even in our Social Development Committee report we did not elaborate on that and make it clear. But I think for most people, anyhow, that is what we are talking about: Internet gambling.

The evidence to the Social Development Committee about this form of gambling was probably the most riveting of anything that I heard in the 15 months of this inquiry. Mr Steve Toneguzzo, of Gaming Technology Services in Sydney, reminded us that large-scale gambling—the sort that we are used to—has a presiding regulatory authority but Internet gambling does not have such an authority, which immediately starts to pose some interesting questions. I will refer members to part of Mr Toneguzzo's evidence. He said:

> Gaming is generally considered acceptable as long as it is contained to certain venues, does not result in criminal activity directly or indirectly, provides revenue for the Government and the social cost does not outweigh the benefits derived from revenue. Gaming on the Internet has the potential to defile all these criteria. Australians who currently go to the track, casino, pub or club could be gambling from their homes, pouring billions of dollars offshore and depositing any winnings into offshore accounts. The casinos' linked jackpots could be competing with global jackpots, the magnitude of which might be in the hundreds of millions. The Government may not realise any revenue, part of which is now used to fund the treatment of problem gambling, the incidence of which will escalate.

*The Hon. Carmel Zollo interjecting:*

**The Hon. SANDRA KANCK:** I will deal with that in a very short time. There are numerous Internet casino sites already. Accounts can be easily established offshore: all you have to do, basically, is give your name and address and telephone number. One of the concerns that I think many parents would have—

**The Hon. T.G. Cameron:** And your credit card number.

**The Hon. SANDRA KANCK:** And your credit card number. One of the concerns that I think many parents have is that it would be quite easy for a minor to become involved through the Internet. The Hon. Carmel Zollo mentioned—

**The Hon. T.G. Cameron:** Minors can gamble already on the Internet—and do.

**The Hon. SANDRA KANCK:** Exactly. Minors can, and do: I agree with that, and it is of concern.

**The Hon. T.G. Cameron:** I know one young person whose parents had given him a credit card linked to their credit card, and he blew the lot.

**The Hon. SANDRA KANCK:** I cannot say much for those parents' brains. The Hon. Carmel Zollo mentioned the regulatory system in Victoria, and I return to the evidence from Mr Toneguzzo. Referring to the Australian States draft regulatory model, he said:

> The Australian States draft regulatory model is encouraging cooperative effort. However, without Federal intervention there are enormous financial incentives for one of the regulatory participants to offer an interpretation that could potentially compromise the regulatory model. Those interpretations would be made to entice operators by ensuring that the 'rebel' jurisdiction was able to offer the cheapest and easiest entry into the market. Worse still, a regulator could break ranks and offer incentives to one or more cyber gaming operators to establish in their jurisdiction, despite the regulatory model. This could result in a deregulated cyber gaming market.

He then observes that an unregulated environment provides entry for criminal involvement. It is nice to hear, I suppose, that Victoria has put something in action but when you hear it in terms of isolated action it has the potential for some concern.

Given the rapid uptake of people accessing the Internet and the prospect of large amounts of money being gambled on the Internet across nations, we are seeing the emergence of something called e-cash, which is shorthand for electronic currency. In his evidence Mr Tonneguzzo quoted from the February 1997 issue of a magazine called *Spectrum*, which stated:

> . . . e-money will threaten every major bank, upsetting the balance of power between financial institutions, retailers and consumers. It will hobble Governments as it undercuts their ability to control the flow of money with monetary policy.

A statement such as that makes it incumbent upon us to have controls, but one has to ask what sort of controls. They will not be easy to set in place, because a further concern is the way these Internet casinos can be used for money laundering, and attempts to bring them under some form of regulation will no doubt be met strongly by organised crime. The evidence that the Social Development Committee heard is that if this matter is to be tackled it will need to be done at the Federal level, and even then it would only be partly effective unless it was done with international cooperation.

In light of that evidence, unless things have changed in the past 11 months—and I am not aware that they have—the presence of these clauses in this Bill is at best a window dressing exercise to make it appear that we are trying to do something. Certainly, something needs to be done but I question whether operating on our own is the right way to go.

*The Hon. T.G. Cameron interjecting:*

**The Hon. SANDRA KANCK:** I agree that something needs to be done, but it has to be done at the national level in cooperation with other nations.

*The Hon. T.G. Cameron interjecting:*

**The Hon. SANDRA KANCK:** I do not know whether it will happen, but the implications if it is not tried are quite horrific.

*The Hon. T.G. Cameron interjecting:*

**The Hon. SANDRA KANCK:** Victoria has something; we could put something in place here and hope that what we did became the model for mirror legislation around the country, but—

**The Hon. Carmel Zollo:** What about Queensland?

**The Hon. Nick Xenophon:** And the Northern Territory.

**The Hon. SANDRA KANCK:** Are they the same?

*The Hon. Nick Xenophon interjecting:*

**The Hon. SANDRA KANCK:** There is the problem to which I have referred; it has to be done federally. The degree of interaction that is occurring here in this Chamber on this issue is showing that there is cause for concern, but it is a question of how we do it. The Social Development Committee dealt with this, and our recommendation was that the action had to occur at a Federal level.

**The Hon. T.G. Cameron:** Look at what happens to most of the select committee recommendations: no-one takes any notice of them.

**The Hon. SANDRA KANCK:** Yes, and I will refer to one of those recommendations shortly. The location of EFTPOS and ATMs away from licensed premises is well intentioned but I am not sure it will solve anything. A person who is intent upon gambling will not be put off by having to walk to get their money. For example, if you remove the ATM that is inside the doors of the Casino, the gambler has only to walk across to the ATM in Bank Street, so it will hardly put the person off. I do not use EFTPOS as far as I am aware; that is where you take money out at a remote location but not at an ATM. I wonder whether the Hon. Mr Xenophon can explain how this provision would affect a hotel that had accommodation, a restaurant or a bottle shop. I am concerned that such a hotel would be placed at some disadvantage if EFTPOS were not allowed simply because gaming machines were on the premises.

I hasten to add that at this stage I do not indicate support or opposition to that clause, and I am willing to listen to argument on it, but I suppose that by now the Hon. Mr Xenophon is wondering just what part of his Bill I will support. Some of the TV advertising that has been around for the past 12 months promoting gambling I have found very unacceptable. While most of the focus of the anti-gambling lobby has been on gaming machines, some of the most objectionable advertising has related to other forms of gambling, such as lotto. I consider that advertising which encourages a person to use the last $2 they had set aside for their bus fare for a final gamble to be utterly irresponsible. I will therefore support the provisions in the Bill relating to advertising.

The Australian Hotels Association has developed a voluntary code of practice for gaming machine advertising and promotion. The AHA, I believe, has acted very responsibly in doing this, and part of that code is extremely relevant to the example I just gave of irresponsible advertising. It states:

> Any promotion which encourages patrons to spend their last $1 with the expectation of winning a fortune is not acceptable.

The pity of this is that the other forms of gambling have not seen fit to develop such a code of practice and probably will not do so unless forced to.

I express my disappointment that the Government has seen fit to ignore a recommendation made by the Social Development Committee 11 months ago. The committee recommended that a code of advertising practice appropriate to each gambling code be presented by the Attorney-General to the Parliament no later than the first sitting day of 1999. So, seven months after the date the Social Development Committee suggested, we have nothing. I am hopeful that the Attorney-General might enter the debate on this Bill and use it as a way of explaining to the Parliament why he has ignored this particular recommendation from the Social Development Committee.

I am supportive also of notices about the chances of winning being displayed. I am similarly supportive of the provision of clocks so that gamblers can see them and keep an eye on the time, although I am not totally convinced that it will make much difference. I know that, on a comparative basis, for many addicted smokers the warnings on cigarette packs make no difference to them.

A family friend who trained as a medical technologist and who was working at the repatriation hospital in Sydney on a daily basis was doing biopsies on the lungs of war veterans which were filled with tar and which had developed cancer and, when he wanted a cigarette (and he was smoking 40 a day), he would simply say to his wife, 'Pass the cancer sticks, dear.' So, I wonder about the effectiveness of it.

It is a low cost measure, so I do not have any particular beef about whether or not it is included. Advising the odds of winning, or perhaps even better advising the odds of not winning, might convince some gamblers not to put on the next wager, but I do not know.

*The Hon. Nick Xenophon interjecting:*

**The Hon. SANDRA KANCK:** I am a great believer in informed choice so, from that point of view, I am willing to support it. The Social Development Committee made a couple of other recommendations in its report on gambling which I am surprised the Hon. Mr Xenophon did not take up. The committee recommended that gaming machine licences should be refused for what we termed 'pokie parlours', which are premises that simply have gaming machines; they do not have facilities for sociable and socialising purposes such as the provision of meals and recreation.

**The Hon. Nick Xenophon:** The Act provides for that.

**The Hon. SANDRA KANCK:** The Act already provides for that. Well, that explains—

*The Hon. Nick Xenophon interjecting:*

**The Hon. SANDRA KANCK:** Then the Social Development Committee made a useless recommendation when it made its report last year. That committee also recommended that all gambling codes should contribute to the Gamblers Rehabilitation Fund, but the opportunity to address that aspect appears to have been passed up. I indicate support for the second reading, and I do so because of those aspects of the Bill which I can support. However, as I have made clear, I will oppose other aspects during Committee.

**The Hon. P. HOLLOWAY:** After giving this matter some serious thought recently, I, too, have come to the conclusion that it would be in the best interests of the Council if this Bill was allowed to pass its second reading stage, notwithstanding the fact that there is much in it that I certainly would not support at a later stage. Let me explain why I have come to that conclusion.

I supported the introduction of poker machines in 1992, when the Bill was originally introduced into the House of Assembly. My support was qualified to some extent in that I did insist during the debate that we should have adequate support to deal with the problems that might arise from gambling addiction. Unfortunately, the promises made for a fund were never honoured and the Minister who made them

was not around when poker machines were finally introduced. So, the fund that had been promised but not put into legislation did not eventuate, at least not straight away. After some years a Bill was introduced to provide funds in this area. My views were correctly reported in the *Sunday Mail* last week when it said that I would not support any phase-out of poker machines nor indeed any across the board capping of machines. Notwithstanding those views on the existence of the industry, I have come to the conclusion that we have to recognise that there is a growing concern in the community, rightly or wrongly, about problem gamblers.

There is much we could say about that and I will not take up too much in this brief summary tonight. There are certainly two cases. The Productivity Commission report certainly raised the level of debate in the community on the whole question of poker machines. It has two sides and identifies that there is a problem with a small number of people in the community and that problem is certainly very serious for the people concerned and can spread with quite devastating consequences for their family. That is the area where attention needs to be given. If 1, 2 or 3 per cent have problems, then 97 per cent do not and are using poker machines as an entertainment in a way that is not harmful. Presumably they are doing it because they enjoy it.

Whatever the size of the problem, because of the attention it is given, we have to at least pay attention to it. Perhaps I am guilty as someone who has been an advocate of poker machines down the years of not paying as much attention as I should to this problem. If we have a debate on the measures in this Bill, even though many of them I will not agree with, I do not think it would do any harm. There may be some issues on which we could improve our performance in terms of dealing with problem gamblers. I put on record that I recognise that the Hotels Association in this State has been particularly innovative in its programs and it is one of the few States that makes a contribution itself in this area. It is to be commended for what it does. Ultimately the responsibility in this area will fall on the Government for several reasons. Governments have to pick up the social problems that arise if people get themselves into trouble but also the Government is the recipient of a large amount of money from the gambling industry, so if anything is to be addressed it will have to come from that quarter.

The other reason I have come to this conclusion is the growing community concern. That has come about for many reasons. I note that the New South Wales Government and other Governments have introduced relatively minor measures to deal with this problem at the fringes. I do not think we should avoid debate on it. I do not know that I want to say too much more. My views have not changed towards the existence of poker machines in the industry, but we need to pay growing attention and the industry would be well advised to do so as well because, if nothing else, there is a problem out there but also a public relations problem that the industry will have unless we put some serious thought into these matters. For those reasons I believe the council should allow this Bill to pass the second reading to discuss the measures involved. We need a comprehensive debate on them at some time, even though I indicate that measures such as capping and some of the other key measures of the Bill I certainly would not support either in Committee or in the Bill at the third reading.

Nevertheless, I think those individual measures to deal with problem gamblers are worthy of some discussion and I do not think we should be frightened of having that debate. Unless people like myself, who have been supporters of poker machines, can convince the public and win the argument, if we do not win it here, I do not think we will win it outside with the public. It is not just a question of numbers: we have to win the debate. That is my position on this Bill.

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

## TOBACCO PRODUCTS REGULATION (SALE OF PRODUCTS DESIGNED FOR SMOKING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 July. Page 1600.)

**The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning):** The Government supports this private member's Bill which was introduced in the other place by the member for Torrens. At that time the Minister for Human Services indicated that herbal cigarettes, the subject of this amendment Bill, are a health risk to young teenagers and therefore should be put in the same category as tobacco products. He went on to say:

> This Parliament has previously taken the decision that confectionary cigarettes should not be sold to children. That is because confectionary cigarettes tend to encourage the development of smoking with tobacco products.

It is apparent that herbal cigarettes have a significantly worse impact in this respect than confectionary cigarettes, and therefore at the very least they should be treated in a similar manner, which this Bill does.

**The Hon. T.G. ROBERTS:** I would like to thank all those members who have made a contribution to this Bill, and I thank the Minister for conveying the position of the Hon. Dean Brown in her contribution in supporting this Bill. I look forward to its speedy passage.

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

## CONSTITUTION (CITIZENSHIP) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 July. Page 1599.)

**The Hon. SANDRA KANCK:** Members might recall an instance last year when I raised questions about the nationality of advisers that the Treasurer had brought onto the floor of this Chamber, and I made the observation at that time that I was offended by having someone with an allegiance to a foreign power in that role here on the floor of our Parliament. Just as I did then, I believe that all members of Parliament should be in a position where their loyalty to the State cannot be questioned. I do not doubt the loyalty of anyone in this Parliament but it is a case of not only being loyal but being seen to be loyal. In recent weeks there has been an increase in the amount of correspondence that I have received about this Bill, and all of it has been supportive.

**The Hon. Carmel Zollo:** I am sure that Joe had something to do with that. They are all Liberal Party members.

**The Hon. SANDRA KANCK:** In response to the Hon. Carmel Zollo, I have no doubt that it is an organised lobby because I note similar words and phrases. I am never

convinced to support a case just by the amount of mail that I receive indicating whether people are for or against a Bill.

*The Hon. L.H. Davis interjecting:*

**The Hon. SANDRA KANCK:** Do you think John Coulter could organise this? I refuse to rise to the occasion. Having decided to support this legislation, I have found it interesting to read some of the observations in the correspondence that I have received, and some of the Liberal Party members might like to observe whether or not these people belong to the Liberal Party. Ian Tietz of Paradise said, 'You would agree that to be a citizen of this country is an honour,' and I certainly agree with that. I find myself in disagreement with those who have suggested or implied that this Bill is an attack on multiculturalism. Another constituent, Kevin Beinke of Paralowie, said that his support for the Bill was:

> not to deny the existence and benefits of multiculturalism or to suggest that one should not be proud of their ethnic or cultural background.

It is a truism that this country has been culturally enriched by immigration but this Bill does not debate that question. Surprisingly amongst my correspondents I find myself agreeing with David d'Lima, with whom I frequently disagree on religious and moral issues, when he writes:

> I support the Bill as a person of diverse ethnic background. I was born outside of Australia but I am a citizen of this nation only and proudly so. I support and celebrate the breadth of cosmopolitan cultural diversity in our nation. I express support for the Bill as it addresses concerns about the way in which citizenship is valued in our State and nation.

It is of note that quite a few of the letters that I received came from people who were born in other countries. While my world is not going to fall apart if this Bill is not passed—it is certainly not one that I would have felt compelled to introduce—I indicate that I will be supporting it.

**The Hon. IAN GILFILLAN:** I indicate that I will be opposing the Bill. I believe it is quite inappropriate for legislation to determine the quality of Australian citizenship as if there is a first and second class Australian citizenship. If you have Australian citizenship, you have Australian citizenship: period. If one of the people who have Australian citizenship has retained citizenship of a country of earlier origin and continuing contact, interest and sympathy, that is a factor of their life which is not going to be changed one iota if, by legislative means, they are compelled to tear up the bit of paper just to join us in this Chamber.

It is a fatuous piece of legislation; it is a discriminatory piece of legislation and, in spite of whatever number of letters various members have received, in fact it is a slap in the face for a tolerant, open multicultural community. Those reasons are probably enough for me to indicate why I will be opposing the legislation. What we really need to do, if there is to be any degree of sincerity about multiculturalism, is reflect on how readily so many of the residents of this country associated themselves as willing citizens of a country 12 000 miles (as it was) away and referred to it as 'home'. That was regarded as a credit, as a plus, so far as so-called citizenship in this society was concerned.

How hypocritical of us now to be condemning of a person who is retaining the connection in an overt form with a country with which they still have affection, a legal, an emotional and a quite understandable attachment. Why should we be condemning those people to conditions which as a community we accepted without any question were to be tolerated as they were in earlier days of this country? I am sorry that the Bill has come forward because I believe it is divisive. I hope it will be thrown out and will show the people of South Australia that we do accept a genuine multicultural society.

**The Hon. R.R. ROBERTS:** I will be opposing the Bill but I have taken advice from a number of quarters and will make some observations about this matter. I have heard the passionate debate to the effect that this is an attack on multiculturalism. It is not even about multiculturalism but about citizenship and allegiance to a country. I have observed that in other countries if someone wants to stand for Parliament they have to denounce all other citizenship. If there is a question about someone who comes to Australia and becomes a citizen and from time to time is required to denounce all other citizenships, then I draw the Parliament's attention to the situation of someone wanting to go into the Senate or the Federal Parliament of this country. In the case of a casual vacancy, which has occurred in my experience in this Parliament, we had some members who were critical of Upper Houses and I can remember one speech in particular by a Lower House member at an inauguration which was quite insulting but which was thought to be humorous by the proponent at that time, yet he has now left the Lower House to go to the Senate.

I remember well that that person had no compunction whatever in renouncing his British citizenship, and I am told that he broke the speed limit to get out there and renounce it. If someone says that this is an attack on multiculturalism, I disagree. Let us use Steve Condous as an example, because I know he is a strong supporter of this Bill. Steve Condous came to Australia and he was prepared to say, 'I only want to be a citizen of Australia'. This will not make Steve Condous any less of an Italian; he will still be an Italian. So, there is a lot of hypocrisy—

**The Hon. A.J. Redford:** He is no more Italian than I am.

**The Hon. Diana Laidlaw:** He is Greek.

**The Hon. R.R. ROBERTS:** Sorry, I have got my story wrong. Steve Condous was actually born in Italy of Greek parents. The point is still valid; that is, his becoming an Australian citizen will not change what he is. There has been a very passionate argument about all these things. Here we are on the brink of becoming a republic and people are still saying that we have to make other attachments. I have taken my advice from members of our Caucus who are much more versed in these matters than I and who have been involved actively in the multicultural community, and they have convinced me, on the balance of all their arguments and discussion within our Party. And I am one of those who can admit that sometimes my view is not the right view. It is on the basis of that advice and some discussions that I have had not only with the letter writers—we are all aware of the letter writers routine: we have all been down that track—but also with ethnic groups when I have had the pleasure of being invited to their functions that I understand that it is a mixed bag. Some say that the Scalzi Bill is the way to go; some say that it is not.

On the balance of the argument within our Caucus—and it is the practice within the Labor Party to discuss these matters fully and come to a vote—it was decided that, on this occasion, we do not support the Scalzi Bill. I indicate that I will not be supporting the Bill.

**The Hon. CAROLYN PICKLES (Leader of the Opposition):** I had not intended to contribute to this debate

but I will declare my interest. I was not born in this country. I was born—

**The Hon. Diana Laidlaw:** Haven't you spoken?

**The Hon. CAROLYN PICKLES:** No. I was born in the United Kingdom and I chose to become a citizen of this nation. I chose to become a citizen of this nation not just because I wanted to be a member of Parliament but long before I ever made that decision. It was something I chose to do. Unlike some people who are merely born here, I actually chose to become one of you. I am very proud of my nationality—

**The Hon. Diana Laidlaw:** Which one, British or Australian?

**The Hon. CAROLYN PICKLES:** My Australian nationality. I only have one nationality, in my view—Australian—and I am loyal to this nation. If this country were to go to war against Great Britain, I would be supporting this country. A greater test is perhaps that I always want the Aussies to win the cricket, the rugby and the football. So, in any international sporting venture, I barrack for the Aussies, and, I think, there is no greater test of my citizenship.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. CAROLYN PICKLES:** However, we debated a similar issue when the Labor Party was in government. On that occasion, members of the Liberal Party had different views and I am not quite sure why they are all changing their minds. Obviously, they want to look after their little mate to ensure he gets elected at the next election, but I hope that this Bill will be his undoing: I am sure it will be.

*The Hon. A.J. Redford interjecting:*

**The Hon. CAROLYN PICKLES:** I do not think so. I doubt it very much. This is a very ill conceived piece of legislation. It is quite unnecessary; it is very insulting; and it has long-term ramifications. Further, I understand that because of a recent High Court decision the Liberal Party intends to conduct a referendum so that the Federal Constitution Act can be amended, in which case South Australia would then be out of step with the Federal Constitution. So, it is a stupid Bill, and I condemn it out of hand. I think that it is an insulting Bill; I am insulted by it. I believe that all people who were born in another country and who have adopted the nationality of this country should also be insulted by it.

**The Hon. P. HOLLOWAY:** I move:

That the debate be further adjourned.

Motion negatived.

**The Hon. P. HOLLOWAY:** In that case, I will speak to the Bill now.

**The Hon. Diana Laidlaw:** But you were always ready to do so; look at all your notes.

**The Hon. P. HOLLOWAY:** Well, these are my notes which I prepared just in the last couple of moments. I oppose the Bill. All of us are aware of the problems that we have had with section 44 of the Commonwealth Constitution. There have been a number of cases where people have been elected to our Federal Parliament but, because section 44 of the Constitution requires that people not have allegiances to another power (and I do not have the correct wording of section 44 with me, but I am sure that most members would be aware it), subsequently a number of members of Federal Parliament have been disqualified; or, in the case of Jeannie Ferris, which is probably most familiar to members in this Council, because of doubts over citizenship she decided to resign after she had been duly elected but was reappointed by this Parliament to a casual vacancy so that there would be no challenge to her position.

More recently, of course, there was the Heather Hill case in Queensland. Heather Hill was found by the High Court not to have been constitutionally elected because she was a British citizen—notwithstanding the fact that only a few weeks ago we had the fiftieth anniversary of Australian citizenship. Australian citizenship did not exist until it was introduced by the Chifley Government in 1949. Until that time, people had been British subjects. I guess there were different tiers of 'British subject'. If you came from Africa or Asia you were probably not in quite the same category as if you came from Australia, Canada or Great Britain. Nevertheless, everyone was a British subject, and it was only as a result of changes to Australian legislation over the years that has altered that, the most recent of course being the Australia Act of 1984 in the Commonwealth that changed the role of the Queen. So, over the years there have been a number of changes to citizenship.

But my point is that the Scalzi Bill is all about emulating the Commonwealth situation. The honourable member wants to emulate in South Australia the situation in Canberra that has caused all the problems, notwithstanding the fact that no other State in this country has seen fit to follow the Commonwealth; indeed, it is the reverse. What is the Commonwealth Government doing? I refer to an editorial in the *Australian* last month of 24 June, just after the Heather Hill case in Queensland. The editorial states:

> Federal Attorney-General Daryl Williams maintains that the High Court decision should have no ramifications for the republic referendum later this year. This view might be open for debate. But he has foreshadowed that the Government might consider seeking to change the constitution to remove the foreign power reference. In that case all that would be needed to take up a seat in Parliament would be Australian citizenship. That is a referendum question that all Australians could support.

Hear, hear! So, Mr Scalzi is seeking to change the Bill to follow the Commonwealth stance which the Commonwealth Government itself is trying to reverse. If this report in the *Australian* is correct, we could have a referendum where members opposite are opposing their Federal colleagues. If Mr Williams does call a referendum to make Australian citizenship a sufficient condition to stand for Federal Parliament, then I will vote 'Yes' for it, and I would hope that most Australians would, as the *Australian* newspapers suggests. But will it not be crazy if we pass this Bill tonight, if this Bill becomes law, and we are out of step with the Commonwealth Government? We are told in all the letters we have been receiving in great bulk in recent days that one of the reasons why we need this Bill is to follow the Commonwealth. But no other State is following the Commonwealth, and the Commonwealth itself wants to follow us. It wants to go back to where we are now, back to the change that the Attorney-General of this State made in 1994 when he amended the Bill to remove similar conditions. What an absurd situation. It would be quite bizarre. We could have these members opposite—

*Members interjecting:*

**The Hon. P. HOLLOWAY:** When the Hon. Angus Redford sums up, perhaps he can tell us that, if Daryl Williams has a referendum—perhaps at the same time as the republic—to change section 44 of the constitution, will he be

handing out Liberal how to vote cards to follow a Federal position, to remove section 44? I will be interested to hear his answer. If there is a problem—and I guess there is with section 44, given that we have had the Heather Hills and the Jeannie Ferrises—is the solution not to change the citizenship requirements of this State? There could be a problem. According to this Bill, if you have Australian citizenship it is not sufficient to stand for this Parliament. You need something more; you need to go beyond that. You must have a higher level of commitment to Australia than Australian citizenship. Does that not mean that there is something wrong with Australian citizenship? Perhaps the change that is needed is to reform Australian citizenship so that perhaps the oath of allegiance or whatever it is called in the preamble to the citizenship ceremony needs to be strengthened so that it makes it quite clear that the commitment to Australia is sufficient enough to stand for Federal Parliament.

I would have thought that, if you want to address the matter, that is where you would do it and not try to make people go out of their way before they can stand for Parliament. As I understand it, it is not just a matter of somebody who is a citizen of another country having to renounce that citizenship and become an Australian citizen. By way of example, it is my understanding that, wherever people of Greek descent are born, they automatically are recognised by Greece as Greek citizens. It could be that people here who are born first/second generation in Australia who have never even been to Greece could become Greek citizens by accident of birth.

The question is: why should those people have to go out their way to achieve this? I was born in Australia and my parents were born in Australia. I can stand for this Parliament without worrying about any of these problems, but why should someone of Greek descent who was born in Australia but whose parents happen to be Greek have to go out of their way to denounce their Greek citizenship, or the potential for that to happen, because another country recognises them as a Greek citizen? Why should that happen? It seems to me that that is crazy. Surely, that is the reason why Daryl Williams, the Federal Attorney-General, is looking at this matter. Is the answer to it that we should do something about Australian citizenship rather than following the Federal Government down this path? I cannot see why we would want to do it.

If one wanted to get into the realms of possibility, what would happen if someone of Greek descent was adopted and suddenly discovered through an organisation such as Jigsaw that they have a Greek parent? They are elected to Parliament after this Bill has passed, yet they suddenly discover that they have a Greek parent, which makes them eligible for Greek citizenship. Because they have not renounced that citizenship, they would be thrown out of Parliament. I admit that that is a fairly extreme example, but it shows the type of problem we will create if we go down this track.

We are effectively saying that the laws of other countries, as they apply to citizenship, should dictate what happens in this country. The point I am trying to make is that, if there is a problem, let the provisions of Australian citizenship determine what is sufficient for people to stand for this or other Parliaments in this country.

Another thing that concerns me about this Bill is that, effectively, it creates two tiers of members of Parliament, because there is a grandfather clause which provides that for members of Parliament who have been elected in the past and who may hold dual citizenship accidentally, deliberately or whatever—people such as Heather Hill, Jeannie Ferris, and I think the Minister for the Environment—it is okay.

Apparently, the philosophy behind the Scalzi Bill suggests that these people are unreliable and that they are not true blue, dinky-di South Australian politicians. They are a little less: their commitment is somewhat wanting. However, they are okay; we will grandfather them out; we will let them stay; they are fine, but anyone entering Parliament in the future has to pass a different test. At the least I would have thought that the qualifications for Parliament should be the same for everyone. If it is necessary for all future parliamentarians to jump a particular hurdle, why is it that those already in there do not have to jump that same hurdle? Should Mrs Kotz not have to go out and renounce her citizenship?

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Well, anyone; I do not care who they are. If it is good enough for future members of Parliament, should it not apply to existing members?

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** I think that the debate deserves a little better than that. The Hon. Rob Lucas is making fun of people who apparently—

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** Presumably, he is talking about Mike Rann because he goes to lots of functions with people from the ethnic community. I do not see anything wrong with that. I think we should encourage people to be involved. Surely, the crux of this matter is the commitment to Australia. Is the crux to this issue not the commitment to Australia? The way to fix that up is through the citizenship laws and the citizenship test. It is not to do it here; it is not to do it in this way which further complicates and creates potential anomalies so we go down the track that the Federal Government is trying to get itself out of.

Many of the letters supporting this measure do so on the basis that, apparently, it is necessary for Australian parliamentarians to have some higher level of commitment than other Australian citizens. Again, if we take that logic, why do we not apply it to other people such as, for example, the Chief Executive Officers of Government departments. If we as parliamentarians are not good enough if we have, by accident or otherwise, a second citizenship, why is it good enough for the CEOs of our departments? After all, as I am sure all of us here on the Opposition side would know, we might be in Parliament but I am sure that we know far less about what is going on within Government than the heads of departments, who are intimately involved. If you are to go down this track and set a different level of Australian citizenship—a higher level, if you like—why should you just limit it to politicians: why not go further?

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** The reason I will not go further is that I think that, once you go down that—

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** The point I am trying to make is let us get away from that slippery slope: it is unnecessary. I will not go on any longer. I think the point has been made that there are a number of deficiencies in this Bill and that the trend in this country is away from going down this track—indeed, it is the reverse. I look with great interest—and hope, I might say—that Daryl Williams does come up with a referendum so that we can fix the Federal situation in a way that mirrors the position in South Australia now, rather than the other way around. I oppose the Bill.

**The Hon. M.J. ELLIOTT:** In rising to speak to the second reading, I must say that this is one of the least important Bills that I have had to handle in this place. The question of holding a nationality other than Australian—

*An honourable member interjecting:*

**The PRESIDENT:** Order!

**The Hon. M.J. ELLIOTT:** Just try to be quiet: that would be doubly refreshing. Whether or not one holds another nationality seems to me to be pretty irrelevant in a State Parliament. Under the Constitution, all powers which relate externally are held by the Federal Government and not by State Governments. Frankly, if a person happened to have Greek citizenship or Italian citizenship as well as Australian citizenship, it does not seem to me to make one bean of difference in terms of their attitude towards education portfolios, health portfolios, transport, police, etc. It is irrelevant that one might happen to have a second nationality, and particularly (as in many cases) where it is a nationality which has simply been bestowed upon you, which happens, for instance, with people of Greek origin.

I would have a quite different attitude if it was a question within the national Parliament. But that is not the question that is before us: it is a question about the right to be a member of the State Parliament. And it just simply does not matter, because we have no external powers and, as such, how will one's having a second citizenship influence in a way that could be considered harmful to the interests of the State?

**The Hon. A.J. REDFORD:** I thank members for their contributions. Indeed, my records would indicate that a substantial number of us have made contributions: the Hon. Carolyn Pickles made a long one on a point of order, and also a rather shorter speech; the Hon. Diana Laidlaw made her usual concise contribution—to the point, very interesting; the Hon. Robert Lawson, with his usual fascinating and lively contribution on legal aspects of the Bill; the Hon. Caroline Schaefer made her points quickly and bluntly; and, indeed, the Hon. Nick Xenophon, although he opposed it, gave an interesting contribution. We learnt something about his background and, indeed, he paid a tribute to Joe Scalzi in bringing this initiative before us for us to discuss. I enjoyed listening to the contribution of the Hon. Sandra Kanck, with a well thought out and well reasoned contribution.

I must say that the Hon. R.R. Roberts looked statesmanlike for a while there, but we all understand that he was rolled in Caucus; he does have a different view from his Party. I understand that Ron is feeling a bit sorry for the Labor Party: to lose three in a session would be an absolute tragedy, so he is sticking tight and I am pleased to see that. This was the first occasion on which the Hon. Carmel Zollo had led the Labor Party in a significant contribution, and I propose to deal with a couple of the comments she made. She indicated that this was a very cynical, hypocritical exercise. I have to say that, when I read and listened to that, I thought it was yet another example of Labor disloyalty. To say that by renouncing his citizenship Martyn Evans is hypocritical; to say that Senator Nick Bolkus and Senator Quirke, a member of her own faction, are hypocritical; to indicate that giants in ethnic politics, Con Sciacca and Dr Theophanous (although he does have a few problems at the moment) were cynical and hypocritical in fulfilling their obligations by renouncing their foreign citizenship is just silly.

The Hon. Michael Elliott went on and said that we have no foreign powers at all. The Hon. Michael Elliott continues to confirm our view on this side of the Chamber that on most occasions he does not know what he is talking about, because he has been present on at least two occasions that I can recall when this Chamber has participated with our colleagues in another place in the selection of senators. In the selection of senators we require renunciation of citizenship, so to say that we have nothing to do with anything that might deal with a foreign nation or foreign power completely overlooks one of the most significant things that we do as a Parliament, namely, to replace casual vacancies in the Senate. We are embroiled as one indivisible nation with our Federal colleagues, and to play Pontius Pilate by saying that we have nothing to do with it misses the point entirely.

I am grateful to the Hon. Sandra Kanck for reading out the various letters of support. I was overwhelmed by the number of letters I got on this issue. One letter I received was from Dr Satish Gupta, who I understand is the President of the Australia-India Association of South Australia, and who said:

> I am keen for this Bill to become a law, as I have heard many stories from Australians holding dual citizenship, who suffer when they go overseas. In time of need, they have been unable to obtain assistance when abroad from either of the countries they belong to.

He continues:

> After all, as a member of [the] South Australian Parliament, you must be loyal to one and only one country, Australia and no other.

That is from the President of the Australia-India Association of South Australia and President of the Australia-South Asia Chamber of Commerce.

I wish to raise one more issue before I conclude. I find it absolutely extraordinary—although consistent with Multinational Mike's international ethnic politics—that he would arrange for the Hon. Carmel Zollo (because she would not have worked this one out for herself) to move amendments which required—

*The Hon. Carmel Zollo interjecting:*

**The Hon. A.J. REDFORD:** They are on file and I have a copy.

**The Hon. Carmel Zollo:** I have not moved any amendments.

**The Hon. A.J. REDFORD:** In response to that interjection, I have to say that this was not a leak: this came out of my Notice Paper. The amendment provides that a member of Parliament cannot accept any foreign title—

**The Hon. CARMEL ZOLLO:** I rise on a point of order, Mr President: I would like the honourable member to withdraw that comment. I have not moved any amendments in this place.

**The PRESIDENT:** The honourable member has requested the honourable member to withdraw his comment about amendments if there are none.

**The Hon. A.J. REDFORD:** I will not withdraw it, because I have a copy of a Legislative Council document here—unless there is some sort of conspiracy—which states: Constitution (Citizenship) Amendment Bill No. 59 of 1998: amendments to be moved by Hon. C. Zollo, MLC. The document further states—the honourable member knows what is coming and that is why she is so sensitive—that if a member of Parliament accepts any foreign—

**The Hon. CARMEL ZOLLO:** Mr President—

**The PRESIDENT:** Order! The Hon. Mr Redford is still replying to the first point of order. Let him finish and then the honourable member can take a point of order.

**The Hon. CARMEL ZOLLO:** My point of order is that I have not moved an amendment as he says I have. Will the honourable member withdraw that remark? He has misled the Council.

**The PRESIDENT:** If the Hon. Carmel Zollo is informing the Council that she does not have amendments on file then—

**The Hon. T.G. CAMERON:** On a point of clarification, Mr President: the point of order is whether or not the Hon. Carmel Zollo has moved an amendment in this place.

**The PRESIDENT:** The honourable member cannot have moved—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. A.J. REDFORD:** I will withdraw that—

**The PRESIDENT:** Order, the Hon. Mr Redford! No member can move an amendment during the second reading stage.

*The Hon. Carmel Zollo interjecting:*

**The PRESIDENT:** Order!

**The Hon. T.G. Cameron:** That is exactly the point of order.

**The PRESIDENT:** But members and Parties can file amendments, which is quite the normal procedure. The Hon. Mr Redford may well have been referring to a filed—

*The Hon. Carmel Zollo interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The Hon. T.G. CAMERON:** I rise on a point of order, Sir.

**The PRESIDENT:** Order! The Hon. Mr Redford will resume his seat. The Hon. Terry Cameron.

**The Hon. T.G. CAMERON:** I ask the Hon. Angus Redford to withdraw his statement that the Hon. Carmel Zollo—

*The Hon. R.I. Lucas interjecting:*

**The Hon. T.G. CAMERON:** He has not at this stage.

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The Hon. T.G. CAMERON:** Well, I am on my feet and I have taken a point of order.

**The PRESIDENT:** Order!

**The Hon. T.G. CAMERON:** I would have thought that the honourable member would know the Standing Orders of this place. My quarrel is not with the Hon. Angus Redford: it is with the President who will not rule on a point of order. The point of order is—

**The PRESIDENT:** I have not heard the argument on the point of order, thank you very much.

**The Hon. T.G. CAMERON:** I have heard it twice expressed by the Hon. Carmel Zollo and, at the moment, I am asking you, Mr President, to rule on my point of order, that is, that the Hon. Angus Redford withdraw his statement that the Hon. Carmel Zollo—

*The Hon. A.J. Redford interjecting:*

**The PRESIDENT:** Order! I cannot hear what the Hon. Mr Cameron is saying.

**The Hon. T.G. CAMERON:** —has moved an amendment in this Council.

**The Hon. A.J. REDFORD:** I wish some people would just listen. I said 'moved': I then clarified it by saying that I have on my Notice Paper a document that states:

> Constitution (Citizenship) Amendment Bill—Amendments to be moved by the Hon. Carmel Zollo.

I withdraw anything I have said that might remotely be inconsistent with that, but I have a document—

**The PRESIDENT:** Order! My advice is that members should not pre-empt the Committee stage.

**The Hon. A.J. REDFORD:** But there is an amendment on file to be moved by the Hon. Carmel Zollo—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. A.J. REDFORD:** —and the honourable member sought to state with this amendment—

**The Hon. T.G. Roberts:** It does not accurately describe the document.

**The Hon. A.J. REDFORD:** It is on file.

*The Hon. Carmel Zollo interjecting:*

**The Hon. A.J. REDFORD:** You put it on the file. On my file, in my red book, sitting in front of me, appeared a document that states:

> Amendments to be moved by the Hon. Carmel Zollo.

And in—

*The Hon. Carmel Zollo interjecting:*

**The PRESIDENT:** Order!

**The Hon. A.J. REDFORD:** Let me finish my speech and if the honourable member wants to make a personal explanation she will have every opportunity. In that document the honourable member states—

**The PRESIDENT:** If the Hon. Mr Redford is going on with his speech, I need to rule on the point of order that has been raised twice on the other side. My advice is that members should not refer to amendments prior to the discussion of amendments in Committee. I must say that that is new to me because members have been referring to amendments for all the years I have been in this place, both in their second reading contributions and in reply to second reading contributions. However, I must rule that it is out of order and it will be out of order from here on in. Members cannot refer to an amendment by another honourable member.

**The Hon. A.J. REDFORD:** I understand and I do not seek to dispute the ruling that from now on, forever more in this Council, no-one is to refer to any amendments that appear on file.

**The PRESIDENT:** If I am ruling in that way, that is the way it will have to be.

**The Hon. A.J. REDFORD:** So long as I understand that, Mr President, because it will make things fairly difficult in a lot of debates. I must say that that is a ruling that has never been made since I have been a member of this place. Only last night I spoke for 30 minutes about the Attorney-General's amendments that were on file in relation to the Trustee Act. I have to say that that debate would have been adjourned for another week if that was the ruling. It is just a stupid ruling.

**The PRESIDENT:** It is the Standing Orders, the Hon. Mr Redford. A point of order was raised on the Standing Orders, so I have to uphold them. If you want to change the Standing Orders there are procedures to do that.

**The Hon. A.J. REDFORD:** I understand that, but when one gets used to a certain practice in this place and suddenly midstream courses are changed, people become a little concerned about it. In any event, all I can say is that there are a number of issues in relation to the contribution—

*The Hon. P. Holloway interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Redford is on his feet.

**The Hon. A.J. REDFORD:** If we are to have a strict insistence on Standing Orders, that ought to be applied right across the board. The games that are being played by Mike Rann in relation to this Bill and this issue have been extra-

ordinary and extend into other areas in relation to ethnic politics. We have seen the performance in relation to Sev Ozdowski. We have also seen the performance in relation to this Bill. We have seen the policy of regurgitating speeches on a 10 year cycle, as we all discovered in another place today, and we have seen all sorts of statements such as, 'Look, if this gets through, we'll get the Hon. Julian Stefani by suggesting that he has to hand in any award that he might be given by a foreign power.' That is the sort of politics to which the Opposition has stooped throughout the course of this debate.

*The Hon. Carmel Zollo interjecting:*

**The Hon. A.J. REDFORD:** The honourable member does not understand that occasionally people might have a different view from her, and occasionally the best way to debate the difference in point of view is perhaps to debate the issue and not play ethnic politics to the extreme and to the ridiculous extent that the Leader of the Opposition has consistently and persistently done.

**The Hon. Carmel Zollo:** It's your Bill.

**The Hon. A.J. REDFORD:** It may well be my Bill in this place, but the games that have been played, the sorts of suggestions that have been made about the Hon. Julian Stefani's having to hand in his awards—

**The Hon. Carmel Zollo:** Who said that?

**The Hon. A.J. REDFORD:** The honourable member—I have heard from all sorts of places that that was a course of action. The Caucus still leaks. I have heard from all sorts of places that the honourable member indeed managed to get Caucus approval that, if this Bill got to a second reading, some consideration might well be given to whether we could compromise the Hon. Julian Stefani. The fact of the matter is that you have played politics with this from whoa to go and you have consistently played politics in the ethnic community all the way through. At the end of the day the politics will backfire on members opposite. If you can deal with the issue on it is merits, so be it.

The only other issue I will raise relates to Daryl Williams, on which, as I said by way of interjection, the Hon. Paul Holloway did not respond. The fact is that the Liberal Party is a broad church. We actually allow people to disagree, even publicly, with the Party line without the consequences of expulsion. We have even developed a level of maturity in our Party that enables some of us, albeit in my personal view misguidedly, to come up with a proposition that we ought to move towards a republic. We allow some of us to retain the view that the current system works well, and the Party has not been split asunder; we have not lost any members or had to expel anyone, and it works pretty well. We have had a couple of election results since adopting that policy, which has been successful.

So, in conclusion, I urge all members to support the second reading of the Bill. Some of the issues that the Hon. Paul Holloway raised can be dealt with in the Committee stage. Indeed, he will have the opportunity of a further week to develop his arguments, fine tune them and perhaps even come up with some amendments—I will not deal directly with the amendments; I am just talking in a general sense—to enable us to explore some of the issues that he has raised.

I look forward to the Hon. Paul Holloway's having the courage to join with us to enlarge the debate by voting on the second reading in favour of this Bill so that he can move the amendments. Indeed, I have heard a rumour that there might be some other amendments that might be forthcoming. I look forward to the Hon. Carmel Zollo's performance in that regard.

The Council divided on the second reading:

AYES (10)

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

NOES (9)

| | |
|---|---|
| Elliott, M. J. | Gilfillan, I. |
| Holloway, P. | Pickles, C. A. |
| Roberts, R. R. | Roberts, T. G. |
| Weatherill, G. | Xenophon, N. |
| Zollo, C.(teller) | |

PAIR(S)

| | |
|---|---|
| Stefani, J. F. | Crothers, T. |

Majority of 1 for the Ayes.

Second reading thus carried.

## SUPERANNUATION (VOLUNTARY SEPARATION PACKAGES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 July. Page 1687.)

**The Hon. P. HOLLOWAY:** The Opposition will support this Bill, and my colleague in another place, Kevin Foley, has had a full briefing on it. This is yet another superannuation Bill before the Parliament, and a number have arisen as a result of changes to Commonwealth legislation. This Bill seeks to address the problem of the declining attractiveness of voluntary separation packages. The Bill is fairly simple in its effect, and it has been supported by the unions that are affected by the State Superannuation Scheme.

There has been a decline in the attractiveness of payments under VSP packages, and this Bill seeks to enhance the lump sums that are available and also to make available an early pension option for persons who have attained the age of 45 at the date of ceasing service. The increase in the lump sum benefits proposed in the Bill result from extending the period of the higher levels of employer subsidy beyond 30 June 1992, which is the date before the superannuation guarantee commenced, to the actual date of ceasing employment. As is pointed out in the second reading explanation, the higher level of employer subsidy on which the new formulas are based is more in line with the underlying levels of employer subsidy in the two defined benefit schemes.

The only question I would like the Treasurer to answer, and I appreciate that he may not have the answer here, concerns the likely impact of this Bill. If we are to have a Bill that is to make voluntary separation packages more attractive or at least as attractive as they were when they were first introduced back in May 1993, I would like the Treasurer to say what this indicates. I notice from the Government budget papers that under 'Abnormal items' the targeted separation payments totalling $52 million is the estimated result for the 1998-99 financial year; $40 million is estimated in the 1999-2000 budget; and a further $20 million is provided in the 2000-01 year. First, is this Bill necessary to achieve the levels of targeted separation payments that the Government indicated in the budget? Secondly, how many separation packages will be offered in the current financial year 1999-2000? Thirdly, what are the Government's targets for staff reductions?

I want to make the comment during this Bill that, in my view, it is a great pity that we did not review the effectiveness of the separation package scheme when it was first introduced back in 1993. There is no doubt that about 20 000 officers have been separated from the Public Service and I made comments about that in my Appropriation speech about the ongoing savings being between $.5 billion and $1 billion as a result of that. Could we have achieved those savings in a more effective way?

I also remember comments that Mr Ingerson made several years ago when he was a Minister along the lines that he feared that many people who had taken separation packages had effectively lost them, particularly in the retailing sector. I think those comments were in the context of the shopping and retailing debates that we had had. Given that so much money has been spent down the years, it is a great pity that, had we monitored it earlier, we might have been able to make the scheme more effective in achieving savings for the Government, but perhaps at a lower cost. That is another story and I simply make that point as an aside.

In supporting the measure and in conclusion I would like the Treasurer to at least give an indication, and an indication in writing will do, as to how this scheme will affect the level of targeted separation packages. Will it affect the budget targets given in the recent budget and can he also provide details of the number of people targeted for separation?

**The Hon. R.I. LUCAS (Treasurer):** I thank honourable members for their indications of support for the second reading. I undertake to seek the information and provide whatever information I can to the questions put to me by the Hon. Mr Holloway in his contribution.

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

## POLICE SUPERANNUATION (INCREMENTS IN SALARY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 July. Page 1687.)

**The Hon. P. HOLLOWAY:** I indicate that the Opposition supports the Bill. It is a very simple Bill which clarifies a potential anomaly in the Act. It is a longstanding principle that the retirement salaries of police officers should be based on the highest salary that they achieve. I understand that, as a result of a new incremental salary structure, there may be some doubt about that when an officer is appointed to a lower rank. This Bill simply seeks to clarify the situation. It is supported by the Police Superannuation Board, the Police Association and, likewise, the Opposition supports the Bill.

**The Hon. R.I. LUCAS (Treasurer):** I thank members for their indication of support for the Bill.

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

## GEOGRAPHICAL NAMES (ASSIGNMENT OF NAMES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 July. Page 1684.)

**The Hon. R.D. LAWSON (Minister for Disability Services):** In summing up, I thank members for their indications of support for this measure. The position of the Local Government Association in relation to councils was mentioned by a couple of members and two points were made by the association. First, it was suggested that this particular Bill had not been the subject of any consultation with the association. However, I am advised and members will be reassured to know that the Surveyor General did have discussions with the Local Government Association prior to the introduction of this measure. The association suggested that there should be specific mention of local councils and the persons or parties to be consulted in relation to certain changes. That is a position which is supported by the Government. Far be it from me in the current climate to refer to any amendments on file but, if that were to arise, they would certainly have the support of the Government.

The Hon. Paul Holloway mentioned the situation at Edwardstown and Melrose Park in historical context. I should say, of course, that the amendments we are dealing with apply only to minor alterations of boundaries, and the type of change that was there effected was a major one, would be contentious and would not be facilitated by the current amendments. However, I am advised that those living in Melrose in regional South Australia have been the ones most adversely affected by the change to Melrose Park.

Finally, reference was made, certainly in the Hon. Paul Holloway's contribution, to the fact that some proposals for changes of suburb names are made for the intended purpose of increasing property values, perceived status or the like. However, I can assure the Council that geographical names are never changed on that basis. The Geographical Names Advisory Committee and the Surveyor-General have indicated that that has never been a consideration in the past. I thank members for their support.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5.

**The Hon. P. HOLLOWAY:** I move:

Page 2, lines 22 to 26—Leave out all words in these lines and insert:

the Minister—

(c) must give written notice of the details of the proposal to each local council likely to be interested in the proposal, inviting them to make written submissions to the Minister in relation to the proposal within one month of receipt of the notice; and

(d) must cause to be published in the *Gazette* and in a newspaper circulating in the neighbourhood of that place a notice that—

(i) gives details of the proposal; and

(ii) invites interested persons to make written submissions to the Minister in relation to the proposal within one month of the publication of the notice.

I indicated the reasons for this amendment during my second reading contribution, and the Minister just foreshadowed, in a way entirely consistent with Standing Orders, that the Government was likely to support such an amendment if it arose. I thank the Government for that.

**The Hon. M.J. ELLIOTT:** I indicated during the second reading stage that the Democrats had been approached by the Local Government Association, but being aware that amendments were being prepared by the Labor Party we did not proceed and we are quite happy to support the amendment on file.

**The Hon. R.D. LAWSON:** The Government will support this amendment, which is in our view one that is merely a precautionary measure. Many parties are consulted in the course of a geographical name change, for example, emergency services, the police department, Australia Post and the

like; and local residents invariably are consulted. The Local Government Association took the view that, although none of those parties are specifically mentioned in the legislation, some mention should be made of the local government authority. It was thought that that was not entirely necessary but, as the honourable member has moved the amendment and it is supported by the Australian Democrats, the Government is quite happy to accept it.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 11) and title passed.

Bill read a third time and passed.

## AUSTRALIA ACTS (REQUESTS) BILL

The House of Assembly agreed to the Bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

Preamble, page 1, line 11—Leave out 'proposes to introduce' and insert 'has introduced'.

## RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the Bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

New clause, page 1, after line 25—Insert new clause 4A as follows:

Amendment of s. 90—Tribunal may terminate tenancy where tenant's conduct unacceptable

4A. Section 90 of the principal Act is amended by striking out subsection (2) and substituting the following subsections:

(2) If the Tribunal terminates a tenancy and makes an order for possession under this section—

(a) the Tribunal must specify the day as from which the order will operate, being not more than 28 days after the day on which the orders are made; and

(b) the Tribunal may order that the landlord must not enter into a residential tenancy agreement with the tenant in relation to the same premises for a period determined by the Tribunal (being a period not exceeding three months) (and any agreement entered into in contravention of such an order is void).

(2a) However—

(a) the Tribunal must not make an order under this section unless the landlord has been given a reasonable opportunity to be heard in relation to the matter; and

(b) if the landlord objects to the making of an order under this section, the Tribunal must not make an order unless the Tribunal is satisfied that exceptional circumstances exist justifying the making of the order in any event.

## ADJOURNMENT

At 12.22 a.m. the Council adjourned until Thursday 29 July at 11 a.m.