HOUSE OF ASSEMBLY

Tuesday 29 November 1988

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Road Traffic Act Amendment (No. 3),
Statutes Repeal (Agriculture),
Travel Agents Act Amendment.

PETITION: VETERANS' AFFAIRS

A petition signed by 187 residents of South Australia praying that the House reject any proposal to amalgamate the Repatriation General Hospital with the State hospital system or to amalgamate the Department of Veterans' Affairs with other Government departments was presented by Mr Ingerson.

Petition received.

PETITION: MORTLOCK LIBRARY

A petition signed by 224 residents of South Australia praying that the House urge the Government to increase the access hours for users of the Mortlock Library was presented by Mr Ingerson.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 3, 13, 38, 48, 66, 69, 70, 79, 83, 92, 101, 104, 106, 110, 115, 126, 130, 131, 140, 143, 145, 147, 150 and 151; and I direct that the following answers to questions without notice and a question asked during the Estimates Committees be distributed and printed in *Hansard*.

GAS GUNS

In reply to **Mr M.J. EVANS (Elizabeth)** 1 November.

The Hon. D.J. HOPGOOD: At present a review is being conducted into the Noise Control Act. Any amendments to the Act should be brought before Parliament in the first half of 1989.

Section 16 of the Noise Control Act makes it an offence to use an audible bird scaring device outside the hours of 7.00 a.m. to 7.00 p.m. if it exceeds 45 dBA on a neighbour's property. This limits the time at which gas guns can start operating near to neighbours but is considered by some complainants to be too early. Conversely, farmers claim that during summer gas guns should be started before sunrise to prevent birds damaging crops at dawn.

Research tends to indicate that gas guns should be used only about three times per hour to prevent birds becoming habituated to them. Some operators however insist on using them more frequently and this increases the potential to cause annoyance. The Noise Abatement Branch of the Department of Environment and Planning is therefore discussing with officers of the Department of Agriculture the development of a brochure, or similar, which describes the best methods of using gas guns taking account of the effect on neighbours as well as the effectiveness of the device to keep birds away.

At this stage there is no proposal in the proposed amendments to the Noise Control Act to further restrict the use of gas guns. Further discussions with officers of the Department of Agriculture may however show that operating restrictions should be able to be imposed during the day as well as an exemption procedure that could allow early starts in exchange for less use during the day. Provisions such as this may be appropriately administered by the relevant local council given their local knowledge of the needs of the farmers in their area and their neighbours.

OPHIX FINANCE CORPORATION

In reply to **Hon. J.L. CASHMORE (Coles)** 3 November.

The Hon. D.J. HOPGOOD: The replies are as follows:

1. There are no South Australian Financing Authority funds proposed for investment in the Wilpena Station resort.

2. The finance sources available to Ophix Finance Corporation are a matter for the company to negotiate in accord with normal business practice. The Government is making no financial contribution and performance and security guarantees will be prescribed in any leasing arrangement between Ophix and the Government.

BOOL LAGOON

In reply to **Mr D.S. BAKER (Victoria)** 3 November.

The Hon. D.J. HOPGOOD: An immediate investigation into the safety of two board walks at Bool Lagoon is not contemplated. However, a report has been prepared on the condition of the board walks and it is currently being considered by an Engineer in the Department of Environment and Planning. Modifications to the board walks will be undertaken as necessary. The design of the board walks was undertaken by an officer of the Department of Environment and Planning. The plans for the board walks were not required to be submitted to the local council for approval as the board walks are part of the Management Plan for Bool Lagoon. Pursuant to Section 7 (3) *(b)* of the South Australian Planning Act 1982-1988, notice of a proposed development is not required if the development is of a kind excluded from the provisions of this section by regulation.

POLLUTION

In reply **Mr FERGUSON (Henley Beach)** 5 October.

The Hon. D.J. HOPGOOD: The 'pollution' referred to by the honourable member was investigated by officers of the Department of Environment and Planning on 4 October 1988 (when sea conditions were calm) and again on 7 October when wind from the south-west was appreciable and inshore conditions were relatively turbulent. Under calm conditions on 4 October there was very little evidence of the discolouration referred to. In shallow areas where small waves were breaking, the disturbed sediments ('sand') appeared more flocculent, more easily suspended and slower to settle than one would expect in a normal sand area such as Brighton or South Glenelg.

On 7 October, during relatively turbulent conditions, the near shore areas between the Patawalonga and Semaphore were inspected with Mr D. Lewis of the Henley and Grange council. The near shore light brown discolouration was quite noticeable up to about the esplanade at Semaphore. The relatively flocculent light brown sediments were readily suspended and slow to settle and were distinctly different to the sand behaviour to the north (Semaphore Jetty area) and south (south of Glenelg Jetty)—where disturbed sand settled readily and water colouration appeared normal. In all locations there was appreciable suspended small particles of organic matter which was most likely due to broken down seagrasses and other matter. This detritus matter is normal for the metropolitan area.

A sample of the turbid seawater was taken from the Grange Jetty at 50 metres offshore and also from the end of the jetty where the water was relatively clear. The fine flocculent suspended matter which was causing the discolouration was very obvious in the nearshore sample. The material causing the nearshore discolouration between the Patawalonga and Semaphore is most likely due to accumulated alluvium constituents (mixed in with the normal sand) originating from the Patawalonga and Torrens River, as postulated by the honourable member. Prevailing south-west winds and currents cause a net littoral drift to the north in the metropolitan area (which is responsible for sand movement, south to north) and so alluvium constituents such as clay-like materials would preferentially deposit in that general area.

I have been advised that a Senior Biologist from the Engineering and Water Supply Department also inspected the area on 7 October 1988. The observations made by this officer are consistent with those of the officers of the Department of Environment and Planning.

LEGAL PRACTITIONERS COMPLAINTS COMMITTEE

(Estimates Committee A)

In reply to **Mr S.J. BAKER (Mitcham)** and **Mr HAMILTON (Albert Park)** 15 September.

The Hon. G.J. CRAFTER: The answers to the information sought in respect of the 1987-88 financial year are as follows:

1. The number of complaints received was 288.

2. The major areas of complaints related to delay, lack of communication, negligence, and costs.

3. Records are not kept in such a manner so as to disclose how many of those complaints opened during the 1987-88 financial year remained open as at 30 June 1988. As at 10 November 1988, there were about 120 current files. This number does not include those on which the committee has made a finding of unprofessional conduct and referred to the counsel or tribunal, and are therefore out of the current system.

4. The committee has the equivalent of three full-time officers at its disposal. I am advised that this number is increased if the need arises, by temporary assistance provided from officers within the Law Society of South Australia.

JOINT PARLIAMENTARY SERVICE COMMITTEE REPORT

The SPEAKER laid on the table the Joint Parliamentary Service Committee Annual Report 1987-88.

MINISTERIAL STATEMENT: POLICE PENSION FUND

The Hon. D.J. HOPGOOD (Deputy Premier): I hereby table the actuarial report on the Police Pensions Fund as at 1 July 1986, and seek leave to make a statement.

Leave granted.

The Hon. D.J. HOPGOOD: The Police Pensions Act 1971 requires the Public Actuary to investigate triennially the state and sufficiency of the Police Pensions Fund, and report to the Minister responsible. The Act further requires that the report state whether any reduction or increase is necessary in the rates of contribution payable by the contributors or in the proportion of pensions or other benefits under the Act. In his report the Public Actuary states that as at 30 June 1986 the fund had a surplus of about $5 million. It is important to recognise that this surplus represents the position of the fund on the basis of costs met from the fund itself.

The fund currently meets only 28 per cent of pension and lump sum benefits under the Act. (The reimbursement of contributions upon resignation is also met from the fund.) The balance of costs (72 per cent) for pensions and lump sum benefits together with the total cost of indexing pensions is currently met from the consolidated account. The fund surplus should therefore not be considered in isolation. Account must be taken of the total cost of the scheme to the community when assessing benefits against cost.

In an appendix to the report, the Public Actuary also reports on the projected cost of total benefits under the scheme. His projections show that, if the existing benefit structure remains unaltered, the cost of benefits will increase from 16 per cent of the police payroll now, to 22 per cent in 10 years, and to about 40 per cent in 40 years time. The fund is an essentially unfunded superannuation scheme. The fund only represents employee contributions towards the cost of benefits, and in this regard it does not meet a constant proportion of all benefits. If the Police Pensions Fund were to meet a constant proportion of all benefits as occurs under the main State superannuation fund, the fund would act as a better indicator of the cost of all benefits payable under the scheme. The Public Actuary has recommended that the fund meet a constant proportion of all benefits.

As required by the Act the Public Actuary has also considered the benefits payable under the scheme. When compared with the main State scheme, the Public Actuary considers that some benefits are poor, while in some other areas benefits are excessively generous. Particular concern is expressed about the high invalidity rates, and the indexation arrangement which the Public Actuary considers excessively generous.

Recommendations made by the Public Actuary in this report will be considered by the superannuation task force. The task force will consult with the Police Association on behalf of Government and will prepare recommendations for the future of police superannuation, for consideration by the Government.

MINISTERIAL STATEMENT: NATIONAL CRIME AUTHORITY

The Hon. D.J. HOPGOOD (Deputy Premier): I seek leave to make a statement.

Leave granted.

The Hon. D.J. HOPGOOD: I have previously advised the House of Government decisions and action taken to assure the integrity of the South Australian Police Force, and to investigate allegations of criminal activity and corruption in South Australia. I am pleased to be able to advise the House that a crucial component of the Government's anti-corruption strategy has now been formally approved. On 24 November 1988 the National Crime Authority Inter-Government Committee approved the granting of a reference to the NCA to enable it to undertake investigations into criminal activity and corruption in South Australia.

The South Australian reference is the first State-only reference granted to the NCA, and follows extensive negotiations between the South Australian Attorney-General (Hon. Chris Sumner), the Federal Attorney-General (Mr Lionel Bowen), and the National Crime Authority. The South Australian reference approved by the inter-governmental committee will enable the investigation of, amongst other things, outstanding matters arising from the NCA's interim report; allegations arising from the Masters report; the Mr X transcripts; and allegations made in Parliament.

I now table a copy of the notice of reference to the authority signed by me for the State of South Australia. I point out to the House that it is not appropriate to disclose the identity of persons referred to in the notice as having been identified to me by the authority as the subject of the authority's attention. The inter-governmental committee also endorsed legislation to amend the National Crime Authority Act 1984 (Cth.) to enable the appointment of additional members to the authority for specific investigations.

The legislation has been introduced into the Federal Parliament, and passage is expected in early December. At that time, and subject to inter-governmental committee approval, an additional member will be appointed to conduct investigations and hold hearings in South Australia. A highly qualified and experienced barrister has been approached, and indicated a preparedness to undertake the appointment. The nomination is acceptable to the NCA, the South Australian Government, and members of the inter-governmental committee. Formal approval must of course await passage of the legislation. It is expected that, once appointed, the member will commence duties before the end of 1988.

Arrangements are in hand for the establishment of an office in Adelaide. In addition to the new member, the office will comprise counsel assisting, seconded lawyers and accountants, special investigators, surveillance officers, intelligence analysts, seconded police officers, and administrative and other support staff. As previously reported, costs associated with the reference including the establishment of an Adelaide office will be met by the South Australian Government. The 1988-89 costs are currently estimated at $1.1 million in subject to operational requirements.

Finally, let me reiterate the Government's determination to tackle crime and corruption in this State. The Government's approach in successfully seeking direct NCA involvement is the most appropriate course of action. The NCA has extensive powers of investigation including coercive powers—requiring witnesses to attend hearings, answer questions, and produce documents. The NCA has an extensive national intelligence network, and has national jurisdiction allowing it to investigate across State borders.

PAPERS TABLED

The following papers were laid on the table:

By the Chief Secretary (Hon. D.J. Hopgood)—

Police Pensions Fund—Report—As at 1 July 1986.
South Australian Reference to the National Crime Authority.

By the Minister of Transport on behalf of the Minister of State Development and Technology (Hon. L.M.F. Arnold)—

Port Pirie Development Committee—Report, 1987-88.

By the Minister of Education (Hon. G.J. Crafter)—

Commissioner for Consumer Affairs—Report, 1987-88.
Justices Act 1921—Rules—Court Fees.
Supreme Court Act 1935—Court Rules—Pretrial Conference.
Legal Practitioners Act 1981—Regulations—Indemnity Insurance Scheme.
Local and District Criminal Courts Act 1926—Regulations—Local Court Fees.
Supreme Court Act 1935—Regulations—
Interpreter and General Fees.
Probate Fees.

By the Minister of Aboriginal Affairs (Hon. G.J. Crafter)—

Aboriginal Lands Trust—Report, 1987-88.

By the Minister of Health (Hon. F.T. Blevins)—

Controlled Substances Advisory Council—Report, 1987-88.
Radiation Protection and Control Act 1982—Regulations—Fees.
Aids: A Time to Care, a Time to Act: Towards a Strategy for all Australians, Policy Discussion Paper, 1988.

By the Minister of Correctional Services (Hon. F.T. Blevins)—

Department of Correctional Services—Report, 1987-88.

By the Minister of Forests (Hon. J.H.C. Klunder)—

South Australian Timber Corporation—Report, 1987-88.
Forestry Act 1950—Proclamation—Hundred of Kuitpo.

By the Minister of Labour (Hon. R.J. Gregory)—

Occupational Health, Safety and Welfare Act 1986—Regulations—Licence for Asbestos Removal.

MINISTERIAL STATEMENT: AIDS

The Hon. F.T. BLEVINS (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. F.T. BLEVINS: Members will be aware that last Tuesday the Australian Minister for Community Services and Health tabled in the Federal Parliament one of the most significant documents to be placed before the Australian people. I refer to the policy discussion paper *AIDS: A Time to Care, a Time to Act: Towards a Strategy for all Australians.* The discussion paper is the first step in the development of a national strategy to guide Australia in the management of AIDS during the next stages of the epidemic.

My Federal colleague said:

> The harsh reality for Australia is that the AIDS epidemic in this country is still in its infancy: the long haul is only just beginning. We now stand at the threshold of a new period in our response to the epidemic, a period in which we must make difficult choices about how we deal with AIDS in the decades ahead—choices which will dictate the success or failure of our attempts to stem the tide.

The advent of Human Immunodeficiency Virus (HIV) is a public health problem affecting every Australian. HIV has already taken a great toll on the Australian community. As at this month, the country has suffered 1 079 cases of AIDS; 525 of those people are dead. It is estimated that between 15 000 and 25 000 people are infected with the virus. In South Australia we are fortunate to have had a comparatively small number of infected people—274 as at the end of October 1988, including 30 with AIDS, of whom 14 have

died. The incidence of AIDS per head of population in this State is the second lowest in Australia. However, there is absolutely no room for complacency. It is estimated that we could have up to 1 000 antibody positive individuals and between 100 and 200 cases of Category A AIDS by 1992. The stark reality is that—

- there is presently no cure, nor is there likely to be one in the next five years;
- there is no vaccine available;
- preventive measures must be followed, which involves persuading people to change their behaviour to protect themselves.

In 1987 the Government released an expanded strategy to combat AIDS in South Australia. The strategy was designed to be both comprehensive and flexible, to allow for—

- an increase in demand for testing, counselling, treatment, and associated services;
- an increase in demand for comprehensive education and information services to the public, and to identified special risk groups;
- a requirement to develop, coordinate and implement a variety of approaches to meet the needs of identified special risk groups.

We have vigorously pursued the implementation of that strategy, and will continue to do so. However, we have always recognised that we must continue to review the nature and extent of the strategy to meet current and foreseeable future needs. The tabling of the policy discussion paper in the Federal Parliament and in the other Parliaments around the country is an important step in this process. A community wide effort is required to control the spread of HIV, the virus which causes AIDS: health authorities alone will be unable to do so.

The discussion paper does not represent Federal Government policy, or the policy of any State or Territory Government. Rather, it presents facts, issues, options and arguments. The first part of the paper outlines what is known about the HIV epidemic in Australia: how many people might be infected; how infection has and has not occurred; the way infection affects people; what evidence we have of people changing their behaviour; and the resources—human and financial—demanded, to date, by the epidemic.

The second part of the paper proposes a framework for a National AIDS Strategy, and identifies three broad objectives for such a strategy: to minimise transmission of the virus; to support, care for and to treat infected people; and to educate and to prevent the infection of people who care for infected individuals.

It is in the second part of the paper that the most difficult and frequently emotive issues are presented for debate; testing, contact tracing, legal impediments to prevention programs, prevention strategies in prisons, occupational transmission and workplace education (to name a few). The discussion paper canvasses numerous sensitive issues in a frank and forthright style. In tabling the document in this Parliament I share my Federal colleague's hope that it will be read and discussed by every section of the Australian community. I urge that all members approach the matter in a bipartisan manner. If we are to develop a national strategy to combat this insidious disease, we need the active support, cooperation and understanding of members on both sides of the House and of the wider community of which we are all a part.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Tandanya Aboriginal Cultural Institute,

Golden Grove High School and Golden Grove shared secondary facilities (Stage 2),

Settlers Farm School, Paralowie South-West (Stage 2).

Ordered that reports be printed.

QUESTION TIME

NATIONAL CRIME AUTHORITY

Mr OLSEN (Leader of the Opposition): In relation to the terms of reference that the Minister of Emergency Services disclosed this afternoon (under which the National Crime Authority will undertake further investigations in South Australia) will he reveal over what period the criminal activities to be investigated are alleged to have occurred and whether the NCA has been provided with any information by defendants in the recent Penfield marijuana crop case which is to be further investigated?

The Hon. D.J. HOPGOOD: The key to the investigations of the NCA, apart from what the honourable member already has in front of him, is a list of names that has been agreed. So far as I am concerned, that is timeless. If the NCA wants to investigate the activities of a particular individual in 1948 that is, so far as I can see, within the terms of reference that have been agreed. So no limit at all has been placed on that aspect of it. I think that the honourable member understands why it would be inappropriate to release the names.

As to the second part of the question, I do not know. I will get the information for the honourable member if it is appropriate that it be made public—otherwise, I guess I can tell him privately.

RAILWAY SIGNALLING SYSTEM

The Hon. R.G. PAYNE (Mitchell): Will the Minister of Transport explain to the House the rationale behind the replacement of the signalling system on State Transport Authority rail lines, and why have delays been experienced in recent days? Most members and you, Sir, are aware that some replacement program was under way but, according to my viewing of the media recently, there have been some delays associated with trains being stacked up, and so on, causing people to be delayed in attending work.

The Hon. G.F. KENEALLY: I thank the honourable member for his question; I know that he would be concerned about the disruption of the STA rail service over the past two weekends and certainly the Mondays following those weekends. I want to apologise, as the Minister for Transport and on behalf of the STA, to all South Australian commuters who were either minimally or, more particularly, grossly disadvantaged on some services last Tuesday and Wednesday, and Monday of this week. The disruption and delays were extensive and I trust that those people who are long-term STA customers or commuters do not lose their confidence in the authority and move to other forms of transport. I can assure them that the worst is over, and so it should be.

The previous signalling equipment had been in place since 1915 and, frankly, it had come to the end of its useful life

and it was appropriate to replace it. In fact, the decision to do so was made in 1982 and the installation of the new signalling equipment has progressed since then. The major changes in the Adelaide Railway Station yard had to be made over the past two weekends, and that caused the major disruption. There had to be some benefits for the commuters, the STA and the taxpayers of South Australia to make that sort of dislocation worthwhile in the long term.

I point out that some of the benefits of the new system include increased safety and reliability, it is more economic and therefore cheaper to operate, and there is more operational data for train drivers, traffic controllers, station masters, etc. The new system will also provide more information to the public about the running of the service—for instance, by the use of VDU screens at selected stations and the provision of passenger-activated information at other stations. This is a badly needed facility for the rail commuters of South Australia. It will also permit more flexible scheduling of trains. There will be considerable advantages to commuters and the system that will improve the service and make it more attractive to South Australians.

Extensive delays were experienced yesterday afternoon. The authority acknowledges that there were delays of 10 to 20 minutes in the morning, but during the middle of the day it looked as if those problems had been overcome. Unfortunately, there were some gremlins in the software which tended to break down and delays in excess of an hour were experienced last evening. In fact, there were some delays of between 60 minutes and 100 minutes. The consultants and contractors worked overnight to change the software in the train describer system and, from the beginning of the service at 4.30 this morning until 10 a.m., the delays were minimal. I checked just prior to coming into the House this afternoon and the same situation applies now. In fact, only 18 trains arrived late in Adelaide, one being 11 minutes late, one six minutes late and all the others were five minutes late or less. The rest of the services were on time.

To the best of my ability at this stage, I assure Adelaide commuters that, unless there is a malfunction that no-one is aware of, all the inconveniences are at an end and the very good and safe signalling system to which the people of Adelaide are entitled is now in place.

NATIONAL CRIME AUTHORITY INVESTIGATIONS

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): Without identifying the names, will the Minister of Emergency Services state how many people have been identified for further investigation by the NCA?

The Hon. D.J. HOPGOOD: From memory, it is a couple of dozen or a number of that order.

An honourable member: And I'm not one of them.

The SPEAKER: Order! The honourable member for Newland.

Members interjecting:

The SPEAKER: Order! The honourable member for Newland has the call.

NATIONAL PARKS

Ms GAYLER (Newland): Is the Minister for Environment and Planning aware of the re-release of the Liberal Party policy on national parks? What effect would it have on planned tourism developments in national parks, particularly the Wilpena proposal, compared with the policy released recently by the member for Coles at a seminar hosted by the Environment Protection Council (EPC)?

The Hon. D.J. HOPGOOD: I have had a look at the policy, at least to the extent that it has been reported in the *Advertiser* by Mr Rex Jory, and I think I can confirm that it is the same policy that was released by the member for Coles at an EPC seminar several weeks ago. I find this very interesting because, apparently, the release of this policy has been hailed as the reason why the member for Coles can again make statements on the Flinders Ranges. That is what we are told yet, in effect, it is a policy that was brought down before she was gagged. That is strange. The policy itself is pretty vague. It talks about three year plans in almost good Leninist fashion but it goes on to say (and this seems to be the closest it gets to talking about Wilpena—and that is a serious matter):

> The Liberal Party believes that where visitor facilities, including accommodation, are located inside parks, they should be appropriate in scale, nature and quality to the essential purpose of parks.

That seems to be perfectly reasonable, indeed in line with what the Government is attempting to do in the ranges. I turn now to a more specific statement made by the Leader in the *News* on Wednesday 23 November, as follows:

> We are supportive of a development at Wilpena Pound—

Mr Olsen: You bet!

The Hon. D.J. HOPGOOD: I am coming to this. The statement continued:

> . . . which has a design concept which will not detract from the national park and which can provide much needed quality and controlled tourism facilities to the Flinders Ranges.

So do I. It is about time the Leader stood up and was counted on this, because his spokesperson did not clarify the position any better in her speech to 500 people on the front steps of Parliament House today—not at all. If they are at one, let us hear what they are at one about. The Government's position is beautifully simple. We support the proposal, subject only to whatever caveats may be—

Members interjecting:

The SPEAKER: Order! The honourable Minister of Agriculture is out of order. The Deputy Premier.

The Hon. D.J. HOPGOOD: We support the proposal subject only to whatever caveats may come from the assessment of the environmental impact statement, which is perfectly in line with the Planning Act and normal procedures. At no stage has the Leader been prepared to stand up and say whether he supports or opposes the present proposal. Let him show some leadership. That is not good enough from the alternative government.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order specifically.

Mr Olsen: The Minister of Agriculture knows.

The SPEAKER: The Minister of Agriculture has already been called to order. The honourable member for Morphett.

PUBLIC SECTOR CORRUPTION ALLEGATIONS

Mr OSWALD (Morphett): I direct my question to the Minister of Emergency Services.

The Hon. R.G. Payne: Is it a question on Jubilee Point?

Mr OSWALD: In—

The Hon. E.R. Goldsworthy: No, Anstey Hill.

The SPEAKER: Order! The honourable member for Morphett has the floor, not the Deputy Leader or the member for Mitchell.

Mr OSWALD: My question to the Minister for Emergency Services is as follows. In relation to the ministerial statement that he made to the House on 16 August this year, in which he said, in part, 'No evidence has been produced of corruption in the public sector generally,' does this statement still stand or will the further NCA investigations related to allegations involving South Australian Government departments or agencies other than the Police Force be undertaken, and, if so, how many?

The Hon. D.J. HOPGOOD: As to the brief, the reference is wide enough for the area that the honourable member identifies to be investigated. However, I repeat my statement that no evidence has been placed before me or, as far as I am aware, the Police Commissioner or the NCA to suggest that such an investigation is necessary. However, out of an abundance of caution the brief is so worded that such investigations can take place should any such evidence come forward during the period of the NCA's involvement in this State.

HALLETT COVE PRISON

Mr ROBERTSON (Bright): I address my question to the Minister of Correctional Services. Is the Department of Correctional Services planning to construct a prison on the site of the former Noarlunga City Council dump at Lonsdale? Last Tuesday my office received a phone call from a resident of Hallett Cove who advised me that a public meeting had been called for the following night to discuss this issue. I subsequently learnt that the meeting had been called by the local progress association in a special newsletter, distributed the previous evening. The newsletter was headed 'Prison for Hallett Cove—Fact or Fiction?'. The newsletter went on to catalogue a long list of achievements by the association and mentioned a number of local issues which remain unsolved. It also said that the most recent AGM had been poorly attended and that a handful of people left on the committee were worn out and over-committed. The newsletter went on to say:

> Our next meeting—

which is to say the meeting on the prison issue—

> will decide whether the association continues or folds up.

Residents were exorted to join that committee. The newsletter also stated:

> Authorities have remained tight lipped on this issue—

namely, the proposed prison—

> with those concerned denying all knowledge.

I have received no direct inquiries on this subject, and my office has not received any inquiries from the progress association. In the light of that, I wonder who indeed has been tight lipped on this subject.

The Hon. F.T. BLEVINS: I thank the member for Bright for his question. The newsletter of the Hallett Cove Beach Progress Association Inc. was drawn to my attention. It caused a bit of mirth, actually, in the correctional services area. The item that drew mirth was entitled 'Prison for Hallett Cove—Fact or Fiction?'. Also, besides the quote that was given by the member for Bright, there was another quote which amused me, as follows:

> One has only to think back to the secrecy surrounding the construction of the Noarlunga remand centre to realise how easily a community can be caught totally unprepared.

That is one of the best kept secrets that I have heard because, of course, there is no remand centre at Noarlunga, to the best of my knowledge—and I think I would have heard about it by now. It does seem a pity, though, in relation to a progress association which has obviously done a great deal of good work, such as is the case with the Hallett Cove Beach Progress Association (and the good work that has been done has been brought to my attention from time to time by the member for Bright) when somebody puts together a newsletter like this perhaps designed to frighten people but certainly intended to get them along to a meeting. Whoever the individual was, I think it is fairly mischievous to resort to this sort of subterfuge. Let me again put the record straight.

There are no plans for a prison at Lonsdale. Even if we wanted one, we could not afford to build it. We have just spent $20 million on building a medium security facility at Mobilong, and a further $15 million is being spent on upgrading the high security section at Yatala. There is no need for another prison, and there is no money to build one. I also want to caution the progress association against claiming credit for having stopped the construction of a prison. It is difficult to stop something that has never started. Far from stopping the project, there is some reason to believe that the progress association deliberately fanned the rumour in order to ensure a successful turnout at its meetings. We all have problems getting turnouts at meetings from time to time.

I am advised that it had been decided to wind up the association if the crisis meeting failed to attract a big turnout, and it is very likely that the prison issue was deliberately used to create a climate of panic in the community in order to build support for the progress association. Perhaps that was a little lighthearted, but there is a serious issue here—South Australia's need at some time in the future for another prison. There is no doubt in my mind that, over the next 10 years, if the huge increase continues in heavy sentences being handed down by the courts for the more serious crimes of murder, rape, armed robbery, etc, at some stage well into the 1990s another high security institution will be required. It certainly will not be required over the next five years, and we may get away with it for 10, but we are building up within our prison system a large number of prisoners who will be with us for decades. That is very unusual and something that has not happened before in modern South Australian history.

What the courts have done, at the urging of the Government, is hand down huge penalties for murder, armed robbery, rape and those more serious offences. We have gone into the courts and argued for these penalties, but as a result of those sentences there is a cost to be met in the physical facilities required to contain these people over the many decades during which they will be within our system.

Whilst the courts are doing the right thing, I warn the taxpayer that perhaps 10 years down the track all these people will be requiring high security accommodation for decades. I am not even sure where Lonsdale is, as a matter of fact, and I do not know where this particular rubbish dump is, but there are certainly no plans to build a new prison there or, indeed, anywhere else in South Australia. However, it is interesting—and I will finish on this note—that a country town in the electorate of one of the members opposite—no names—has requested that I give all the information as to what a new prison will entail—how much employment, etc, it would mean for that country town.

Members interjecting:

The Hon. F.T. BLEVINS: Yes, and I think that the member for Murray-Mallee would agree that the Mobilong prison at Murray Bridge is a real asset to his area.

MARIJUANA CASE

The Hon. B.C. EASTICK (Light): My question is directed to the Acting Attorney-General: will he say whether the Crown agreed, during the recent court case relating to the Penfield marijuana crop, that the value of the crop should be halved and that one of the defendants, Gianni Malvasso, should be allowed to plead guilty to a lesser charge; and, if so, will he give the reasons for these decisions? During the committal stage of this case, and during the Supreme Court hearing of charges against the former head of the Drug Squad, Moyse, the value put on this crop was $4 million. However, a report in last Thursday's *Advertiser* stated:

> The crop originally was valued at $4 million but this was reduced to $2 million during the trial.

When those charged in relation to this crop first appeared before the courts in May last year the charges laid against them were for 'conspiracy to produce, supply and sell cannabis'. The Supreme Court calendar for November, published in the *Government Gazette* on 27 October, shows that the charges against Malvasso at that stage still referred to conspiracy as well as to the production of cannabis. However, it appears that, when his guilty plea was taken in the Supreme Court during the case which ended last week, this related only to a charge of producing cannabis and not to the additional charge involving conspiracy.

The Hon. G.J. CRAFTER: I have no personal knowledge of the circumstances of the matters to which the honourable member refers, but I will certainly get a report on them from the Crown Law Department. However, as to the unusual nature of the situation, as outlined by the honourable member, I suggest in many trials the circumstances require a change in the nature of the charges. That is not an unusual set of circumstances.

The Hon. B.C. Eastick interjecting:

The Hon. G.J. CRAFTER: However, I will obtain a report. I would also point out that those persons involved in the trial and found guilty are facing substantial sentences.

HAYWARD DISTRICT ROADS

Mrs APPLEBY (Hayward): Can the Minister of Transport give an assurance that priority will be given to the following remedial work in my district: the Diagonal Road-Prunus Street and Diagonal Road-Dunrobin Road intersections; unreasonable time delays at Oaklands level crossing, not only at peak periods; and the Crew Street and Pemberton Street domestic and bus accesses? Following the on-site inspection last Thursday with the Minister, the Commissioner of Highways, officers of the State Transport Authority and representatives of local government, my constituents believe that the problems involving the areas inspected should now receive urgent priority. Development of the locality on the present estimates will place additional pressure on the points as well as on Diagonal, Morphett and Sturt Roads, and, subsequently, Marion and Brighton Roads.

The Hon. G.F. KENEALLY: I thank the honourable member for her question and also for arranging the on-site inspection that I was able to attend last week with the Commissioner of Highways, the General Manager of the STA and other officers from both those agencies. Clearly, the long-term resolution of the problem that exists at that configuration of road intersections is grade separation at the Oaklands level crossing. Whether that be road over rail or rail over road is something that the Government needs to look at. It is possible that a rail overpass, as provided on Marion Road, is the cheapest and most effective option. However, that would be a long-term option to be implemented only when funds were available.

In the meantime, some remedial work is clearly required, as the honourable member has mentioned. Such remedial work could well involve moving the pedestrian crossing lights north of the Dunrobin Road-Diagonal Road intersection back to that intersection. We would have to link that in with the lights at the level crossing; otherwise it would only create a bigger problem. These matters have been brought to the attention of the agencies for which I have responsibility. We acknowledge that they require urgent attention and examinations are now taking place. When I am in a position to do so I will advise the honourable member of what actions are necessary.

Having been at those intersections outside of peak periods—which is really not fair to the people who both live alongside them and use them because they are demonstrably busier at peak periods than at non-peak periods—I can say that there is considerable traffic flow and, quite interestingly, the number of vehicles per hour moving through that group of intersections is greater in the afternoon than it is in the morning, so the peak period really starts after lunch and increases until one moves into the 5 p.m. to 6 p.m. timeslot. There is a problem. We will look at it, and I will bring back a report for the honourable member.

BUILDERS LABOURERS FEDERATION

Mr S.J. BAKER (Mitcham): I address my question to the Minister of Labour. Will the South Australian Government initiate deregistration proceedings against the Australian Building and Construction Workers Federation in South Australia, more commonly known as the Builders Labourers Federation, to stop this rogue union continuing to threaten major building projects in South Australia and forcing up building costs to levels which will discourage further investment? Repeatedly between 1985 and 1987 the South Australian Government rejected calls from the Opposition and employers to initiate deregistration proceedings against the BLF that were similar to those taken by the Commonwealth, Victorian and New South Wales Governments.

The Government's refusal allowed this union, in March this year, to establish its national headquarters in Adelaide. Since then, its activities have been marked by continuing disruptions to building projects. In June the union halted work on major metropolitan building sites for an extended period. This coincided with reports that the union had moved into South Australia more than $750 000 in union funds being sought by the Victorian Government and that an official of the union had gone to Libya to seek financial support.

At present, further industrial action initiated by the BLF immediately threatens three major projects with delays which could impose costs and penalties on contractors and subcontractors running into millions of dollars. This latest action is part of a BLF push to widen its work coverage in South Australia. In recent months union action of this sort has put further pressure on building costs in Adelaide. A pace setting site allowance for the Myer-Remm development will increase the construction cost by almost $20 million, while latest figures from the Master Builders Association show that on-costs add two-thirds to the weekly wage of a building worker. For example, the total cost to a building company—

Members interjecting:

Mr S.J. BAKER: This is important.

Members interjecting:

The SPEAKER: Order! I ask the honourable member for Mitcham to resume his seat. There may be an important point or two that the honourable member for Mitcham wishes to make by way of introducing facts to explain the question, but he should have done so earlier in his explanation rather than making a speech. However, I will allow him leave to continue.

Mr S.J. BAKER: Sir, I was just noting that the total cost to a building company to employ a bricklayer for a week is now just over $1 011. Many employers in the building industry are now saying that these costs will escalate even more if the BLF succeeds in its aim to widen its control—and that comment has been made by the builders—of workers, and they are looking to the State Government to take decisive action against the union.

The Hon. R.J. GREGORY: I thank the honourable member for his question. In the past he has made a lot of statements of an inflammatory nature about the activities of the Builders Labourers Federation.

Members interjecting:

The SPEAKER: Order! The honourable Minister has the floor.

The Hon. R.J. GREGORY: Demarcation disputes are always of concern to the Government and to the people who are involved in the industry.The parties involved are using the services of the Arbitration Commission and the State Industrial Commission—both organisations being established under the laws of the Commonwealth and the State respectively—and it is not proper for the Government to interfere in that process at this stage.

Mr S.J. Baker interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. R.J. GREGORY: It is not proper for us to interfere at this stage.

Mr S.J. Baker: Why not?

The SPEAKER: Order! I warn the honourable member for Mitcham to cease interjecting. The honourable Minister.

The Hon. R.J. GREGORY: As I said earlier, it is not proper for us to do that at this stage. During the past two weeks, I have been advised of the progress of the dispute but never at any time has any employer organisation approached my office seeking assistance in this matter.

Members interjecting:

The SPEAKER: Order! The honourable Minister has the call.

The Hon. R.J. GREGORY: The only contact I had with representative employers was on Friday night when I was advised of the position at that time. I am hopeful that the conferences taking place at this stage will prove successful in solving this dispute. However, I might add that the only ones to call for deregistration of this organisation are the *Advertiser* in its editorial this morning and the member for Mitcham (in his constant mouthings) who, in doing the circuit around Adelaide, has made a number of threats about the deregistration of building unions which leave employers white. I am amazed at that because the Liberal Party has a policy of individual organisations bargaining out on the job. Here we have this bargaining procedure in progress—exactly what the Liberal Party wants, has asked for and claims that it will legislate for, and then its members complain about it.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: Liberal Party members complain about inaction—

Members interjecting:

The SPEAKER: Order! Will the honourable Minister resume his seat for a moment. The Chair has allowed Question Time to proceed according to traditional standards. However, I cannot allow interjections to accumulate to a level where they amount to deliberate harassment of a reply. The honourable Minister.

The Hon. R.J. GREGORY: Further, there are many claims from the member with respect to the Builders Labourers Federation or the Australian Building and Construction Workers Federation in this State, but he has never made any attempt to validate those claims and lay the information where it ought to be. Today I wrote to him reminding him of some things that he said in this House several days ago. For the information of the House, I will read the letter. It states:

I refer to your motion concerning 'Asbestos safety measures' which was moved—

Mr S.J. BAKER: On a point of order, Sir.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham can raise a point of order without being harassed.

Mr S.J. BAKER: The subject matter that the Minister is going to raise was delivered to me this morning. It is not relevant to this debate and, if he wishes to wait until Thursday, he can have his opportunity then.

The SPEAKER: Order! I cannot uphold the point of order. Traditionally Ministers have been permitted to contribute whatever relevant information they believe—

Members interjecting:

The SPEAKER: Order!—should be provided to the House, although I ask the Minister to bear in mind the usual requirements with respect to time. The honourable Minister.

Members interjecting:

The SPEAKER: Order! I call to order the Minister of Health, the Minister of Housing and Construction and the Leader of the Opposition.

Mr Gunn interjecting:

The SPEAKER: Order! I call the member for Eyre to order.

The Hon. R.J. GREGORY: The letter states:

I refer to your motion concerning 'Asbestos safety Measures' which was moved in the House of Assembly on 10 November 1988. In your speech you made reference to a number of issues concerning asbestos together with serious allegations relating to the building industry. In particular you inferred and I quote directly from the *Hansard* record of your speech:

> I am well aware of a number of problems that have occurred in this industry over a period of time. I have received phone calls about certain sites where asbestos is being removed by persons who are not members of a little cartel arrangement and where there has been harassment taking place. A nice cartel arrangement exists in South Australia where money changes hands. There is also a suggestion that Government contracts are being pushed in a certain direction because of the arrangements that pertain in the industry. If the Minister wants a full expose of what I have been informed over two years about what is happening in the asbestos removal industry, I will give it to him in my reply or earlier.
>
> I put the Minister on notice that the dirty, smelly little deals that are going on in that industry today cannot be condoned. They are a subject of extreme concern to the people involved in the industry and to employer groups in this town. Graft should not be condoned in any shape or form. I put the Minister on notice that there may well be a referral to the National Crime Authority if the industry is not cleaned up within the next six months. I believe that everyone should be given the opportunity to clean up the mess that exists in South Australia at the moment. Should that not happen, further action will be taken. I can assure the Minister of that. The Minister knows that I am a man of my word and, if I believe in something, I will never resile from pursuing it with a great deal of vigour.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The letter continued:

In responding to your motion I clearly indicated that if you have any information regarding people in the building industry receiving secret commissions in the way of bribes or kick-backs then that information must be passed on to the appropriate authorities. Pursuant to the Secret Commissions Prohibition Act 1920, charges can be laid against persons involved in offences against this Act. As you would be aware the National Crime Authority is now establishing an office in Adelaide and an opportunity exists for you to provide that authority with any information. Similarly the State or Federal police would be obliged to act on any information which can be substantiated concerning your allegations. If you have not already passed the information you have to the appropriate authorities, I strongly urge you to do so without further delay so your claims can be properly investigated and any necessary action taken.

If the member for Mitcham has information about these allegations but has not passed on that information to the appropriate authorities, he is in contravention of the Act by keeping it to himself. As a citizen, he is obliged to pass on that information and, if he has not done so, that means he does not have it.

WORLD GAMES FOR THE DEAF

Mr TYLER (Fisher): Will the Minister of Recreation and Sport advise what assistance has been or will be given to the South Australian Deaf Sports and Social Club Incorporated to enable it to support members of the club who will participate in the World Games for the Deaf to be held in Christchurch, New Zealand, in January next year? Several of my constituents are members of the club and have advised me of their wish to participate in the games. I have been told that the South Australian team will be required to attend a training camp at the Australian Institute of Sport in Canberra from 27 December this year until 4 January 1989. The team will depart directly from Canberra for New Zealand. They advised me that they sought a grant from the State Government to help cover the expenditure involved but their application was declined.

The Hon. M.K. MAYES: The honourable member has been very active in support of the application by the Deaf Sports and Social Club and has raised the matter over the past month or so with regard to the opportunities that the State Government has in supporting the attendance of South Australian athletes at the games in Christchurch. The Government's policy has been to encourage able bodied and disabled athletes to operate under the umbrella or peak groups which represent them. For example, for the Olympic Games, the Commonwealth Games and the Paralympics, respective federations represent the various organisations.

The Deaf Sports and Social Club is not affiliated under the Paralympics banner and a couple of other groups are in the same category. The State Government has a policy of supporting athletes, where possible, at the three major events—the Olympic Games, the Paralympics and the Commonwealth Games—and of encouraging, where possible, international sporting and recreational events in South Australia. Support would be offered from the budget for such events and I could name numerous events staged in South Australia that have been supported over the period I have been Minister and in my predecessor's time. That support has been in cash and kind and involved organisational support as well. Those guidelines are in place. The difficulty is that the World Games for the Deaf does not fall within those guidelines generally.

What I asked the department to do was, first, to take up the matter with the Paralympics and the Confederation of Disabled Sports representatives to see whether or not we could get a qualification for the deaf to fall within that category. Unfortunately, there seems to be some resistance, at both State and Federal levels, from both organisations to go within that category. So, again, we have faced something of a dead end with that avenue of address.

In relation to the other options, I think we must look at a policy which clearly catches a number of these groups. As we have gone further into this we have found one or two other groups in addition to those groups that we had already identified. I have asked the department and the Recreation Institute, which is now charged with the responsibility of administering these policies, to review the policy in total. Prior to the article that was published in the *Sunday Mail*, I had approved a decision to offer interim support for the athletes to attend the World Games for the Deaf in Christchurch next year. In fact, had the *Sunday Mail* journalist taken the trouble to contact my office or the Recreation Institute, that journalist would have been informed of that decision.

In relation to our funding, subject to the policy statement being prepared, we will offer on an interim basis financial support in order for those people to attend. I might say that, as I understand it, most other States have refused support; I think that only Victoria has offered any support to the association. Obviously, Victoria suffers the same dilemma that we do with regard to policy. So, we can in fact top up those funds which have already been given by the Australian Institute of Sport to assist the athletes to attend the games. We will review the policy so that we catch all those groups. We are not dealing just with the deaf; a couple of other groups, as I say, come within the disabled category but do not come under the current umbrella of the Paralympics or the Confederation of Disabled Sports.

This is a difficult situation and I think it is one of those that opens new territory. We must look very carefully at the policy situation. However, I am pleased to advise the House and the community that we will provide some funding on an interim basis. This is qualified by the fact that we will have to review the policy. The Recreation Institute will be in touch with those appropriate bodies in determining the policy, and we will have further discussions and negotiations with the appropriate representatives of those bodies in order to finalise the policy.

I am pleased to say that the honourable member's presentations and approaches to me, along with the approaches made by the South Australian Deaf Sports and Social Club have brought some success. I am delighted to be able to offer support. I am sorry that it has taken us so long to come to this point, but I hope that people understand that we are in a difficult dilemma. We would certainly prefer to be able to offer support and sponsorship through the umbrella group. If that is not possible, if we cannot get people to move to accept that situation, obviously we will have to find a policy situation which allows us some way of supporting that and yet not contravening the general policy with regard to international sport.

Finally, I wish our athletes great success. I know that they certainly will be successful, because many of them are at the top of the elite athletes who will be representing not only Australia but also other countries which will be represented in Christchurch. I am sure that they will have a very successful games. I simply point out that, had the *Sunday Mail* journalist bothered to contact my office to get our side of the story and hear what was said, that journalist would have been able to write a different story entirely—because on 23 November I had approved funds for the attendance of the athletes at the games.

WILPENA RESORT

The Hon. J.L. CASHMORE (Coles): Will the Deputy Premier advise the House whether he has any knowledge of the source of finance backing Ophix Pty Ltd, claimed to be a $4 company, developer of the proposed Wilpena Resort and, if not, why not? If so, are any Japanese funds involved? In particular, has Kumagai Gumi expressed an interest in the project? What conditions have been placed by the financial backers on the nature and components of the resort? What performance and security guarantees will be prescribed in any leasing arrangements between Ophix and the Government?

The Hon. D.J. HOPGOOD: I can answer some of that—all, of course, will be revealed when the lease agreement is signed with the developers, should indeed that signature take place following the working through of the process that we are going through at present. I am certainly not aware of—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I am certainly not aware of any Japanese money being involved at all. Were that the case, I would have no qualms, but I am not aware of any involvement at all. It is interesting that the honourable member makes much of this $4 company. What she is saying is that Ophix is a private company. Well, that has been long known. Nobody had to go and search information in order to get that sort of knowledge. The honourable member could have rung up Mr Bruce Leaver, and he would have been prepared to give that sort of information. The honourable member asks what will the developers or their backers be in a position to demand in relation to the way in which the development proceeds. I make perfectly clear, as will be made clear when the lease is available for scrutiny, that in fact it is the Government, through the National Parks and Wildlife Service, which will be determining exactly what the conditions are. If the developer is not prepared to accept those conditions, there is no development; there is no project. It is the Government that will determine what lease will be paid—

Members interjecting:

The SPEAKER: Order!

Mr Gunn interjecting:

The SPEAKER: Order! I call the member for Eyre to order for the second time today.

The Hon. D.J. HOPGOOD: He supports the project, too—I am amazed. It is the Government that will determine what amount is paid on the lease and it is the Government that will determine the term of the lease. It is the Government that will determine the nature of the project, the way in which effluent from the project will be treated, the amount of water that can be drawn down from the local aquifers, and all of those sorts of matters. That is one of the reasons—and the honourable member does not seem to be able to understand this—why the project is being developed in an area which has been placed under the National Parks and Wildlife Act. Having purchased the former Hunt property, the Government could have left it outside the park. It would have been so much more difficult then to secure the controls.

The Hon. J.L. Cashmore interjecting:

The Hon. D.J. HOPGOOD: The honourable member needs to get the call again, Mr Speaker; she forgot some components of her question. It would be so much more difficult to secure those controls if the development was to occur outside the park where there was no protection of national—

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order! The Deputy Premier should not be subjected to harassment by the honourable member for Coles.

The Hon. D.J. HOPGOOD: I have to say that I have a bit of concern for those bulldozers and the harassment that they might have to put up with! The Planning Act controls a development *ab initio*. The Planning Act gives no comfort 10 years down the track, and that is well known. It is a debate that we have had in this place before. The Planning Act operates—

The Hon. J.L. Cashmore interjecting:

The Hon. D.J. HOPGOOD: I believe that the honourable member is doing a course on this, in fact. I wish her well in her exams. I will be happy to mark the paper, if necessary, and I will be reasonable in the way in which I apportion my favours.

Members interjecting:

The SPEAKER: Order! This is Question Time, not *It's Academic*.

The Hon. D.J. HOPGOOD: The Planning Act gives no comfort 10 years down the track: it is about controlling changes of land use and not land use itself. The National Parks and Wildlife Act, through a plan of management, is quite different. It provides for day-to-day management of a development or activities in a park. That is the plain fact of the matter. That is what we are doing, and I believe that, when the honourable member has the chance to see the lease, if she is halfway fair-minded, she will turn right around and support me to the hilt.

EMERGENCY SHELTER

Mr DUIGAN (Adelaide): Will the Minister of Housing and Construction say how much has been allocated by the State Government for the provision of emergency shelter accommodation in the inner city area and how many persons are now being cared for in this emergency accommodation? Are any further initiatives being planned by the Government to cater for the unfortunate but real and growing demand for this type of accommodation in the inner city?

The Hon. T.H. HEMMINGS: I think that the State Government has a pretty good story to tell in this regard. In the 1987-88 financial year, funding totalling $512 300 was provided through the crisis accommodation program and was allocated to seven inner city shelter facilities: $100 000 to the St John's Shelter for the development of a city based youth shelter; $5 800 to the Red Cross Society's Joyce Schultz House for upgrading; $125 000 to the Salvation Army to purchase and upgrade a small boarding house for eight to 10 people; $55 000 to the St Vincent de Paul Society for extension to the Whitmore Square night shelter; $13 000 for renovations to Westcare, West End Baptist Mission, (its day centre); and $210 000 to the Daughters of Charity to construct up to eight self-contained bed sitters or one bedroom units. Also, the Women's Emergency Shelter in North Adelaide was allocated $3 500 for the provision and installation of security screens at the Gurr Street annexe.

These services provide emergency accommodation for well over 100 people at any given time within the Adelaide square mile. In addition, the State Government, through the community tenancies, provides six units of accommodation to the Offenders Aid and Rehabilitation Service as well as the major shelter facility for the Women's Emergency Shelter in North Adelaide.

Recently, along with the Minister of Community Welfare, I had the pleasure of opening Catherine House, which is a women's shelter and day care facility in Princess Street, Adelaide. The total estimated cost of the project is over $325 000 of which up to $180 000 will be provided by the State Government through the Residential Tenancies Tribunal. This facility provides emergency accommodation for 10 to 12 women. On that particular day, the Minister of Community Welfare also committed this Government, through its social justice policy, to providing supportive accommodation assistance finance to enable Catherine House to meet its recurrent costs in the future. I anticipate that by Christmas I will have the report on the recently concluded review of boarding and lodging in Adelaide. This review has looked at the availability of boarding and lodging facilities and the demand for such accommodation. I look forward to receiving the review and implementing change to enhance this area to help ease the problem of homelessness.

Finally, interviews are scheduled for next week to select a senior project officer for the youth housing network. This position, to be funded for 12 months, will unify the non-government youth housing sector and also ensure better cooperation between this sector and the Government. I think that our record speaks for itself, and we look forward in future years to beating the program I have just announced.

WEST TERRACE CEMETERY

Mr D.S. BAKER (Victoria): Will the Minister of Housing and Construction initiate an immediate investigation of work conditions and practices at the West Terrace Cemetery? The Minister has responsibility for this cemetery, which employs 11 people, some of whom have worked there for a long time. I have been informed that the workers have become increasingly concerned over a total lack of management direction and protection against injury or work-related contact with diseases. For example, the workers are not provided with a change of clothing or suitable protective equipment, even though they are regularly required to handle remains, occasionally with flesh still on them. This occurs when coffins are lifted to permit additional burials on the same site.

I have been told that the timber used in coffins is not always of a quality which lasts for a long period and, because of this and the position of the graves, coffins have to be lifted by hand. When this occurs and the coffins break up, the workers have no protection against possible disease, bacteria or other personal injury.

I also have been informed that, against all regulations, on at least one occasion recently a vault was opened and a body removed so that the floor of the vault could be broken up and the site dug deeper to allow another burial. A member of another place has verified from cemetery records that this has taken place within the past four months.

The Hon. T.H. HEMMINGS: Some of the allegations that the honourable member has made are rather disturbing. One would have thought that if there is any truth—and I am not saying that there is no truth in what the member for Victoria is saying—

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: This is the first I have heard about these kinds of complaints, and I would have thought that, given my record in the trade union movement and the fact that any trade union organisation can always have easy access to my office, that is something that would have been brought to my attention some time ago. I will certainly take up the points raised by the member for Victoria and endeavour to bring back a report to the House before we rise for the Christmas break.

COMMONWEALTH GAMES BID

Mr RANN (Briggs): Will the Minister of Recreation and Sport indicate whether a decision of the Australian Olympic Federation to award Melbourne the right to prepare the Australian bid for the 1996 Olympics improves Adelaide's chances of a successful bid for the 1998 Commonwealth Games? A fortnight ago the Australian Olympic Federation gave Melbourne the right to bid as the Australian venue for the Games. Prior to that announcement, the Minister told this House that the South Australian Government supported the Melbourne bid and had, in fact, been involved in negotiations to stage some pre-Games and team events should Melbourne host the 1996 Olympics. There has been media speculation that a Melbourne Olympics may significantly enhance Adelaide's chances of hosting the 1998 Commonwealth Games because of the provision of upgraded sporting facilities.

The Hon. M.K. MAYES: The article which appeared in the *Advertiser* on 26 November, written by Chris Brice, was very fair and highlighted the issues that we as a Government must confront with regard to making a decision about bidding for the 1998 Commonwealth Games. Obviously, with Melbourne now going for the 1996 Olympics, that would eliminate that city from the process; it was talking originally of bidding for the 1998 Commonwealth Games. It is a distinct advantage for us to have one less city in the bidding.

I understand that two other Australian cities are still interested in the Commonwealth Games—Perth and Sydney. Given the poor infrastructure that Sydney has obviously exhibited in its bid for the Olympic Games of 1996, it will have to upgrade the standards considerably in order to meet the requirements for 1998 if it is to continue with the bid. Other States have been called on to forgo their Loan Council rights in order to undertake the capital facilities, so I think that it would be most unlikely.

If Melbourne is successful with its 1996 Olympic bid and if we are able to link in and join with it as part of the overall games presentation, involving both pre and post games events, it would enhance our opportunities in terms of not only our facilities but also our experience and exposure for the 1988 games. The decision on the Commonwealth Games will be made prior to the 1996 Olympics, and this will give us an opportunity, if we decide to bid and are successful, to enhance our facilities, operations and our management, and it will also give our local sports associations the opportunity to exhibit and develop their skills with regard to the events. It would also give the State the opportunity to develop facilities and management skills in terms of the overall 1998 situation.

It is a timely and appropriate situation in which that we find ourselves as a State, and I believe that, given our negotiations with the Victorian Government and the Victorian bid committee, chaired by Mr Nobby Clark, we are well placed to take advantage of the Victorians' bid, as I have outlined, thereby enhancing our opportunity in terms of the 1998 Commonwealth Games, if we decide to bid and our bid is successful.

PUBLIC ACCOUNTS COMMITTEE

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That pursuant to section 15 of the Public Accounts Committee Act 1927 the members of this House appointed to that committee have leave to sit on that committee during the sitting of the House today.

Leave granted.

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 2, lines 4 to 6 (clause 4)—Leave out subclause (2a) and insert:

(2a) A decision concurred in by members otherwise than at a meeting of the board is a valid decision of the board if—

(a) each member has had not less than 24 hours notice of the decision proposed to be made;

and

(b) a number of members not less than that required for a quorum of the board have signified their concurrence in the decision by letter, telegram, telex, facsimile transmission or other method of written communication.

Consideration in Committee.

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment be agreed to.

This matter was raised by the member for Elizabeth in this Chamber when the Bill was before the Assembly previously. He proposed a particular formula that was not acceptable at that time. The same issue was considered in another place and, as a result, this amendment is before us. It simply relates to the way in which a decision of the board can be made in the absence of some members of the board, bearing in mind the nature of the board and the fact that its membership is drawn from some *ex officio* categories.

It is proposed that in certain instances decision making would be more efficient if there was an opportunity to ensure concurrence by letter, telegram, telex, fax or other written communication in lieu of a meeting. It specifies the number of members required for a quorum and also specifies that each member must have 24 hours notice of the decision proposed to be made. It is not proposed that that procedure will be used often. It has been found in practice that on occasions it is difficult to summon all the board members together in the one place, and this will simply facilitate decision making.

Motion carried.

ROSEWORTHY AGRICULTURAL COLLEGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 1396.)

The Hon. B.C. EASTICK (Light): At the outset, let me say that there is an element of interest in this Bill about which I should advise the House, and it involves not a pecuniary interest but an interest over a long period. But for some other circumstances, my colleague the member for Coles would be leading the debate, but she is completing an examination in connection with a course she is studying at the university, and so it falls on me to lead on behalf of the Party.

The Bill encompasses matters presented to the Minister over a period. It seeks to update a number of features of the Act which need attention, even though, with the changing circumstances of tertiary education, the relevant provisions may be in vogue for only a relatively short period. However, with the passage of time fines prescribed in the Act at $50 maximum are just not realistic and the college council for some time has been seeking to extend them to a maximum of $200. The Government has acceded to that request.

There are references to organisations which no longer exist, and changes have now been made regarding that matter. Also, it has been necessary, after some questioning within the college council, to determine whether the Director, as such, is a member of staff and should or should not be eligible to take over the presidency of the council. It was the considered opinion of the Director and the council generally that, as the staff and students are precluded from becoming President of the council, it should be stated clearly that likewise the Director should not be able to become President of the council. That matter is accommodated in the Bill.

There is an update of the definition clause. There is the deletion of a reference considered today to be outdated in terms of the college deriving funds from its entrepreneurial activities involving agricultural and wine production. In the past, if there was an excess, the Government was able to make a claim against the college for some of that excess, but that provision has not been acted upon over the years since the Act was passed in 1974. That matter was discussed on an earlier occasion but, because of certain financial difficulties the college was having early in the 1980s, it was deemed advisable to retain the provision at that stage. However, with tertiary institutions now being invited to become more involved in entrepreneurial activity, the provision in question would appear to be completely outdated and the Government has acceded to the request made in that respect.

The real thrust of the Bill and the matter attracting attention revolves around superannuation for the staff. It appears that quite unwittingly, when the State Superannuation Fund was established recently, there was no cross-reference to the Roseworthy Agricultural College Act or membership.

In essence, we had the position where there could have been a legal claim that Roseworthy Agricultural College staff members who were also members of the State Superannuation Fund did not have access to the existing fund. That anomaly is now corrected. There are two bodies of opinion, one which says that it is probably covered and another which says that there is a doubt about it; so, it is now covered.

More particularly, the Commonwealth has been directing the attention of all tertiary institutions to appraise academic staff of the opportunity to join a combined Commonwealth superannuation fund. A section in the Act precludes the college allowing any member of its staff to become involved in the Commonwealth fund, and that situation should not exist. However, the Minister has acceded to a request by the council to provide for staff to opt into whichever one of the schemes they wish. First, they can continue their involvement in the old superannuation scheme, some of them having carried over their superannuation involvement from the time they were under the jurisdiction of the Minister of Agriculture prior to the establishment of tertiary institutions (Roseworthy having taken up that role in 1974). Secondly, staff can have access to the new State superannuation scheme and, if they wish to avail themselves of the opportunities under the Commonwealth scheme, that is now provided for in this Bill.

In presenting this matter to the House the Minister said that other issues that were drawn to his attention were not

acted on, and they were mainly interests outside direct council involvement. More specifically, the old scholars association, as of right, wanted to be considered for membership of the college council. The college council, which has discussed that issue over time, has disagreed with this proposition of the Roseworthy Old Collegians Association.

The Minister is obliged to appoint at least one person who is a graduate of the college in the appointments that he makes. In fact, the Minister—and this has been done by Ministers over an extended period—has placed two people with those qualifications on the board. I happen to be one of them, and Mr Tony Clancy, also an appointee of the Minister, is another. Prior to his appointment there was Mr Ray Taylor, who had been a member of the original board in 1974.

At this stage I place on record—and do so with the concurrence of present members of the council—my appreciation of the contribution made over a period by the Hon. R.J. Gregory, who found it necessary to relinquish his position on the council when he became a Minister of the Crown. The Hon. R.J. Gregory has had some input to the amendments that we are presently considering, and on that matter and others he has played a very worthwhile part as the college's Deputy Chairman and Chairman of Finance over an extended period.

It is quite in order, I believe, to indicate that through the years the Parliament of South Australia has appointed a number of people as members of the board, and this has been to the council's benefit. The Hon. Terry McRae, some considerable time before becoming Speaker of this House, was a member of the council in its formative years. The member for Hartley, Mr Terry Groom, was another member. A former member of the Upper House, the Hon. Brian Chatterton, also played his part. Members will appreciate that over a very long period—before the new Act came into being and between 1974 and 1980—the former member for Mallee (W.F. Nankervill) was a member for a long time, and he was able to liaise with the Parliament and people involved in agriculture, advancing the college, I believe, to the pre-eminent position it holds today.

Although we are approaching that stage to which the Minister referred where it may be necessary to repeal or markedly change the legislation associated with the new approach to tertiary education, I will place on record an overview of the current situation with respect to Roseworthy Agricultural College, whose existence, I think, is of great benefit to the State and is so recognised by the Commonwealth and others. In recent times the college has been receiving $176 000 per annum (for a minimum of three years and for probably six or more years) as a key centre for dry land farming technology. Appointments have been made in relation to that particular centre of excellence, and I would expect in the next three to four months a very high profile to emerge as a result of the activities of that unit, which is under the control of the Dean of the Faculty of Natural Resources, Dr Vic Squires.

Most recently the college has received a grant of $2.67 million from the Commonwealth for the building of a new library facility. At a time when the distribution of funds for such capital works has been under something of a cloud, we at Roseworthy look upon the provision of that $2.67 million as being a show of confidence by the Commonwealth and, indeed, by the State officers whose operations interface with future operations of Roseworthy Agricultural College in this vital area of agricultural, natural resource, viticultural and oenology development.

Almost at the same time the college has been advised of an increase in the amount of money it will receive for recurrent expenditure in 1989—beyond a 'rumour' if I can put it in that delicate sense—and some additional $150 000 will be provided for extra staff that will further advance the courses and the expertise that can be passed on from South Australia.

I would be remiss if I did not indicate that the college has played a vital part in Aboriginal participation activities. I believe that on 9 April next year, all things being equal, it will be my privilege to confer on the first of the Aboriginal graduates a degree in agricultural activity and natural resources. The college has a number of other students from the Northern Territory, in particular, and from South Australia and Western Australia who are dovetailing into that vital area of activity.

Speaking for the council, we look forward to an increasingly important part to play as a tertiary institution in this State. We believe that the mark Roseworthy has made in its 105 years of existence, in agricultural education and more recently in tertiary education, will be recognised for a long time to come and that the eminence achieved by the college will not be lost in the new organisation of tertiary education. I support the Bill.

Mr LEWIS (Murray-Mallee): I endorse the remarks made by the member for Light. Notwithstanding the fundamental reason for this Bill, addressing the question of superannuation for college staff, I am nonetheless concerned to address another aspect of the legislation, that is, the composition of the council.

Who may or may not be the President of the college council is addressed under clause 5 of the Bill. At this point in time, where the college stands on the uncertain threshold of a future in which it is most likely to be incorporated with some other post secondary education institution in South Australia, the council has very restricted representation, which is quite different from the councils of either of the two universities in this State or other colleges of advanced education or, for that matter, the Institute of Technology. It has been argued that, in its more than 100 years of history, it has not needed wider representation on its council. I have held an alternative view these past 15 years or so in which all institutions of the nature of Roseworthy have had more democratically composed councils to govern the policy under which they operate.

In that light, Roseworthy has not been as well served as it might otherwise have been. I make that remark not intending to reflect upon the competence of those members of the council at any time during that 15-year period. I am rather reflecting on the fact that its representation is narrow and restricted and the college may have been better served had it been wider. For a long time college graduates have sought from the Government the right to elect a representative or representatives to the council. This is the case with both universities through their general alumni associations and, moreover, the senates of the universities are elected from graduates. Perhaps the college would not have overlooked in recent times so much of the interests of its graduates when decisions were made to change the content and accreditation of courses had there been elected graduate representatives on the council to put to other members of the council the concerns about the consequences of the changes that were being made to qualifications that could be obtained there.

Accordingly, it has been more difficult for the organisation which all graduates from the college at any point in its history can join (or through which they can align themselves). I refer to the Roseworthy Old Collegians Association (an incorporated body). Indeed, more than half the living

graduates, up until about 10 years ago, were members of that association. I am not certain whether or not that is so now, but I suspect that it is not. In the past decade or so students from the college might not have seen any contribution made by old collegians to the continuing welfare of the college. Accordingly, they might not have attached much importance to the existence of that organisation called ROCA. However, just because they have not seen the work of ROCA does not mean that it has not happened. I am intimately aware of the enormous extent to which the Old Collegians Association has supported the college and has fostered a wider understanding in the broad community of the benefits that the college confers not only on its graduates but, through them, to the broader community in South Australia, nationally and, indeed, internationally.

In all arenas the college is widely known and respected for the quality of its graduates as people with clear insight and intellectual capacity to deal with the problems of the technology of agriculture and the technology involved in the other arenas of specific instruction and endeavour of the college—in the past it was dairying and, in more recent times, oenology and natural resource management. Some of those parts of its academic offering go back more than 50 years, whereas agriculture *per se* goes back the full history of the college.

I therefore believe that, like these other post secondary higher education institutions in South Australia, the college council should contain college graduates elected by the graduates rather than graduates being simply appointed by the Minister of the day. It does not seem to me that the Minister's personal limited subjective opinion of whom he might know is the best way for him to decide who ought to represent the interests of those people who have graduated from the college when he chooses one from amongst their ranks. It is not very democratic.

These days the college offers far more than it has in its time through two schools (one of which has two faculties). The two schools are: first, oenology and wine science; and, secondly, land management, which has the two faculties of natural resources and agriculture. A number of courses are offered under the aegis of those major divisions, as it were, within the college, including horse husbandry instruction, practical farm management and the development of skills related to the science involved in agricultural technology, land management of, more particularly, natural resources, and all aspects of wine science. The college is famous for the quality of the graduates it has turned out. It will continue to be a campus upon which such study is undertaken and such training is provided if—and only if—it remains relevant in the way it functions as an institution and determines its policy as an institution.

We as legislators have the responsibility to ensure that it can function in that way and, because we have made an objective decision (in my opinion) in the models that we have used to determine the composition of the councils of other institutions similar to Roseworthy, I believe that we ought to have used the same model for the composition of the Roseworthy Council. I am putting the view that, notwithstanding the fact that it is not here present in this Bill, in the near future the graduates of the college ought to be enfranchised with the same opportunity of participating in the same processes as the graduates of other higher education institutions by electing representatives from amongst their ranks to the governing council of whatever other institution it is that the college finally is amalgamated with in the near future.

If the Minister and the Government ignore the plea that I am making, they will ignore the great wealth of talent that is available from amongst those graduates and deny them the same opportunity as have graduates from the other institutions with which Roseworthy will be merged in determining the composition of the governing council. I make the plea on behalf of those graduates who have produced, not by accident, an agricultural technology, a horticultural technology, an oenology technology and land management science *par excellence*. They have no peer among graduates from similar institutions anywhere in the world. Our graduates from our institution in South Australia—Roseworthy—have been to other institutions and to other arenas of academic and scientific endeavour and have shown themselves to be not just world-class operators but winners. My plea is valid and I trust that the Government will take it into consideration when a determination is made about the governing council of the institution with which Roseworthy is to be combined.

The Hon. F.T. BLEVINS (Minister of Health): I thank honourable members opposite for their contribution. It was quite clear from the contribution of the member for Light that he has great affection for Roseworthy and I must say that anyone who has had anything at all to do with Roseworthy, as I did some years ago, shares his affection. It is truly a first-class institution. As one would expect from the honourable member, his explanation of the various clauses of the Bill was accurate and pertinent, and it requires no further explanation from me.

The member for Murray-Mallee expressed a legitimate point of view but it is one with which the Government disagrees and, from what I understand from the member for Light, the proposed council also disagrees. That is a battle that the member for Murray-Mallee and other graduates who feel that they are not adequately represented on the council will have to fight another day. I will pass on the remarks of the member for Murray-Mallee to the Minister of Employment and Further Education in the event of Roseworthy's finishing up goodness knows where in the proposed amalgamations that have been 'suggested' by the Federal Government. I commend the second reading to the House.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—'Transfer of staff to the college.'

The Hon. B.C. EASTICK: After this Bill was introduced and distributed, I received a telephone call from a former member of Parliament, not one who had been directly associated with Roseworthy but who had looked at the legislation and was fearful that the changes to the superannuation provisions might allow an element of double dipping. I informed him that that was not the case, that those people who are members of the old State superannuation scheme may remain there if they so desire, that they will have the opportunity of opting out of that scheme to go into the new State scheme and, alternatively, they may go into the new Commonwealth superannuation fund. It will be their own decision, the issue will not be forced upon them, and under no circumstances will there be opportunity for double dipping. Can the Minister confirm the view that I have expressed to a former colleague about the thrust of the clause under consideration by the Committee?

The Hon. F.T. BLEVINS: The former member who sought the advice of the member for Light chose wisely because, as one would expect, the information that the member for Light gave his former colleague is absolutely correct. With respect to the Commonwealth superannuation fund, I point out that individual members will not have a choice until

the college decides whether it wishes to be associated with that fund. After that threshold decision has been taken, individuals may join the Commonwealth superannuation fund.

The Hon. B.C. EASTICK: Another concern expressed to me earlier this morning by my colleagues related specifically to TAFE. In some undesignated college circumstances, in which there are short-term contracts of less than three years for academic staff, staff find it very difficult to become involved in an effective superannuation scheme. It is my understanding that, given the tertiary education scheme envisaged by the Commonwealth and given that the new State scheme will allow portability and provide for those persons who opt in and out of various institutions, providing there is compatibility between those institutions, they will be able to carry superannuation with them and accept a benefit which has been denied to them in the past.

The Hon. F.T. BLEVINS: The member for Light is correct again and he has outlined the position accurately. It is one of the major unsung achievements of this Government that, over the past three years, it has been able to initiate superannuation schemes that do not tie people to individual jobs because they provide portability, and that has long been lacking for most of the work force. Modesty prevents me from going further on that but it is one of the major achievements of this Government.

Clause passed.

Remaining clauses (8 and 9) and title passed.

Bill read a third time and passed.

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 1399.)

The Hon. P.B. ARNOLD (Chaffey): The Bill seeks to provide increased penalties which, the Government believes, will serve as a deterrent to breaches of fisheries legislation. It is contended that penalties need to be increased to a more realistic level in line with increased fish values and in keeping with the serious nature of fisheries offences. The Bill also provides for an expiation fee system for minor offences to be introduced into the Act. It also alters certain definitions, particularly that in relation to 'farm fish'. The thing that the Opposition is more interested in, and probably more concerned about than anything else in this Bill, concerns the provision that a person in possession of fish allegedly taken illegally must prove that the fish were not taken in contravention of the Act.

This is a perfect example of a reverse onus of proof situation, where one is guilty until one proves oneself innocent. This can cause some very real problems for a person who comes across a Fisheries inspector or other inspector who wants to do more than carry out the official requirements of the legislation. Human nature being what it is, sooner or later one will come across this type of individual—one certainly does in other areas. We know perfectly well that from time to time such a situation occurs in the Police Force, with over-zealous police officers—and that occurs in every police force. It certainly occurs here, the same as elsewhere in this country.

The Opposition is concerned about how this provision will be dealt with by Department of Fisheries inspectors. In a letter that I received today from SAFIC the following statement is made:

> The discussions of industry with the South Australian Department of Fisheries over the past year have provided us with a high degree of confidence that this legislation will expedite administration and management without compromising justice.

I hope to goodness that its faith is well founded because, if it is not, a number of recreational fishermen will possibly have to convince the department that the fish that they have in their possession were taken legally. Also, there could be instances where professional fishermen, with thousands of dollars of fish on board, would have to spend a lot of money convincing the department that the fish on board were taken legally. I accept the comment made by the South Australian Fishing Industry Council that it is confident that the new provision will be administered properly, but I still maintain that this involves a complete reversal of the normal British legal practice, that one is considered innocent until proved guilty. With the enactment of this provision one will be guilty until one can prove that one is innocent—and that can cost a lot of money.

The Opposition will not oppose this provision. We are prepared to go along with the position taken by SAFIC, but we will certainly watch the situation with interest. Certain recreational fishing interests have expressed to me their concern about this measure. Of course, if this legislation is passed in its present form the Opposition will watch very closely in future what occurs to make sure that the people who enjoy recreational fishing, and in fact those involved in the professional fishing industry of this State, are not unjustly treated as a result of this provision. I support the Minister's comment that increased penalties are necessary. I think that is generally accepted by both recreational and professional fishing interests. At this stage I will leave my comments at that. We will watch closely the operations of the expiation system and also the provision which involves a reverse onus of proof.

The Hon. M.K. MAYES (Minister of Fisheries): I thank the member for Chaffey for his support. I understand his concerns. Most members with whom I have had contact share his caution, and I think any Minister should also be cautious with regard to introducing legislation of this sort. However, I think that battle lines have to be drawn when we have what is, in effect, such a serious situation in our fisheries, if one is to believe the information that has been supplied to me, to the Director of Fisheries, to other members of Parliament, and to the community at large, with regard to illegal fishing activities in this State.

These activities pose a very serious threat to our resource. It is a very precious resource. It is finite and it must be protected in every way by those charged with that responsibility. Primarily, the Parliament, the Minister and the Director of Fisheries are charged with that responsibility. The industry itself is very clear in its needs and demands with regard to protection of the resource, as well. Talking now in the broadest possible sense, the industry collectively wants harsher penalties introduced in relation to illegal fishing. In many ways I am sympathetic to that view. With these amendments the Government has endeavoured to do that, to address this issue of enforcement, and to in fact provide departmental officers and the police with the opportunity to apprehend people who are illegally fishing the resource—a resource that belongs to the people of South Australia. The licensed fishermen pay a rent to the State in order to have access to the resource.

I think it is important that this measure is seen by the community as being fairly vigorous and rigorous as it pertains to the Fisheries Act. Of course, this measure has a purpose. It is not that the Government wants to enforce these provisions just for the sake of proving that we can put such amendments through Parliament. The amendments will enhance the extent of activity by our officers. I

want to thank the industry collectively for its support, and I refer particularly to SAFIC and the recreational sector. I also want to endorse some of the comments that have been made by the Director with regard to our communication and liaison. We have had extensive liaison and communication with the industry. The Director's door has always been open—and I am sure that the executive officers of the various assocations with whom the Director has had constant contact would agree that his door has always been open.

He will not always agree with you; but he certainly listens, which is important. Over the years we have adopted numerous alterations to our position as a consequence of listening to comments from industry as a whole. It is important to note that industry has been involved in this. As the member for Chaffey has already recorded, the South Australian Fishing Industry Council has communicated its support to him. Discussion has taken place with representatives of the recreational fishing area, particularly at a meeting on 29 September when the Recreational Fishing Liaison Committee considered this matter. Probably reinforcing the comments of the member for Chaffey was the concern about aspects of the amendments, but in general there were no objections and the Bill was given the okay in terms of the industry's position.

It is important to note that there is an endorsement from the industry as a whole for these amendments, and I would like to thank the industry for that. The job of enforcement is not an easy one. It is important that we as members of Parliament, charged with the responsibility, give the officers who have the day-to-day task of confronting some of these fairly ugly individuals who are stealing from the State's resource, as much power as possible within reason and within what is acceptable to a democratic society with regard to enforcement. Not all of our officers are enjoying the wholehearted support of people in the community. Some are being threatened, and evidence has been presented to us by individuals that all sorts of unhealthy practices are being adopted by some of these individuals.

We want to see our officers given the opportunity of enforcing these provisions, along with the police. People must realise that this resource belongs to the whole of South Australia. It is governed and managed very carefully so that in the future our children and their children will have an opportunity to enjoy it—to go fishing or to enjoy consuming the results of someone else's fishing efforts. It is a very important resource and one that we must protect. This Parliament is charged with that responsibility, and that is why I, as Minister, brought the Bill before Parliament. I thank the members of the Opposition for their support. I look forward to the Bill going through the other place so that we can get on with catching some of these crooks and bringing them to justice. This Bill further enhances our capacity to do that.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Powers of fisheries officers.'

The Hon. P.B. ARNOLD: How will fisheries officers interpret their new powers as far as expiation fees are concerned? We are talking of a comparatively small fine in relation to fish being taken illegally. In a number of instances an officer may issue a recreational fisherman with an infringement notice if he believes that the fish on board the boat were taken illegally. The sheer cost involved in that recreational fisherman challenging the fine or taking the matter to court means that, in the main, he will just pay the expiation fee.

It may not involve a great deal of money, but nothing annoys anyone more than being innocent and being issued with a fine. It is the same with the Road Traffic Act: the police know that 99 per cent of people will pay the expiation fee and not argue about it, and they hope that that is the last they hear of it, whether or not those people are guilty. That is of concern to me. If an officer is over-zealous or tends to take things into his own hands to a greater degree than is reasonable, members of the public who are not guilty may be required to pay an expiation fee. As the Minister has said, the resource belongs to the State.

The Hon. M.K. MAYES: I understand the honourable member's point. I was a member when the expiation issue came up in regard to traffic fines, and can recall very similar concerns as to over-zealous officers being expressed by members of the House. I understand that the Police Department has a code of practice by which it operates. Obviously, officers would be subject to review by superior officers if they were showing a history of, let me say, not zealous activity but perhaps unsubstantiated fines if a court found that the issuing of the fines was improper or if the person concerned was not guilty of a breach of the Act. A code of practice will be established for officers within the Department of Fisheries, and they will be required to maintain that code of practice.

The fines range from $50 to $500 for offences under section 28 of the principal Act. In a case where a recreational fisherman took fish illegally, the evidence would have to be fairly conclusive. If one is in possession of under-sized fish or if there is some evidence of illegal activity, the case is probably much more sustainable than if one breaches the law regarding speeding offences. That is something which must be established in court from evidence given by a police officer and any other witness the prosecuting officer may call.

The code of practice, backed up by the review which would be available to an individual who felt that he was being unjustly penalised by a fisheries officer, provides a safeguard. It certainly meets the need for some avenue of appeal. The honourable member may argue that it is not an ideal avenue, but I think it meets our need in order to release our resources. The problem of policing this Act in our coastal waters is huge. There are problems of transport, of location, and also of prosecution. In essence, larger issues confront us than the single recreational fisherman and, in terms of the priorities of our officers, I suggest that this is the best way to use those resources effectively instead of officers being engaged in minor fisheries offences and having to undertake a huge amount of paperwork and so on. We must ensure economic efficiency.

If an inspector who was found to be presenting people with on-the-spot fines for minor offences and if that was challenged, the officer could be queried by his or her superior on the basis of there being trivial activity on the part of the officer. Obviously the Director and the Minister, whoever it might be, would call for a report into this officer's activities. Presumably there would be some qualification or pressure brought to bear on this officer.

I cannot comment further, other than to say that I understand the thrust of the honourable member's question. It is important in terms of administration and for the efficient use of our inspectorial efforts and resources to have this type of provision available. From time to time members will probably receive complaints, just as I do. I have received complaints from constituents who have been prosecuted by officers because they have breached the Fisheries Act in some way, perhaps by taking under-sized fish or too great

a catch, and so on. It is something that we see from time to time.

It is probably an important part of democracy that constituents come to their local members and argue that they are being unfairly treated. It is not the ultimate way of dealing with any appeal mechanism. The courts are available if a person believes that he or she is being grossly discriminated against.

The Hon. P.B. ARNOLD: I accept that there are villains out there and that there always will be a small percentage of recreational and professional fishermen who are villains, just as there are villains on the roads. I was alluding more to where an officer has alleged that fish were taken illegally. An argument could develop as to whether the fish in a boat near an aquatic reserve were taken within the boundary of the reserve or outside the reserve. It is difficult to define whether fish were taken from a prohibited area. We will wait and see how it works out.

Will the code of practice which officers will be required to follow be made known to the public and to recreation and professional fishermen so that they have some idea of the guidelines? Not only the inspectors but also recreational and professional fishermen have to abide by the code. Will it be made public?

The Hon. M.K. MAYES: First, I am looking at the schedule of fines and I wish to correct my earlier statement about fines ranging from $50 to $500; in fact, fines range from $50 to $300. As to the guidelines and the code of practice, an operations manual is effectively the guiding light for officers. Certainly, the code of practice will be made available in terms of general guidelines for the public, but part of the code will not be made available because it relates to procedures for prosecution and apprehension. That part will be confidential to the department and the officers involved, and I am sure that the honourable member appreciates that that is required. The general guidelines under the code of practice will be made available to the public.

The Hon. P.B. ARNOLD: I have no concerns about the law being enforced. An officer could be over-zealous, especially in the recreational fishing area. The vast majority of people undertake recreational activities with the full intention of abiding by the law, whatever it might be. But we could get to a point where the pursuit was no longer recreational and people might give it away because of the pressure. The majority of people do not want to go out and break the law, let alone be apprehended although, as I said, some people will break the law whenever they have the opportunity if they believe they can get away with it. We could reach the point where the pursuit was no longer a matter of recreation, and many people would say that it was not worth going out and being hassled. I hope that that does not occur.

The Hon. M.K. MAYES: Part of the department's brief is to encourage people to recreate sensibly and respect the value of the resource and the rights of others within the resource. Certainly, we do not have enough officers to have them out there harassing the 300 000 people who in the previous census documented fishing as one of their recreational activities. If all these fishermen congregated to fish in the coastal waters of our gulfs over one long weekend, we would be hard pressed to find one inspector amongst them. Literally, it would be like finding a needle in a haystack. We do not have that resource available. I understand the concerns of people who fear that they are being singled out.

Generally, I have found that the people who are recurrent offenders to some extent deserve to be singled out because they always push beyond the horizon and try to test the law. The law exists for us to protect our fisheries resources. If any individual feels that he or she will be singled out, I repeat that the code of practice will operate. I know that the current Director will ensure that that is enforced by his officers and, in any case that was brought to his attention by the public where an officer was discriminating or being over-zealous in the application of the law, that officer would be severely reprimanded and perhaps other penalties would be incurred. Our officers are there to encourage people to use that resource properly, to recreate and enjoy the resource—that is what fishing is about.

Mr PETERSON: Clause 5 amends section 28 and relates to the power of fisheries officers. Section 28 (1) *(f)* refers to a person being required to hold an authority to fish. Therefore, the amendment applies to professional fishermen. What will happen if an officer arrests a person and confiscates the catch but the fisherman is subsequently found not guilty? How many professional fishermen have been charged and then found not guilty? If a fisherman has a tonne of whiting or garfish on his vessel and is apprehended for fishing in water that is too deep (that is quite possible) and subsequently found not to be guilty, what is the position? He may be charged with having a net that is too long or fishing incorrectly by dragging a net, and then found to be innocent by the court. Under this clause he could lose a tonne of fish. That penalty seems particularly harsh. Have there been cases where professional fishermen have been charged and subsequently found to be innocent? If so, what has been the practice in respect of the confiscated fish? Does the Minister believe it is fair to take a man's living away if he is subsequently found to be innocent?

The Hon. M.K. MAYES: I thank the member for Semaphore for his interest in this matter. He represents a district that is not only on the coast but on the peninsula as well, and the honourable member has a longstanding interest in this industry, as exhibited by his numerous questions to me over the years. As to the existing and the future system (which is one and the same), if a person was to have fish confiscated, say, a tonne of King George whiting, that person would feel most put out if they were found not guilty as a consequence of a court action.

The situation is that the fish are sold through the market and the money goes into a reserve account which is kept until the decision of the court. If a person is found not guilty, the funds would be reimbursed. So, they are not out of pocket as a consequence of that court action.

Under the manual of operations, officers are not encouraged to take frivolous action against recreation or commercial fishermen. Most members of the House have had a good deal of contact with the fishing industry and with individual fishermen. It is not something that a fishing officer would embark on lightly knowing the nature of the industry and the people involved. They know their rights and belong to a very professional association, which would also be interested in their rights. An officer has to be aware of fishing politics (the environment in which they operate) and of natural justice. They cannot embark on a frivolous and time-consuming case against an individual unless they have substantial evidence. I am sure that that is drummed into them by the Director and their supervisors.

That is the system, which I think is fair and reasonable. Most fishermen would probably not want a ton of whiting back after six or so months (if the case dragged on for that length of time) because that fish would not be the same quality as when it was confiscated! The funds are made available if an individual is found not guilty of a charge. We have had situations where that has occurred, so the system has been tested.

Mr PETERSON: If you cannot sell the fish for whatever reason, will you reimburse the fisherman?

The Hon. M.K. MAYES: I am sure that the department will manage to sell the fish. I cannot see what the honourable member is driving at.

Mr Peterson: What if the fish goes off?

The Hon. M.K. MAYES: The fish would be properly dealt with by the department. That is part of its responsibility. They have expertise in dealing with fish. I am sure that the department would manage to sell it. We have never had the situation occur—

Mr Peterson: You guarantee compensation?

The Hon. M.K. MAYES: Yes, the funds are there, and the fish would be sold at the best market price, too. Let me outline the benefits that come back to the industry. (I thought that the member might develop this case and, as he did not, I will develop it for him.) If a person is found guilty the funds do not disappear into general revenue. The funds go into a research and development account of the Department of Fisheries that is used for the future development and enhancement of the industry. The moneys that come from the confiscated catch, as a consequence of a person's illegal activity, go back into the fishing industry.

Clause passed.

Clause 6 passed.

Clause 7—'Offences with respect to sale, purchase or possession of fish.'

Mr MEIER: I did not have an opportunity to speak during the second reading stage because I was otherwise engaged and I do not wish to canvass the matters that were raised by the Opposition spokesman, the member for Chaffey, other than to endorse them. However, I take this opportunity to say that the introduction of expiation fees is not a matter that we can institute lightly. The reverse onus of proof seems to have come in a little more of late, and we have to deal with that very carefully so that we do not change the innocent before proven guilty concept.

The fishing industry needs protection. It concerns me, the electorate of Goyder being surrounded by ocean, that much has to be done to preserve our fish stocks, and the Minister pointed that out in his second reading explanation. I notice that in this clause the penalties go a long way towards doing that. This clause in part provides:

> Subject to this section, if a person sells or purchases fish taken in waters to which this Act applies but not pursuant to a licence, the person is guilty of an offence.
> Penalty: Division 5 fine.

I notice that a division 5 fine is $8 000. That would seem to be a fine that people could not laugh at and a real hardship in most cases. I also notice that even tougher penalties are to be provided. It seems to me that shamateurs—those who do not have a licence and go out in a boat with some five persons and bring home a large stock of fish that they proceed to sell—will have to stop that activity and, if they do not, they will have to face the consequences fairly soon, assuming that the fishing inspectors are able to get on to them.

I do not believe we have sufficient fishing officers in this State, and the Minister recognises this. This continues to be a major concern in the electorate of Goyder. Previously I have advocated the use of voluntary inspectors, but that was put to one side because it was said that voluntary inspectors would not have a very pleasant life if they had to live in the area. At least if one is being paid I suppose there is an additional incentive to do one's job.

In other quarters I have also mentioned the use of police officers in fishing inspector roles. The argument against that has been that police usually like to live in their communities in a way where they are not ostracised, and it would appear that if they have to police fishing offences then their lives would not be that pleasant. It is unfortunate if it has come to that. I hope that these expiation fees will assist in that respect.

I note that this clause not only includes persons who sell fish but also persons who purchase fish, and I assume that the division 5 fine ($8 000) could apply to hotel proprietors, restaurant owners and others who purchase fish. I assume that they will be made aware of this, assuming the Bill passes. How does the new division 5 fine compare with the current penalty? What number of prosecutions have occurred on a yearly average basis in relation to hotel keepers, restaurant owners and others who purchase fish illegally? Have there been many prosecutions of this sort in the past? If so, what is the extent of the prosecutions? What penalties have applied compared to the new penalty of $8 000 (being a division 5 fine)?

The Hon. M.K. MAYES: The answer to those questions is 'Yes'. Those people will be subject to prosecution. We are concerned about what occurs in the honourable member's electorate. It is one of the major areas of concern with regard to abalone, and we along with the police are directing our attention to that. I do not wish to say any more about it, and I am sure that the honourable member knows of it. I have heard so many stories that I could write a thousand page tome the size of *War and Peace* on what is flying around. Many people say that this information has been flying around for some time. I was not aware of the extent of it but the local member may be. The extent of the alleged activities of some people who in fact live on Yorke Peninsula is of grave concern to me, as I am sure it is to other members in this House.

We have to address that, and this Bill will help us do that through the onus of proof provision. The Act did not assist us in prosecuting those people. If all this abalone is disappearing, as is alleged by divers and others in the community, somebody has to be handling and processing it before it goes to the consumer. We want to trace it back so that we can prosecute those people who are actually taking the fish from the fishery. To do that, we need to establish very clear evidence and an onus of proof so that these people can be apprehended and their activities stopped. We will not stamp it out completely but we hope that this will assist us.

People are interfering with the honourable member's constituents' right to fish their fishery for which they pay a considerable fee to enter. As the State member, he is charged with the primary guardianship of that area, and he has already expressed concern on behalf of his constituents at having these fish taken illegally. In the discussions we have had concerning this legislation, we have exposed a number of areas of concern to all members. I understand those areas of concern and, if we are to stamp out the activities of these people, we must have fairly strong legislation to do so. I am advised by my officers that the area of legislation involving this reverse onus of proof is quite extensive and we need it if we are to apprehend the primary culprits. If the honourable member refers to page 3, he will see that clause 7 provides a defence to proceedings for an offence with respect to sale, purchase or possession of fish. Subclause (3) provides:

> In proceedings for an offence against subsection (1) or (2), it is a defence if the defendant proves—
> *(a)* that the fish to which the proceedings relate were purchased from a person whose ordinary business was the selling of such fish.

So, there is a defence for those people to whom the honourable member refers, such as hoteliers, restaurateurs, etc. We will advise the appropriate Peak bodies who represent

the people of the amendments to the legislation and indicate that there is now an onus upon them to ensure that their purchases are legal, as there is upon the ordinary individual, say, if the honourable member or I were involved in the purchase of stolen property. I will advise the appropriate bodies, such as the South Australian Restaurateurs Association and the Australian Hotels Association, that the Act has been amended, so that they can advise their members by circular much more efficiently of the changes and so that there is no ignorance on their part. I understand there is a constant need for people who run those establishments to be aware of the changes in regulations that affect their operations.

Mr MEIER: Does the Minister have access to the number of offences that have occurred and the type of penalties applied to hotel keepers, restaurateurs, etc., up until now?

The Hon. M.K. MAYES: I can certainly gain access to that information. Off the cuff, I can say that the existing penalty for a first offence is $1 000; second offence, $2 500; and a subsequent offence, $5 000. Very few prosecutions have taken place. I will provide members with the details of those offences. Just to reinforce the situation, I point out that it was an almost impossible task to prosecute when trying to identify the source of the fish with the limitation of the existing legislation not providing for substantial evidence of proof of purchase, whether legal or illegal, on the part of the individual concerned.

Clause passed.

Clause 8—'Protection of aquatic habitat.'

The Hon. P.B. ARNOLD: When I was in the area of the Aldinga Reef Aquatic Reserve a few weeks ago, concern was expressed that the marker buoy, or whatever was used to identify the reef, is no longer there. How does a casual recreational fisherman, who is not up to date with the details of aquatic reserves around the South Australian coast, identify the actual reserves? What is the department doing to identify them for the individual recreational fisherman? The professional fisherman would know exactly where the aquatic reserves are, but I imagine a lot of recreational fishermen, who go out once or twice a year, would have no idea of the aquatic reserve boundaries.

The Hon. M.K. MAYES: I would probably fall into that category. Before I embark on any expedition with my son once or twice a year, I always inquire with the department as to exactly where we can and cannot go, particularly on the southern coast.

The Hon. P.B. Arnold interjecting:

The Hon. M.K. MAYES: It is a sensible and very reasonable question. The department this year is undertaking a comprehensive resource identification program. The boundary of every aquatic reserve will be marked on shore. Clear signs will indicate to the community that it is an aquatic reserve. There will also be information as to what one can and cannot do in that area. The management information program will be completed by the end of this financial year and every aquatic area will be identified so that the public will clearly know what is allowed in that area.

The Hon. P.B. ARNOLD: I mentioned the Aldinga reef, and I understand that a marker buoy used to be there: is there any reason why that buoy has been removed or has not been replaced? That concern was put to me by some of the locals in the area.

The Hon. M.K. MAYES: We have a problem with people taking markers from reefs. The only thing we can do is provide on shore identification markers. Most people probably know the Aldinga reef. We are constantly replacing the buoys that are taken, for the benefit of those people who are not aware of the reef. We will have to rely on our on shore markers and the recreational guide, which is available to the community at large. I am sure the honourable member has a copy of that publication, which highlights a whole range of management programs for which the department is responsible. Those programs have been instituted.

The Hon. P.B. ARNOLD: Does the department circulate a sheet that can be picked up from the Fisheries Department or other Government instrumentalities, or from fish and tackle shops, as an aid to recreational fishermen to try to keep them out of trouble, indicating the various aquatic reserves around the coastline?

The Hon. M.K. MAYES: The answer is 'Yes'. The recreational guide, which is blue and almost diary sized, contains a whole range of useful information. I would be happy to supply all members with a copy of it because it would be appropriate for them to have copies in their office. About 12 000 are printed each year.

Clause passed.

Remaining clauses (9 to 13), schedule and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (WORKERS REHABILITATION AND COMPENSATION) BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 1401.)

Mr S.J. BAKER (Mitcham): The Opposition is concerned about this piece of legislation, the best description of which is 'the good, the bad and the ugly'. I will deal with the bad and the ugly first. This Bill contains a retrospectivity clause which takes a section of the Workers Rehabilitation and Compensation Act back to its inception. The bad provision in the Bill relates to the Minister's desire to tighten up the Act to prevent any employer who qualifies to obtain exempt status from doing so if that employer is a net contributor to the fund. The good element of the legislation is the decision to make available a portion of the Silicosis Fund for research and promotional effort in the mining industry: that is fully supported by the Opposition.

The Bill also contains some tidying up clauses. For example, the Minister has found an anomaly wherein exempt employers are no longer required to continue to report to the corporation on the status of those employees who have completed their rehabilitation or are no longer under the auspices of the Act. That is very sensible, and should not have been in the legislation in the first place. The Bill contains a number of other small items, one being the reinclusion of details of how employers can group themselves to obtain an exempt status. This provision was contained in the previous 1988 amendments to the Act.

The Opposition has made known to all concerned its stance on this Bill. It is opposed to retrospectivity in any shape or form and we have debated retrospectivity on a number of occasions. I remember having an interview on this subject with a journalist, and he mentioned bottom of the harbor schemes. Such schemes were predicated by the desire of certain people to avoid taxation—to avoid paying their just dues—and that bordered on the illegal. Bottom of the harbor schemes were then subject to taxation, as they should have been in the first place. We had a dilemma in that situation because we were asked whether we supported retrospectivity. There was a resounding 'No'. However, when it was quite clear that the original intention was to provide for those people to pay full taxation on their earnings and

they had cynically escaped the provisions by nefarious means, the moral commitment was straightforward, at least for me.

I ask the Minister why he wants to involve himself in retrospectivity because, as he would well know, to most people in this House retrospectivity has no place in legislation. Why does the Minister want to follow this practice when he knows of the inequities that such a practice can create? I draw an analogy with the Highways Department or the Police Department monitoring a particular section of road on which a scanning camera records details of car numberplates and speeds. The road has an 80 kilometre limit. Over a year, approximately 1 million cars travel down that road at various speeds, most slightly in excess of 80 kilometres an hour. The responsible Minister decides to change the speed on that section of road to 60 kilometres an hour and wants to backdate it. That creates an offence for many users of that road.

Although the Minister of Labour is not trying to create an offence with this provision, he is trying to get out of a commitment that was made to this legislation by his predecessors. He has decided that he does not like the rules of the game and, although they are quite clear, he wants to change them. Not only does he want to change them, he wants to make sure that the rules are backdated by well over a year.

If this measure passes, a precedent will be set, and it is not one that anyone in this place could condone. It is not my intention to support retrospectivity as proposed by this Minister or any Minister in this place. The question goes a lot further. Why does the Minister want to break a strong tradition of Parliament? Why does he want to do so for the sake of $2 million? The Minister and a number of his spokespersons have said that the fund is healthy, and that the funding situation is excellent. Those reports have been circulated to the press. If the situation is so good, why has the Minister gone to these lengths to break tradition for the sake of $2 million? It raises very serious questions about the propriety of the Minister and the viability of the fund.

That viability will be better known when the report is produced. As the Minister is well aware, the Act requires that the books be audited within three months of the end of the financial year. He is also well aware that the report must be on his desk by 31 December. Indeed, I expect that as at the first sitting of Parliament it would be made available to all concerned. So, why does the Minister have to make this retrospective, if the fund is doing so well and the $2 million net contribution, made by a firm like Santos, is critical to the health and well-being of the fund?

My perception is that the fund is very delicately balanced. Indeed, the Opposition will have something to say about this when the report comes out, particularly because we know that every scheme of this type right around the world has failed. These schemes have failed because the liabilities in-built into the fund early in the piece have been far in excess of the premiums coming through the scheme. There is a very good reason for that. It is because, to introduce these little socialist dreams, there has always had to be a trade-off. They have had to generate support from certain elements of the business community which are going to get some advantage. In those trade-offs we find that a lot more is given away than should be and that no real attention is paid to the viability and strength of the proposition. It is all about politics. The Minister knows, as did his predecessor, that without some element of employer support the Bill had no hope whatsoever of passing.

Why should this be made retrospective? Can the Minister explain why the Catholic Church and Mobil PRA have received exemptions? Perhaps the Minister can expand on this matter during the Committee stage? I will be asking the Minister to explain whether those bodies were net contributors to, or net takers from the fund and why indeed those two organisations were not treated in the same fashion and refused exempt status, as has Santos. I note that the Minister is stipulating, by another amendment in the Bill, that decisions that have already been made will not be affected. So, the Minister is quite content that at least two firms—and there may be others of which I am not aware—have somehow achieved exempt status after the passage of the original legislation.

I now turn to the matter of exempt status. I remind members of the House to look back at the proposition that was put previously in 1986. I shall quote from the second reading explanation given by the Minister at that time. It states:

> Clause 60 allows certain employers to apply to the corporation for registration as exempt employers. An employer may apply under this provision if it is a body corporate and it employs more than a prescribed number of workers, or is a member of a group of related corporations or local government corporations.

And the following is a very key component:

> In determining whether to grant exempt status to an employer, the corporation must take into account various matters including the ability of the employer to meet liabilities, its resources for determining claims, its safety record, its rehabilitation record and the views of any registered association that has an interest in the matter. The corporation is empowered to grant registration subject to such terms and conditions as it may determine or as may be prescribed by regulation. Such conditions may require, for example, the lodgment of security. Registration may only have effect for a period of three years and the corporation may revoke a registration if a term or condition of registration is broken or ignored.

Clearly, if the Minister breaks his little undertaking in this area, what guarantees do all exempt employers have down the line that once this period of registration is over the Minister will not say to them, 'Look, sorry about all this, the fund has a few problems, we want you all back in there, and that exempt status is gone.' It is quite clear that there was no mention whatsoever of any matter relating to the viability of the fund. It was based purely on an employer's ability to perform in the marketplace, and particularly to perform, as the Act so specifically says, in the areas of safety and rehabilitation, and on the ability of an employer to finance a large liability should it occur. They were the major areas that had to be considered by the corporation—not this viability of the fund.

We in the Liberal Opposition support the proposition of exempt status. We have supported the self-insurance principle ever since the first self-insurer came into the State, or took up self-insurance as an alternative to going through registered insurance companies. There is a very good reason for that. As for having exempt status, we all know that those employers who were self-insurers previously had a far better safety record and rehabilitative record than those employers going through the normal general insurance areas. I have done some studies on this. As the Minister is aware, I spent a long time on my feet during the original discussion on the Workers Rehabilitation and Compensation Bill.

I visited a number of exempt employers' firms and I compared them to those doing business through the insurance companies. There was an absolutely extraordinary difference in the way that they conducted their affairs. The sorts of things to which they paid attention were very important. They did not buck and quibble when an employee was injured. They took special care of that employee when he or she was injured. They started that employee on work back in the workplace as soon as was humanely possible so that that employee would not lose his or her work force status or self-esteem, following an injury. In the case of one

or two firms that I visited I can say that, having interviewed the employees concerned, some employees actually wanted to get back to work as soon as possible, because of the attitude of the management running those firms. Those employers were virtually galloping to get back to employment and they had to be restrained.

There is a big difference between the hands-on direct relationship which an employer has with an employee and that which pertains when that employee is taken out of the hands of the employer. I am not saying that all 43 firms that have exempt status are exemplary in the way that they operate. I just happened to visit two or three that were really very good. Not only were their claim rates so much lower but their productivity was much higher. As a gentleman by the name of George Ossipoff, who is a bit of a character—and I suppose the Minister knows of him—explained to me on a number of occasions: if every employer understood the full ramifications of work force injury, they would pay a great deal more attention to it. It relates not just to days lost because someone is injured or sick as a result of a workplace accident or injury but to the fact that the production line is affected.

So, there were certain employers around this town in the exempt employer status (or self-insurance status, as it was previously), who paid more attention to safety and to rehabilitation because they knew that at the end of the day the quality of their work force would be higher and productivity would be much greater. The Minister knows that what I am saying is correct. They did not want the experience of having someone else managing the affairs of their employee. Contrast that with the situation under WorkCover. Why would any employer in his or her right mind wish to continue in WorkCover? Perhaps that is why the Minister is so anxious to shore up the walls before the flood tide comes through.

I will mention briefly some of the issues that I have raised since the inception of the Act. The first is cross-subsidisation. Why would an employer want to continue to cross-subsidise high risk industries? Then there is the issue of older employees, which is yet to be resolved. There are people over the age of 60, in the case of females, and 65, in the case of males, who simply do not have a place in the WorkCover scheme. Why would an employer want to put up with the fines and threats that abound with WorkCover? Why would people want to see auditors rushing through their doors in their normal abrupt fashion saying, 'I want to have a look at your books, and we will search for every payment that it is possible to include under the remuneration base so that we can increase the take'? Why would they want to pay out premiums on superannuation? That has nothing to do with a work force situation in terms of what is compensable. Why would they want to continue to put up with the abysmal administration of WorkCover? Many of the calls I have to my office result from sheer frustration or confusion.

Why would people want to be involved in a scheme which may have some serious long-term financial difficulties, if we take the examples of Victoria, New Zealand or Toronto? Why would they want to involve themselves in rehabilitation processes which, from the information that I am now gathering, in many cases seem to be a gigantic rort on the system? There is a whole range of reasons, as the Minister knows, why employers would want out. The Minister is operating under the old communist system. The communists say, 'Come over and live in my country: it is a good place to live.' The only difficulty is that you can not get back out the door. They say that communism is a wonderful system but, if that is so, why do they not open the door? If the WorkCover system is so wonderful, why would anyone wish to get out? But that is the case: they want to get out.

I will not go over material that I have gone over before. The Minister knows that I could probably fill half a volume of *Hansard* with the detail on WorkCover that has been given to this House over a period. I will just relate what has happened in the past week. It is useful to relate that, because I have been contacted by people saying, 'Why don't you leave WorkCover alone and let it work?' I told them that I would leave WorkCover alone when my phone stopped ringing. I assure members of the House that the phone has not stopped ringing, and I guarantee that in many electorate offices around the countryside this same situation prevails.

In the past seven days I have received two letters from employers waiting for reimbursement. Under the Act, WorkCover is required to take up compensation payments for injured employees after the first seven days. WorkCover has been very successful in 'putting the heavies' on various employers and saying 'Look: it would be better if you kept paying them and we will reimburse you.' The situation has certainly improved: people are not waiting three months for reimbursement. However, they are waiting at least one month. There are administrative costs associated with running a reimbursement scheme, as the Minister would appreciate. If we take into account the time and care expended and add up all the costs of filling in forms, writing letters and making phone calls to see where the payments are, it is a considerable amount. Why is WorkCover not living up to its charter, which gives it the responsibility after the first seven days of reimbursing employees?

My next case involves a person who has not been paid since April. There had been some difference of opinion as to whether that person should receive compensation over that period. Fortunately, he was not left completely broke, like some of the people earlier in the system, in that he could pick up sickness benefits over a month after the injury occurred. That is an improvement on what occurred previously. That was the situation that operated under the old workers compensation scheme, although it used to work much faster than it does under WorkCover. There is some difficulty with this case, because someone must determine at some stage when that person is capable of carrying on a normal work force task.

However, this jolly little outfit said to the person concerned (a constituent of mine), 'If you don't agree to this proposition, that we pay you out straight away and you have to say that you don't have any more claims on WorkCover, we will take the matter to a tribunal. We know that the tribunal is taking three months to sit, so you could try to live on very little and try to pay the bills that have mounted up over a period of time, with big bills facing you for another three months until the tribunal determines your case.' That is negotiation under WorkCover.

Today I talked to a young lady who has gone through this fabulous rehabilitation process. I do not intend to mention her name or her circumstances. She underwent rehabilitation for a shoulder injury, and the rehabilitation agents extracted something like $8 600 from WorkCover. For that princely sum, the lady concerned has received one tape. Records have been falsified, and I will be providing the information and expecting some action, as the Minister will appreciate. I will even send him a copy of the details of this case, because I understand that it is not the only area affected.

I am sure that the Minister would be as interested as I am in taking up this matter in a very vigorous fashion. I raise it because that is the sort of system we have today: a system that is still learning and simply was not put together

professionally, so that all the problems I have mentioned continue to face employers in this town. So, for a wide variety of reasons, I say that WorkCover must perform. When we attain Government there will be some quite significant changes to WorkCover, as the Minister will appreciate.

Mr Rann: Next century.

Mr S.J. BAKER: The member for Briggs suggests that it will be next century. May I suggest to him that it will not be far off. Judging from the sort of stories the electorate are telling me, and many Labor supporters are telling me, he might be in for a very rude shock. The provisions for exempt status are clear. I note that Mr Kevin Purse commented in the press that, 'We cannot let Santos out of the scheme because its safety record is very poor.' That is interesting because that is not one of the reasons given by the review officer for refusing the company exempt status.

Members would also appreciate that this piece of legislation has come about because someone has dared to test out the system. The Supreme Court ruled that the viability of the fund could not be considered when the corporation was determining whether an employer could achieve exempt status. It was a two to one decision, with the Chief Justice, who is well known to members opposite, taking the minority view. (They tell me that it is impartiality!) The question of restrospectivity has been canvassed, as has been the reason why an employer would have some serious reservations about the way that WorkCover is operating, and the reasons why more and more employers with over 200 employees are seeking exempt status.

As to the other provisions, the Minister can explain in Committee why we have to re-invent the wheel by introducing the group provision, because it was contained in a previous amendment. I presume that the Minister will no longer gazette or proclaim the remaining amendments from the legislation considered earlier this year. There is the removal of the review officer from the right to review, and that review now rests with the Minister. We opposed the proposition when it was advanced previously. Having lost that battle we do not again intend to contest the matter of whether the review officer should exist or whether the Minister should have prior right. I contend that there should be an independent authority so that, if a review is undertaken, it is not conducted by someone with a vested interest.

The Minister has already shown his colours in this case by saying, 'I will not let anyone who is a net contributor out of the scheme.' So asking for a review by the Minister would seem to be a gross waste of time. As I mentioned previously, the Silicosis Fund is probably the only good thing in the proposition, even though I have a reasonably minor amendment on file on that matter. It was the desire of the people who had put all the money into the Silicosis Fund to be able to use that fund for a variety of purposes to assist the mining industry. The Minister knows that people have put that money into the fund on the basis that it should cover any compensation claims against the industry relating specifically to the disease of silicosis. Research has shown that that fund will be in excess of the demands that will be made upon it, and so it is to be transferred almost *in toto* into the general compensation fund under WorkCover.

We raised the question asked by the mining industry: why could not the industry be using those funds for a constructive purpose? The Minister has seen fit to address that question, and I appreciate his response in that regard, that a certain percentage of the fund will be set aside for a number of purposes relating basically to safety, improved conditions and to promote various aspects of the mining industry. That is the only positive element within the Bill.

The other remaining part with which we agree removes the anomaly requiring exempt employers to continue to notify the corporation well after the date that an employee has been determined to be under compensation.

For a whole variety of reasons and on balance the Opposition is opposed to the proposition. That opposition will be expressed in a number of ways, including divisions at the approporiate time. Before concluding my remarks, I point out that the penalties administered by WorkCover have caused industry in general and many employers a great deal of anguish.

We know that when the seventh day of the month comes around, when the premium cheques are supposed to be received by WorkCover, the little computer does its scan and indicates that a number of employers have not complied. Then the threat notice goes out and, if that notice is not complied with, even for a whole variety of reasons, the fines come down. In a recent release a spokesperson for the Minister suggested that employers now receive 30 days leeway. I find that extraordinary, because I have seen some of the fines notices which have been issued and they did not give a 30 day overhang. Interestingly, some of those fines notices have been put out whilst there has been a dispute with the corporation about certain payments. No-one notified the computer, which just kept automatically spewing out its reminder notices, then its threat notices and then its fines notices. It seems that no one thought to put an edit on the computer so that, if matters are outstanding, any fines could be delayed. Of course, that is too sensible!

Employers are also disgusted that they have to pay premiums on superannuation. Superannuation is part of a package negotiated at the national level and employers are now being forced to make provision for superannuation. Employers are being taxed three times: they have to pay for the privilege of putting money into the superannuation fund; they have to pay workers compensation premiums on that fund; and now, under the latest Keating proposition, they are to be taxed on the earnings of the fund. That is triple jeopardy for providing for employees. I will seek the indulgence of the House in order to move amendments to those matters.

Decisions have been made by the corporation that are not supported by the employer community. Those decisions should be subject to parliamentary scrutiny because the corporation is incapable of acting in the best interests of employers in this town. Therefore, I will seek the indulgence of the House in order to move amendments to bring those matters back under the scrutiny of Parliament through the regulatory process. With those few words, I record our opposition to the Bill.

Mr LEWIS (Murray-Mallee): I rise to join this debate because of the concern that WorkCover has caused almost every employer in the district that I represent, whether they are employers of substantial numbers of people in Murray Bridge factories or employers of one or two permanent employees (in Murray Bridge or elsewhere), or employers of a few people from time to time, as often occurs in rural communities in respect of farming operations and other seasonal activities determined by the rhythm of things in rural communities depending on seasonal needs.

What we find is that the Government's initial assurances given by the former Minister to the House about the way in which the scheme would operate are in the main true where they relate to the consequences for employees but are anything but true where they relate to the consequences

for employers. There is one important context, however, in which they are not even true in relation to the consequences for employees—the workers themselves—and that is where the employee is a casual worker for a number of employers throughout the working year. I guess that that to me is easily the most annoying part of the whole scheme, because it exposes the duplicity of the Government when it gave assurances to the public and, through the Minister, to this place at the time the legislation was introduced, and subsequently whenever we have discussed the matter in this Chamber.

Employees in the category to which I have referred (that is, casual workers) have found that, when they injure themselves on the job and seek to obtain some compensation payment in the way of support for their households in lieu of the wages they are losing while they are ill or injured, they are told by WorkCover staff that the employer must pay them and that the employer will be reimbursed. They are told that by people who are working, as it were, in the shopfront, at the counter, when they report to WorkCover officers seeking advice about it.

Equally, employers are told the same thing, whereas it is just not bloody well true. That is not the law and the employers cannot get the money back. The truth of the matter is that the Minister deliberately told senior management to instruct staff at the interface between WorkCover and the public that it is serving to tell people that, so that they would then, in the belief that they were entitled if they were workers and obliged if they were employers, either receive or pay wages to the injured worker while he or she was recovering.

The fact is that WorkCover was and is liable to pay that money. But WorkCover has still not paid to an employee, to my certain knowledge, wages that that employee lost nine months ago. WorkCover insists that employees have to collect those wages from employers who will then apply to WorkCover for reimbursement. The Act does not allow for that, nor did it intend that that would be so. I condemn the present Minister for allowing this practice to continue after I drew it to his attention, and I condemn the previous Minister for deliberately misleading this place and, worse still, for deliberately misleading the people who work on the counter for WorkCover. The way in which that was done deserves the heaviest condemnation that we can lay on such public servants and the Minister concerned. It was never intended to be so. Those staff members should never have been misled into telling workers who sought information that they should go back to their former bosses and collect their wages. As much as I am angry about that, I will leave it. I have made my point on that score.

I now turn to the other aspect of concern about this whole matter of WorkCover and what has been said it will do as opposed to what in fact has been the experience. I will quote several letters that I received from constituents as that is the simplest way to deal with the matter. The first letter from a farmer states:

Just thought I would drop you a line concerning the new legislation WorkCover. I employed a shedhand for two days, a job he wouldn't have had if I hadn't employed him. He hurt his arm when a sheep butted him, but instead of two days wages I was asked to pay him an extra week's wages for work he hadn't done. I only had two days work for him. Thought you might like to know and perhaps bring it to the notice of the Parliament.

I think members can understand from that something of the background of the person who wrote it and the sincerity with which the circumstances have been related to the House through that letter by me with his knowledge; they can also understand that it further illustrates the point I was just making. The next letter is typical of the attitude and experience of people who run a small business which sells machinery and repairs and services motor cars in a country town. It states:

Dear Peter,

I have enclosed a copy of our letter to the MTA re the new WorkCover and the anomalies which have shown themselves . . . I would appreciate your comments on the wider view also. This is just another impost on small business in difficult economic times to add to the other increases in Government charges—electrcity, fuel . . . post and Telecom tariff and rental . . . when the Government assured us WorkCover was going to be cheaper, we now feel cheated.

They go on and draw attention to what they have experienced. Their premium under WorkCover is $3 869 but their premium last year for a larger amount of time worked was only $2 459. This represents a 60 per cent increase. In relation to their previous claims experience, in the past three years only one claim was made.

Mr Acting Speaker, you and I both know that times are pretty tough in rural South Australia at present. Things are tough in the community in which this business functions there is no latitude at all in the cash flow in such businesses. Consequently, that business has had to shed labour to pay for the additional premium required by the Government through the higher premiums that it is demanding to insure its workers under WorkCover. Let me exercise that point to facilitate members' understanding of my concern.

The point is simply that we warned the former Minister at the time he so bloody-mindedly insisted upon introducing this legislation in this form that it would result in the loss of jobs. In many businesses, as the member for Eyre would know, it is simply not possible to find the extra dollars without reducing the size of the work force. That is what has happened right around rural South Australia. We made the point at the time the legislation was introduced that it was not fair to expect small businesses in rural communities or, for that matter, small businesses anywhere, to cop an increase in the WorkCover premium. The Minister bloody-mindedly ignored our plea in that respect. We warned him that it would cost jobs. There was no other way these businesses could continue to survive; they would simply have to contract out their labour force. That did not mean they were inefficient before or that the things the people working in them were doing were not warranted or profitable.

It was simply that they now have to find cash from some quarter or other, so they have cut back, either by having some people work part time where they were formerly employed full time and/or sending out more work to have it done somewhere else. For instance, in places near the border, such as Pinnaroo, they send work across the border or, alternatively, they tell people to take work home and pay them as subcontractors, with those people arranging their own personal accident insurance. That is not really desirable, but it is necessary. There is no other way they can survive. It is causing a fragmentation of the work force and a reduction of the services available in rural communities, just because the Government is so greedy and insensitive that it will not listen to the submissions we have made on behalf of the people we represent.

Let me cite another letter about the burden of onerous, unnecessary garbage that the Government demands of a small employer, a farmer, and the way it affects one member of the household, the wife, who keeps the records. The letter states:

Dear Peter,

I didn't have time over the weekend to compile my 'paper problem report' but hope the following and few enclosed sheets will help you understand my point. I thought one way would be to give an example—for example a casual employed in a shearing

shed. (For general employees, the only procedure not required would be the agreements).

Before Joe Blow even begins work [in the shearing shed] he is required to fill in the green form from the post office in duplicate and supply his tax file number—most people don't carry this on them! He also has to sign before a witness, agreement forms—one for him and one for his employer. (The employer must send the original of the green form to the tax office within 28 days). In the future, Joe will also have to carry his superannuation file number with him so the employer can calculate 1.5 per cent and send it to the insurance company. If Joe already has a super fund going, he can apply to the Commissioner to use that one but it will take one to two years for approval.

It does not matter; he still has to get on with it. The letter continues:

(The rate will increase another 1.5 per cent next March and the employer pays this on top of his wage). He can then do a days work and at the end the employer calculates his wage and takes out the tax and gives him a cheque. The employer must then calculate 4.5 per cent for WorkCover—within seven days of the next month—and caclulate his superannuation and send the cheque to the company (the WorkCover gets paid into the bank) and purchase his tax stamps and stick them in and cancel them within 28 days or face fines of up to $5 000 or 12 months in jail for any misdemeanor.

That has not created one more job or saved one more work-related injury. It has not made the work place any safer. It has not made anyone any happier, in fact, it has made everyone a hell of a lot unhappier. The letter continues:

When Joe goes to work for the next farmer the paper chase starts all over again. Imagine the migrant market gardeners, the fruit growers employing casuals—they will be overwhelmed.

My other experience as a horticulturist (and the many friends I have in that industry) enables me to confirm the impression of this young woman who has written to me in these terms. She then puts in upper case:

PEOPLE WILL AVOID EMPLOYING CASUALS BECAUSE OF THE ETERNAL PAPER WORK! We already fill out compulsory statistics forms twice yearly and have to pay a fee of $25.

People have to pay to fill in these ruddy things to register as a work place so that they are allowed to employ people. The letter continues:

What are they going to dream up next! If the Government wants us to do all their paper work why don't they subsidise it or supply a rural secretary to help.

It is not for their benefit—it is for the Government's benefit. She continues:

Not just a toll free number with a pencil pushing bureaucrat who just gives a Christian name and knows nothing about farming! I can see the advantages of these schemes but too much pressure (I won't dare mention stress) is being put on the employer. Thank you for your attention—I know it is of concern to a lot of farmers.

She encloses the plethora of forms and information of stuff that she has to fill out, read, be familiar with and be competent at understanding, otherwise she will end up with this horrendous fine, and we are proposing to increase it. We would not win anything in the compassion stakes, yet that is what members opposite say they are on about. They have increased the workload in administrative terms for those people who have farms and/or small businesses. They have generated not one additional job anywhere. In fact, they have forced the loss of jobs in those rural communities by taking bigger premiums out of each of the businesses that operate in those communities to subsidise some other businesses here in the metropolitan area, presumably, because I have not heard anyone in any rural community ever state that they have been better off, and I have asked people in every kind of business.

The final letter to which I will refer comes from a service industry, a refrigeration and heating controls company. It is pointed out that the company has an 18-year record. The letter states:

In our 18 years our workmen's compensation claims have been one claim for $90. Last year that section of the company's insurance portfolio in a private enterprise free market cost the company $3 204. Under WorkCover we have been levied a percentage rate of 2.8% which means for the same salaries our WorkCover cost this year is estimated to be—

not $3 204 but cop this, Mr Deputy Speaker—

$8 272.

That company has an 18-year record of workers compensation claims that in total amount to $90. This scheme is said to make that work place safer. I challenge the Minister to show me how. With a record like that, do members think this is fair? Again what has happened is that that company has had to shed labour. Time does not permit me to go through the entire letter that I received from that firm.

I want to summarise by saying simply that the Minister and the Bannon Government have not understood, nor would they listen when other people tried to explain to them, that the scheme was unjust, inequitable, unfair and unreasonable in the way it impacted upon some employers who were already paring their profit margins to the bone to retain their labour. In refusing to listen, the Government has forced them to do nothing else but shed labour. It has not created one safer job in any of those businesses, nor has it improved the safety record in those businesses. The Government stands condemned for failing to think it through and get it straight first time. This legislation is an illustration of the fact that it did not get it straight the first time. Moreover, I hope now that the Government will listen and accept the sensible propositions that are being put by the member for Mitcham. In due course, if I had any say in it, I would dynamite the ruddy lot!

Mr S.G. EVANS (Davenport): I do not support the Bill as it stands. WorkCover has been a failure and has imposed injustices that many of us have had to accept. I am sure that, in the future, the scheme will be changed substantially, if not abolished. It is unprincipled to speak of retrospective law. What would happen if wages were reduced by arbitration and a member of Parliament tried to move that the decision be applied retrospectively? That is the sort of proposition that we have been asked to accept here, except that it affects employers, not employees.

Let us not forget that it is the Bannon Government that is responsible for this measure. The Premier knows full well what he is doing and, although he uses other agents, he is the person responsible. He is intelligent enough, he has a law degree and he has been an advocate in the industrial scene: he knew full well what was happening when he set out with his followers to implement this scheme which exploits one group of employers against another. Take the case of a husband and wife who are sharefarmers. They do not live on the farm and do not go near it other than to inspect it. For their convenience, they have a family company and the money from the share farm is paid into that company. The only people who get any benefit from the company are the husband and wife, yet they are hit $600 by WorkCover. For what purpose? The only accident they are likely to have is to put a glider clip through a finger when dealing with a cheque from the share farm to the bank or when answering WorkCover correspondence. What justice can there be for people who, merely because they may take directors fees from a company, must insure through WorkCover, with very little chance of making a workers compensation claim except for stress as a result of abiding by WorkCover obligations?

People in that category should be able to take out the necessary private insurance to protect themselves. Surely that is the attitude of the Prime Minister, who has other

troubles at the moment: people should prepare for their own future. Yet, this socialist Government wants a system under which manufacturing companies that hope to export pay a low figure, regardless of whether it is a high risk industry, but those who earn a reasonable income and run a low risk operation have to subsidise those companies by paying a higher rate than their risk demands.

In a recent insurance industry publication, congratulations were given to Tasmania because, in that State, people have the opportunity to insure where they like. They have obligations, but they are not tied to one group. Santos is certainly a big operation and is advised by clever people. Parliament determined that some companies should be able to self insure, as the Government does, but when Santos took the opportunity to do so, there was a squeal that it was wrong and that it should not happen because a Government-established organisation, with the approval of Parliament, despite the objection of many members, wants to collect $2 million or $3 million a year. It may be that other companies want to get out of the system because, as WorkCover hits so many companies unfairly, unjustly and unreasonably, companies will seek to leave the system. Is there any member of Parliament who, given the opportunity to buy a cheaper insurance policy from a company other than the one with which he is presently insured, would not change companies? We all know that people in that situation would seek to change immediately to save small amounts of money, let alone millions.

Surely, in a society that wants individuals to be more self-sufficient, we would also want companies to be so. We could ask employees of WorkCover, SGIC, the Department of Labour and the Employers Federation whether they want the right to buy their household insurance from the company of their choice or as directed by the Government—the Bannon Government. If that Government said that insurance had to be taken out with a particular company in the first instance but that those employees could self insure if they show a good track record, and within a short period the same Government wanted to change the rules because people wanted to exercise that right, how would those people feel? They would feel disgusted, and rightly so.

People who employ only clerical staff pay higher rates than those who have employees at risk and who operate an industry with a greater number of claims. That is part of the business operation, and I know it will change. WorkCover is going down the gurgler. We have seen only the tip of the iceberg. WorkCover is clutching at every cent. The Government knows that it has trouble but it wants to stave it off until after the next election. It is petrified that the issue will blow up before the election. In the meantime, these measures have been introduced. Why else would the Government seek to change the original principle to allow employers to self insure?

[*Sitting suspended from 6 to 7.30 p.m.*]

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Acting Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It aims to supplement and achieve efficiencies in the deployment of the State's judiciary. The Bill provides a scheme which is designed to achieve and maintain greater efficiency and effectiveness in the disposition of work of the courts by the better use of judicial resources.

The movement of cases through the courts necessarily involves a period of time which is utilised by the parties to prepare for trial. This is regarded as an integral part of the process and is monitored by the courts in order to ensure that undue delay does not occur. Circumstances do arise from time to time where undue delay does occur but this is largely outside of the control of the courts, and often, beyond the anticipation and control of the parties and counsel. Examples of this are the last minute unavailability of witnesses and sickness.

With the exception of the foregoing, any delay in excess of what might be termed normal processing or waiting time, is regarded as undue delay which is unacceptable and to be avoided if at all possible. Problems arising from undue delay occur from time to time in all jurisdictions, for a variety of reasons, including increased workloads, lengthy and time-consuming trials and poor procedures. A good deal of work is being done and has been done within the courts and the Court Services Department to improve practices, procedures and techniques and to embrace more firmly, principles of sound management.

One aspect of courts administration which is deficient and which seriously inhibits efficiency and effectiveness is the absence of a flexible system for the use of judicial resources. It is essential that this deficiency should be remedied in order to obtain the best use of the judiciary in attempts to reduce delays to an absolute minimum.

While South Australia generally compares favourably with the other States, some undue delays, are present in the system. Waiting times at the end of June 1988 were as follows—

(a) Supreme Court—	
criminal	3-4 months
civil	10-9 months
(b) District Court—	
criminal	6 months
civil	20 months
appeal tribunals—	
(i) Full Bench hearing	18 weeks
(ii) Single Bench hearing	10 weeks

(c) Magistrates Courts—waiting times fluctuate continuously but presently vary from six weeks to 28 weeks, with an average of about 12-13 weeks.

Over the past few years funding has been approved by Cabinet for the appointment of temporary judges and magistrates to assist in the more speedy disposition of the work of the courts with a view to overtaking arrears and reducing delay. Since 1985 something in the order of $500 000 has been allocated for this purpose. However, this *ad hoc* approach is unsatisfactory in that it is difficult to plan and monitor; it cannot always be undertaken within the normal budgetary process; the administrative and paper work is unduly onerous and time-consuming, and generally, it is inefficient and uncertain. Furthermore, difficulties have been experienced in obtaining the services of suitable persons at reasonably short notice and lack of continuity in many cases detracts from the benefits which are sought.

Existing judicial resources are used to a limited extent across jurisdictions. For example, masters of the Supreme Court and magistrates have acted as judges of the District Court; a master of the Supreme Court has acted as a judge

of that court, and a master of the Supreme Court has acted as the judge of the Licensing Court. However, appointments can only be made for short periods of time under the existing legislation and reappointments are necessary in order to maintain continuity.

The system provided for by the Bill allows for a transfer of judicial officers between jurisdictions. In cases where assistance must be sought outside of the existing judicial complement, a pool of suitably qualified persons will be established from which selection can be made at short notice.

Clause 3 of the Bill provides for the appointment of judicial officers on an auxiliary basis. Judicial officers appointed on an auxiliary basis will comprise a judicial pool. The pool will be established without regard to the age of its members so that highly experienced retired judges and magistrates may be eligible as well as retired members of the legal profession. A general commission will be held for up to 12 months. The commission will be renewable by the Governor.

Clause 5 of the Bill provides for judicial officers to act in a coordinate or less senior officers without the need for a specific appointment or separate commission. This will make it a relatively simple matter to deploy judicial resources more efficiently and effectively. The deployment of judicial officers will (except for certain incidental judicial work) be subject to the agreement of the judicial head of the court in which the judicial officer holds office. This clause does not extend to allowing judicial officers to exercise the jurisdiction of the Industrial Court. This takes account of the specialist nature of the industrial jurisdiction.

The amendments to the Supreme Court Act 1935 in schedule 1 provide for masters of the Supreme Court to be paid at the same salary and allowances at the rates applicable to a District Court judge.

The amendments to the Supreme Court Act 1935, the Local and District Courts Act and the Magistrates Act in the schedule allow for legal or judicial practice outside the State to be taken into account for the purposes of determining whether a person has the standing necessary for appointment as a judge, master or magistrate. This will ensure that suitable persons and particularly those with outstanding claims for appointment are not excluded on substantially technical grounds.

The amendments in the schedules also provide greater flexibility in regard to acting appointments to the judiciary. As a result of the amendments, acting appointments will be able to be made for periods up to 12 months. In addition the current age restriction on acting appointments will be removed. I commend this Bill to honourable members.

Clause 1 is formal. Clause 2 sets out the definitions required for the purposes of the Act. Clause 3 provides for the appointment of judicial officers, by the Governor with the concurrence of the Chief Justice, on an auxiliary basis. A person will not be able to be appointed to act in a judicial office on an auxiliary basis unless the person is eligible for appointment to the relevant office on a permanent basis, or would be so eligible but for the fact that the person is over the age of retirement. A person who already holds a judicial office may be appointed to another office on an auxiliary basis. An appointment under the Act will be for an initial period of up to 12 months, and will be able to be extended for further periods (of up to 12 months).

Clause 4 provides that a person appointed to act in a judicial office under the Act will have the same jurisdiction and powers that would apply if the person were appointed on a permanent basis. Clause 5 will allow a judicial officer holding or acting in a particular judicial office to exercise the jurisdiction and powers attaching to any other judicial office of a coordinate or lesser level of seniority (as defined in clause 2). However, this clause will not operate so as to allow a judicial officer appointed to a court other than the Industrial Court to exercise the jurisdiction or powers of the Industrial Court.

Schedule 1 sets out various amendments to the Supreme Court Act 1935. New subsection (4) of section 8 will provide that for the purposes of determining whether a practitioner has the standing necessary for appointment to judicial office, periods of legal practice and judicial service, both within and outside the State, will be taken into account. New subsections (1a) and (1b) of section 11 will allow a former judge or master who has retired from office to be appointed as an acting judge or acting master. The term of appointment will be for a term of up to 12 months. New section 12 will provide that a master is entitled to salary and allowances at the rates applicable to a District Court judge.

Schedule 2 sets out various amendments to the Local and District Criminal Courts Act 1926. New subsection (3a) of section 5b is similar to section 8 (4) proposed to be inserted in the Supreme Court Act 1935. New subsection (1) of section 5c will allow a former judge who has retired from office to be appointed to acting judicial office. The term of appointment will be for a period of up to 12 months.

Schedule 3 makes various amendments to the Magistrates Act 1983 that are similar to those proposed for the Supreme Court Act 1935 and the Local and District Criminal Courts Act 1926.

Mr S.J. BAKER secured the adjournment of the debate.

TRUSTEE COMPANIES BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 4, lines 6 and 7 (clause 10)—Leave out subclause (2) and insert subclause as follows:

(2) The administration fee—

(a) must not exceed one-twelfth of one per cent of the value of the trust as at the first business day of the month;

and

(b) may be charged only against income received by the company on account of the trust.

No. 2. Schedule 1, page 11—Leave out clause 2.

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendments be agreed to.

The Government accepts the amendments that have been recommended by the other place.

Mr S.J. BAKER: I do not have the amendments to hand but, knowing the attention to detail of my colleague in another place, I am assured that if there is any problem it will be sorted out in the other place from which this Bill should have originated in the first place. We support the proposition.

Motion carried.

JUSTICES ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Acting Attorney-General): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Section 187aa of the Justices Act 1921 provides that the Governor may on the application of the Attorney-General by order direct that any warrant that has not been executed within 15 years from the day on which it is issued shall be cancelled and destroyed. This amendment will enable warrants for the payment of monetary penalties to be cancelled seven years from the date on which they were issued.

A study undertaken by the Court Services Department showed that with the passing of each year the probability of collecting an amount outstanding on a warrant diminishes until by the time a warrant is seven years old there is a collection rate of 1-2 per cent. In, for example, the 1985-86 financial year $21 348 was collected on warrants issued in the period 1 July 1972 to 30 June 1980. The amounts collected do not justify the costs involved to the Police Department and the Court Services Department in storing records, culling records, attempting execution and maintaining accounting systems.

By reducing the effective life of a warrant for a monetary penalty to seven years' system efficiency will be improved and cost savings achieved. As under the present section, warrants will not be automatically cancelled; if for some reason it is considered the warrant should be kept 'live' then the warrant need not be forwarded to the Governor for cancellation. The amendment does not alter the position with regard to warrants of apprehension. The Governor may cancel them after 15 years but, once again, they can be left 'live' for as long as it is considered desirable.

Clause 1 is formal. Clause 2 repeals section 187aa of the principal Act and substitutes a new provision to empower the Governor to cancel unexecuted warrants (other than arrest warrants) after seven years from the day of issue. Arrest warrants may be cancelled after 15 years. Cancelled warrants cease to have any force or effect and this section requires their destruction.

Mr S.J. BAKER secured the adjournment of the debate.

STATUTES AMENDMENT (WORKERS REHABILITATION AND COMPENSATION) BILL

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

Mr MEIER (Goyder): I am pleased to have the opportunity to speak on this Bill. As was pointed out by the lead speaker for the Opposition, the member for Mitcham, the key part of this Bill is that, where an application is made under the Workers Compensation Act and the corporation is satisfied that special circumstances exist to justify conferral of exempt status on the employer or group of employers, the corporation may register the employer or group as an exempt employer or group of exempt employers. It is appreciated by most members here and by members of the public that this specifically refers to Santos and possibly also to other companies that wish to seek exemption from the corporation.

I believe that over 40 companies are already exempt from being registered under the current legislation and, therefore, it is nothing new. However, I believe that it is clearly an indication that the Government is worried about the number of companies seeking to opt out, and it is perhaps an indication that if it had thought the legislation through much more closely in the first instance these problems would not be arising now.

The Hon. E.R. Goldsworthy interjecting:

Mr MEIER: As the Deputy Leader says, the whole thing is in a shambles, and he is not wrong. In fact, it is becoming clearer to me that the Government will find more employers seeking to opt out of the scheme. The provisions in this Bill will enable them to seek exemptions, and provide the conditions that the corporation would have to consider in granting or not granting exemption. If there were no problems occurring with WorkCover, I would find it hard to see why a company would want to opt out, but only today I have spoken with two persons who are both employers in their own right and who are experiencing new problems. They are small business men, but it was quite clear to me that these gentlemen would love to opt out of the system.

I wonder whether the Minister intends this legislation to apply also to small businesses which have had enough of the current system. The first person who approached me is a Mr Bill Fisher, who is the manager of a dairy farm at Virginia. He sells all the milk produced to Southern Farmers, so in a sense he is a contractor to that organisation, although he is an employer in his own right, employing about four full-time persons. Mr Fisher told me that for two months he has received letters stating that his WorkCover is in arrears and that he would be liable to a fine or penalty (that is not for the whole two month period, but going back as far as two months).

Mr Fisher is paid by Southern Farmers on the eighth of the month, and his WorkCover is due on the seventh. That money received from Southern Farmers on the eighth is deposited in his account and usually available by the ninth or tenth. As a result, he is paying WorkCover up to three days later than would normally be expected for his payments, yet WorkCover is not accepting that. He has been in contact with the WorkCover people and was offered the opportunity of paying in advance which, after some discussion, he decided was not what he wanted. So, the girl on the switchboard then said, 'We will perhaps allow you to use the delayed payments scheme,' and Mr Fisher has duly been sent a letter on the delayed payments scheme.

In simple terms, the delayed payments scheme means that you pay one month in advance but you still have to make your monthly payment by the due date. I will be interested to hear what the Minister has to say about this. I quote from the monthly levy payments form which is addressed to the Supervisor, Levy Collections, WorkCover Agency: The conditions are:

1. That the 'Acceptance Advice' below is completed by you and returned to the WorkCover Agency.
2. Payment for the next month due is made using the same amount as the last monthly payment made to WorkCover.
3. Subsequent months will be paid by the seventh using the actual remuneration of the last month but one. This extra month will give employers time to collate actual figures.
4. At the end of financial year any adjustment necessary to correct the actual situation will be made as part of the annual declaration processing.

I particularly refer to point 3, which is a supposedly alternative arrangement whereby you can pay one month in advance. I recognise that an arrears system is used at present. Mr Fisher does not object to paying one month in advance, but he will not be any better off because the payment will still be required on the seventh of each month. As I stated a little earlier, he is paid by Southern Farmers on the eighth and therefore it will not be suitable for him to pay by the seventh. He still wants a few days grace, preferably up to seven days but he could do it within three days.

I cannot see why WorkCover cannot overcome such a simple problem where a person is having difficulties because his main employer pays him on a certain day. WorkCover

has acknowledged the fact and said: 'Okay, let's allow the fellow to pay a month in advance'. I give full credit for that, but each monthly payment will still have to be made on the seventh or within a short period after that or, I assume, a fine will occur. So, Mr Fisher will be no better off. This situation highlights another discrepancy in the WorkCover system. It has caused Mr Fisher some concern and he has indicated to me that, unless I can get a specific commitment that he can have up to seven days grace, there is no point in him signing this form. I acknowledge that straight away. If Mr Fisher is required to pay by the seventh of each month, he will be paying on overdraft the moneys that he owes because he works his account in such a way that it does not have a surplus. So, if the money is not there he will be paying on overdraft.

The other thing about which Mr Fisher has been upset is the attitude of some of the WorkCover staff who have answered his inquiries. In his words they have been 'Hitler-like'. I asked Mr Fisher what he meant by those words and he said, 'A Hitler-type attitude: you will do this or else'. It is a shame that in 1988, four years since 1984, this attitude should prevail. Surely, a bit of commonsense dictates that this attitude of 'you will do this or else' is not necessary. I thought that that attitude went out with the Second World War, but apparently it did not. The fact that this attitude has been brought in through legislation and is now being perpetuated reflects on the Bannon Government.

I refer to another gentleman involved in this operation: Mr Greg Lee, a manager for Southern Farmers who operates a different section of the property. He has under his control two full-time staff and, from time to time, two part-time staff. Mr Lee's case is a little different. I can understand that he would love to opt out of WorkCover because he has had to put up with various things over the past few months. Because Mr Lee made only very small payments for two full-time employees, until 30 June this year he did not pay on a monthly basis. When WorkCover began in September 1987 he was told, 'We will work it out. Come the end of the financial year we will see whether or not you should pay on a monthly basis'. The net result was that WorkCover worked out that he should pay on a monthly basis. So, he paid the amount in arrears for the previous months from September last year to June this year and was then placed on a monthly account system.

Mr Lee openly acknowledges that his first two payments were late and he received a $15 fine in each case. His payments were late was because it was the first time that he had had to make monthly payments for WorkCover and he was not able to subscribe the amounts in time. Last month (October) he was telephoned by WorkCover and told that he had made no payments but they had received a cheque from him for a $15 fine. It is a pity that members in 'Cobweb Corner' are not listening because they could exercise a bit of pressure on the Government. However, one can see that members of the Government are not interested in the little man, the person who has to struggle to make his living. It is quite clear from their arrogant attitude, but let them keep talking and we will see what the people of this State have to say in the next 12 months or so.

In October this year a person from WorkCover said that according to their records no payments had been made by Mr Lee except for a $15 fine. Mr Lee pointed out that it was rather strange that he would send a $15 cheque if he had not also made some payments somewhere along the line. He said that of course he had made the payments and that something was wrong with WorkCover's end of the line. The next day he was telephoned by another gentleman who said that he was definitely in arrears, that no payment had been received and he would be fined accordingly. He was also told that he had not filled out his declaration form. In fact, all these things he had done.

On the third day there was some good news. Mr Lee was told that the matter had been sorted out: they had found the forms and the money he had paid and they would not fine him after all. That happened in October. We now come to this month (November). On 16 or 17 November he was telephoned and, yes, you guessed it, he was told that WorkCover had never received any payments, that he had not filled out any forms and that he would be fined. Mr Lee did not say this, but I can imagine him saying: 'The record must be stuck—we had all this before, one month earlier'. He asked his wife to check with the bank to see when the cheques had been deposited and drawn on. His wife checked with the accountant. By the way, Mr Lee's wife is eight months pregnant and was placed under unnecessary stress, and Mr Lee was certainly stressed, as well.

Mr Lee did not receive any further satisfaction from WorkCover, but he told the girl to whom he spoke on Friday 25 November that he was sick and tired of ringing WorkCover and he was going to see his local member. Guess what happened yesterday? Yesterday he received a phone call from WorkCover to say, 'Sorry, we have found the mistakes, we have found your cheque, it is all okay, you have paid after all'—exactly what he told them in the first place. So, the scenario repeated itself. One can imagine how Mr Lee must have felt about the whole incident.

This mucking around in WorkCover—a complete shambles in the system—has been going on for too long. Mr Lee also reported another incident when his wife posted a cheque on 7 October after WorkCover had said, 'As long as you have it posted within a day or two no action will be taken.' So, the letter was posted on 7 October. I post hundreds of letters each week (or each month, depending on the situation), and I can guarantee that if I post a letter from Maitland it will be in Adelaide the next day, or vice versa—posting from Adelaide it will be in Maitland the next day.

The same situation applies almost anywhere in the State: from Maitland to Virginia, it will be there the next day. His wife posted the cheque to WorkCover on 7 October. Was it processed on 8 October, 9 October or 10 October? No—it was not processed until 15 October. That is why WorkCover decided a fine should be imposed. However, who was at fault? It is not the fault of the sender if the cheque is posted on time. Why does WorkCover want all payments on the one day, anyway? It seems a very inefficient system to have all cheques arrive on the seventh, and then for WorkCover to madly scramble to process them. Obviously, WorkCover does not get them all processed, because this cheque was processed one week and one day after it was sent.

It is remiss of WorkCover and the Government to allow this because, after all, the Government set up the scheme. WorkCover is not working—in fact, it is backfiring. We have before us tonight this Bill which allows exemptions to employers. All members would understand that it will not be just the large employers like Santos seeking exemption but also employers like Mr Fisher and Mr Lee who employ two or four people. They will want exemption from WorkCover—

The Hon. T. Chapman: Everyone wants to be exempt from it; they all want to go back to the private sector.

Mr MEIER: The member for Alexandra says that everyone wants to be exempt from WorkCover, and I believe that he is right. WorkCover has caused too many problems. The Minister has been landed with WorkCover after the

former Minister introduced the scheme, but at that time the present Minister also supported the scheme fully. He smiles now, and well may he do so, but the time for judgment is coming and employers in South Australia are sick and tired of being fooled around by WorkCover. Amendments have come in thick and fast, but they do not seem to be helping. Many problems still occur. WorkCover needs to be changed. Will this Bill open the floodgates? Will all employers seek to opt out of WorkCover? Will the scheme go back to the way it was? I know the answer—it is a clear 'No'.

In the example I put forward, many small employers would wish to opt out tomorrow. I have detailed only two examples, and I am sure that the shadow Minister has hundreds of examples that he could have detailed to the House but time did not permit. Certainly, I am pleased to have had the opportunity to speak to the Bill. I hope that the Minister will take on board the serious situation that exists for just two of my constituents, although certainly there are many other examples that I could have brought forward, as well. I do not see how this amendment will really aid the operation of WorkCover at all. Only time will tell. For heaven's sake, let us clear up the mess that we have in this State at present.

The Hon. R.J. GREGORY (Minister of Labour): I have received a lot of advice from members opposite today but I am not going to take any notice of it because plainly they do not know what they are talking about. Turning first to the question of fines, there seems to be a convenient lapse of memory or amnesia collectively amongst members opposite about what happened before the introduction of WorkCover. All employers were required to pay yearly in advance. If they did not pay, if they were late in paying, it meant that they were employing uninsured workers, the penalty for which was $500 per worker. The member for Mitcham, the member for Goyder and the member for Murray-Mallee made great play about this today.

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.J. GREGORY: The member for Kavel, who had the opportunity to speak in the debate but did not, is now rude enough to interrupt and suggest that companies carry people. What he and the member for Custance ought to understand is that insurance companies do not cover people and carry them when they have to pay out. They follow the letter of the contract. If they have not been paid, people are not insured. I would like to see members opposite present themselves to the Supreme Court claiming that, although they have not paid their insurance, the company is carrying them and everything will be all right. Technically they are not insured. We hear many myths about that. Members opposite are always carrying on about it. I know that they are wrong, but they do not want to accept that.

The Opposition does not want to accept the facts about fines. There are 56 000 employers in WorkCover. In October, 667 (or 1.19 per cent) were penalised for late payment of levies. Less than 1.2 per cent were late. What this means for members opposite—and the member for Mitcham thinks that it is funny—is that it shows the reality of what they are on about. They are saying that people who pay their insurance monthly in arrears instead of 12 months in advance have a tremendous financial advantage and are bludging on the other 55 000 employers and they ought to be allowed off scot-free.

Remember: they are not paying premiums 12 months in advance—they are paying one month in arrears. What is the penalty? If the payment is made between the seventh and the twenty-fourth day, it is 15 per cent; if the payment is made between the twenty-fifth and the thirty-first day it is 25 per cent; and it is only if an employer is a first defaulter and the premium is not paid after the thirty-first day of the month that the levy of 100 per cent is imposed. That is a reasonable penalty for people who want to bludge on all the other employers.

As to those employers who want to opt out, I can understand that some employers in the first 12 months of operation of a new scheme do not understand it or have some problem with it. WorkCover has had some establishment problems, but those problems are gradually being eliminated and I suggest that within two years of WorkCover's being in full operation we will find that it will work well and without a lot of the deficiencies which members opposite have been talking about.

What the Opposition is forgetting is the delivery of compensation to persons injured at work. They conveniently forget about what operated before WorkCover when we had a system that did not compensate people over-generously. We had a system that did not rehabilitate people at all and just cast them off on to the scrap heap. There was no attempt at rehabilitation at all because the system was designed not to provide rehabilitation no matter what happened. Even the ill-fated percentage scheme introduced by the then member for Davenport when he was the Minister of Labour failed. He imposed a levy for rehabilitation, but it just did not work whatsoever, because the previous scheme was designed not to bring about rehabilitation.

The member for Murray-Mallee made some reference to a provider who charged $8 000. Clearly, that person defrauded WorkCover. I have to advise the member for Murray-Mallee that, if he is aware of that offence being committed, he as a citizen of this State ought to lay an information with the appropriate authorities. If he does not advise the police of that fraud he is guilty of an offence. Perhaps it is one of the nice stories that appear in the House from time to time from members opposite when they want to embellish debate, because they do not seem to care very much whether or not those stories are true.

I now turn to self-insurers. Fourteen self-insurers prior to the Act's coming into force opted to join WorkCover; they did not want to be self-insurers. Certain employers have been granted exemption since the commencement of the Act. The Roman Catholic Church was mentioned, but that employer had a nil effect. It has been what could be conveniently called a 'captive' insurer for the past 75 years. The Catholic Church runs its own insurance company and has done so for 75 years, and it was thought that that self-insurer would be all right. Mobil has been a self-insurer since 1953. PRA and Emoleum (Australia) Ltd were two companies that were allowed to self-insure as they were subsidiaries of PRA Mobil and moved into that scheme. That exemption was granted because employees of the Mobil organisation, PRA and Emoleum, interchange and it would have been stupid to have a situation where employees were working under two different arrangements.

The member for Mitcham mentioned the retrospectivity of this Bill and drew the analogy of a speed trap taking photographs for 12 months—and it is a wonder that he did not exaggerate as he usually does and make it two or three years—and backdating legislation to fine all the people caught in that trap. I hear nonsense from the member for Mitcham from time to time and this afternoon it was a beauty. This exemption is in respect to one matter only, that is, Santos. We have made no secret of that. People should appreciate that it is a privilege and not a right to opt out of WorkCover.

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: Again this child from Mitcham rudely interjects. He does not give the member on his feet the courtesy that he had when he was talking. I think that perhaps his parents did not bring him up correctly. From time to time the member for Mitcham, in this House and publicly, has indicated that WorkCover is not going very well, that it is a calamity, that it will collapse and cause the State many problems. I do not know where he gained his education or what he knows, but I assure him that WorkCover in its first nine months is well on its way to realising the financial targets. I have been advised that, if this trend continues, at the end of the first full financial year it will be in a state of equilibrium. Of course, there is a caveat on that in that one can only take the advice of the Actuary. I am confident that that will occur.

In 1979 I was privileged to visit a number of provinces in Canada where I saw workers compensation schemes that were very similar to the scheme that now operates in South Australia. It is peculiar that the member for Mitcham always picks on Ontario where the Conservatives run the Government and where the members of the board at the time I was there were what I would call 'failed' people—a QC who could not make the judiciary, managers of companies who were unable to continue to be managers, and Conservative members of Parliament who had ceased to be members.

Mr S.J. Baker interjecting:

The SPEAKER: Order! The honourable member for Mitcham has made his contribution. If he has further contributions to make I am sure that that can be done during the Committee stage. The honourable Minister.

The Hon. R.J. GREGORY: In 1979 I found that the schemes in Saskatchewan and Columbia were working reasonably well. Also in 1986 I found that the schemes in British Columbia and Alberta were working well. One of the things that amazed me when talking with employers in Saskatchewan, British Columbia and Toronto about their workers compensation schemes and whether they would replace them with a scheme like we had, and we detailed what it was, was the collective look of horror on their faces. They said, 'No, we don't want a scheme like that. What we want is this scheme to be fine tuned.'

One interesting thing about the Ontario system was that in Toronto there was a rehabilitation centre, which we were fortunate enough to visit. We were conducted through and I noticed a certain chap in a bed in a small ward with two or three people around him. This person had a significant portion of his left forearm missing; it had been cut off in an accident five days before. I was advised that the people around the bed were telling that person about his rehabilitation—how he would be treated and what he could expect. They were interviewing him to determine a course of rehabilitation that would return him to the work force.

I was immediately reminded of what had happened with a young person who had lost a similar portion of his right forearm in an industrial accident in the Engineering and Water Supply Department at Kent Town. This person, under the old workers compensation scheme—which incidentally the member for Mitcham has never complained about—received none of that advice and counselling and had to do it all on his own after receiving a small lump sum payment of about $25 000 or $26 000. That is the difference in these schemes, and that is what the member for Mitcham and his friends on the other side want to drag us back to. They want to march back in time, not march forward into the future.

WorkCover has unearthed what can be called the worst 40 employers. I have previously referred to them and it is worth referring to them again. WorkCover has uncovered an employer with an injury rate of 300 per cent. That meant that every person employed by that employer could anticipate that they be injured three times in a year in that workplace. I put it to the House that, if that employer was wandering down the streets of Adelaide with a stick inflicting injuries on its citizens as severe as those inflicted on his employees, it would not be long before police officers would introduce that employer to a magistrate and the magistrate would introduce that employer to our penal system. Yet, under the old system, that was allowed to continue. At least WorkCover has taken the initiative of unearthing these people.

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: I note that the member for Mitcham says that it is bullshit. What he refuses to accept is that it is true. He refuses to accept that it happened.

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: The member for Mitcham makes a lot of noise but the fact is that those employers have been found out and work is being done so that the injury rate in those companies will drop significantly. If that does not occur, those companies will find that their premiums increase considerably until they do something about it. I do not believe that those employers should be able to operate in the way they have been operating.

The question of what happens to injured persons has been raised. I have heard from members opposite today and previously a lot of comment about WorkCover paying after the first week if an injury persists for more than a week. Of course, insurance companies did the same thing; on receipt of advice from the employer, they forwarded to that employer moneys to cover wages that were paid out to the injured employee. It was only when the matter proceeded longer that other arrangements were made. To my knowledge, not one of those companies ever complained and members opposite have not taken up this matter in the House. Not once have they complained in this House about insurance companies doing that. I know they were doing it, and the payments were sometimes quite late. Members opposite also talked about people who were unfortunate enough to have their claims disputed and made some comment about there being a three-month period before the tribunal hearing. I sympathise with those people and WorkCover is taking action to ensure that that time is reduced.

A number of additional people have been appointed so that those tribunals can sit more frequently. However, under the old system to which members opposite wish to go back, the delay was not three months but rather eight to 11 months. In passing I want to comment on the gratuitous insult to the Chief Justice of this State; an honourable member opposite implied, when the Chief Justice had an opinion that was different to the opinion of his two fellow brethren, that he was biased. I would hope that the honourable member who made that assertion would be man enough to apologise to the Chief Justice. I do not believe that he is biased in his opinion when making those decisions in our Supreme Court. All judges are of the highest integrity, otherwise they would not be there. I do not want to say much more. I have handled most of the points made by members opposite. The scheme is working well and these amendments will fine tune it so that it will operate better.

The House divided on the second reading:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs Bannon, Blevins, Crafter, De Laine, Duigan, M.J. Evans, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Hopgood, and Keneally, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Rann, Slater, and Tyler.

Noes (16)— Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Becker, Blacker, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Lewis, Meier, Olsen, Oswald, and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold and Klunder. Noes—Ms Cashmore and Mr Ingerson.

Majority of 8 for the Ayes.

Second reading thus carried.

Mr S.J. BAKER (Mitcham): I move:

That Standing Orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

Mr S.J. BAKER: I move:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses relating to prescription of fines and definition of 'remuneration'.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.J. BAKER: I move:

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Line 16—Leave out 'Subject to subsection (2), this' and insert 'This'.

Lines 18 and 19—Leave out subclause (2).

The object of my amendment is to remove the retrospectivity clause. The purpose for such has been explained forcefully to this House. We do not condone retrospectivity in any legislation. We uphold that principle for the reasons already explained to the House.

The Hon. R.J. GREGORY: The Government opposes the amendment. We have canvassed this nonsense members opposite have put up and we will not support it.

Mr PETERSON: I have concerns about retrospectivity in any legislation. In asking questions, I found that no-one can recall retrospectivity being brought into any previous legislation in this place; it certainly has not occurred in my time.

The Hon. T. Chapman interjecting:

The CHAIRMAN: Order!

Mr PETERSON: Not in my experience, nor in the experience of those I have asked. Retrospectivity worries me because, first, the company concerned went through the courts and won a case. The manager of WorkCover has been quoted publicly as saying that it is not necessary. We now have it in the legislation. Is it necessary now, as it apparently is in the opinion of the manager and the Minister, that this be made retrospective for WorkCover to survive? Would WorkCover survive without retrospectivity?

The Hon. R.J. GREGORY: It is the Government's view in this matter that retrospectivity is important, as it is with respect to the matter involving Santos that is before the court at the moment. As I said previously, only three organisations have been granted exemption since the commencement of this Act. One was the Roman Catholic Church, because it has been a captive insurer for 75 years with insurance carried by its own organisation. Another is Emoleum MPRA, because it is part of the Mobil group which has been a self-insurer since 1953 and employees of those two organisations move between each other, and that is the reason for retrospectivity. It is not the first time that retrospectivity has been included in legislation in this place, and it will not be the last. It is very illuminating to hear members opposite talk about not having retrospectivity but I believe that from time to time Governments must have the power to implement retrospectivity.

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: The member for Mitcham, who sometimes carries on like a child, has plenty of opportunity to speak later on. He ought to wait and be polite.

The Hon. T. CHAPMAN: Following the Minister's remarks and in response more particularly to the matter raised by the member for Semaphore, I know that retrospectivity has been introduced into legislation on a number of occasions over a period of years. Within that period, I recall a number of attempts by the present Government, most of which have been successful. In each case (and more particularly the one I referred to earlier jumps to my attention as does the one in question at the moment) retrospectivity has been sought when the law was found to be wanting, when the Government has recognised that the law has been inadequate and has failed to do what it set out to achieve in that legislation. In order to catch up, it seeks to go backwards and have the law applied retrospectively. In fact, it is an admission that it failed to do the job properly in the first instance, and that is precisely what the Opposition, as did industry at large, told this Government when it introduced the WorkCover legislation in 1986.

I do not believe that any Parliament, irrespective of who is governing at the time, should be authorised or allowed to introduce retrospectivity to catch up with those people who have operated within the ambit of the law in the meantime. What the Government is now trying to do, as has been the case on many previous occasions, is catch up with those who have worked within the framework of the legislation and are now told that, having done so, given the retrospectivity of this proposal, they will be captured within the network. It is quite wrong in principle, and I admire the member for Semaphore for raising this subject (albeit naively in the way that he has) because it gives us an opportunity to again demonstrate just how naive the Government was at the time it set out to thrust this legislation upon us and destroy what had been traditionally a very good arrangement with respect to employee cover under our previous workers compensation scheme. Admittedly (and we on this side of the House are the first to say so), a number of anomalies existed over a period within the framework of the Workers Compensation and Rehabilitation Act but, given the need to amend that legislation, the South Australian community would have been a lot better off. Whilst retrospectivity may be sought to patch up and catch up on the erring of the present Government, it is not the answer to legislation generally or to this Bill in particular.

Mr S.J. BAKER: I did have two questions on this clause.

The CHAIRMAN: At the moment we are dealing with the honourable member's amendment.

Mr S.J. BAKER: Yes. If the amendments fail, I will ask the questions on the main clause. The matter will be dealt with in another place.

The Committee divided on the amendments:

Ayes (18)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Becker, Blacker, Chapman, Eastick, M.J. Evans, S.G. Evans, Goldsworthy, Gunn, Lewis, Meier, Olsen, Oswald, Peterson, and Wotton.

Noes (22)—Mrs Appleby, Messrs Bannon, Blevins, Crafter, De Laine, Duigan, Gregory (teller), Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Rann, Slater, Trainer, and Tyler.

Pairs—Ayes—Ms Cashmore and Mr Ingerson. Noes—Mr L.M.F. Arnold and Ms Gayler.

Majority of 4 for the Noes.

Amendments thus negatived.

Mr S.J. BAKER: I would like to ask the Minister two questions. We have heard by public statement that the corporation did not recommend that a retrospectivity clause be included: will the Minister reveal to the Committee when that decision was made and who was responsible for it?

The Hon. R.J. GREGORY: The Government made the decision to put retrospectivity in the Bill prior to the meeting of the WorkCover board.

Mr S.J. Baker: On what advice?

The Hon. R.J. GREGORY: I have already answered.

Mr S.J. BAKER: How did the Government determine retrospectivity before there had been a recommendation from the appropriate body? On what basis was that decision made?

The Hon. R.J. GREGORY: The Government made the decision because it is of the view that being able to opt out of WorkCover is a privilege, not a right, and we are of the view that Santos should not be able to opt out. The Government has made that decision.

The Hon. T. CHAPMAN: Is the Minister saying that the Government decided on retrospectivity specifically to catch Santos or as a matter of principle generally, because, on the basis of his previous answer, it was an identical act of the same Government a few years ago in the Warming Bill situation, where it set out deliberately to get a family business—in this instance, to get a corporation. Can we have that matter clarified, because it is very important in relation to the principles and underlying philosophy associated with this whole subject?

We have an admission by the Minister that the Government did not take advice from the authority, and the member for Mitcham obtained that answer from the Minister. We have a statement by the Minister that Government made a decision of its own without advice, and the tail on it was, as I recall, to get the corporation which in their view should be caught by this amending legislation.

The Hon. R.J. GREGORY: It seems that the honourable member did not listen closely enough to the second reading debate.

Members interjecting:

The Hon. R.J. GREGORY: I am just saying that perhaps he did not listen because he was not here for some part of the debate.

Members interjecting:

The ACTING CHAIRMAN (Mr Peterson): Order! The Minister is responding.

The Hon. R.J. GREGORY: It is quite clear that as a matter of principle we do not believe that, unless there are extremely special circumstances, organisations ought to be able to opt out of WorkCover. As I said earlier, to be able to opt out is a privilege, not a right. That is what we are remedying, because we believed that the Act allowed that position only in very special circumstances. The Government is of the view that what is happening at the moment does not constitute special circumstances.

Mr S.J. BAKER: That raises some very serious questions. It seems that you have made a unilateral decision without reference to the appropriate authority. It would appear from the evidence put before the Committee that it was 'Get Santos at any cost'. I remind the Minister of the undertaking given when this Bill was introduced, and that is confirmed later in a question asked of the Minister during the debate on 19 February, when it was made quite clear that, provided an employer fulfilled the qualifications laid down by the Government of the day, it had a right to become exempt.

The promises made at the time obviously persuaded a number of people to give the Government some element of support at the time, otherwise this legislation would never have gone through. The present Minister is now saying the Government is going to change the rules. That is what our opposition is about: changing the rules of the game. The Government has sucked in the suckers, and now it is going to spit them out. That seems to be the Minister's attitude to this whole business. Does this Government not honour any undertakings? If it said quite clearly to the House 'These are the criteria' how can it then say 'No, that wasn't it; we weren't going to let anybody out, anyway.' I would appreciate the Minister's response.

Clause passed.

Clause 3 passed.

Clause 4—'Exempt employers.'

Mr S.J. BAKER: The Minister would have noted by now that we oppose the clause completely because it is part and parcel of changing the rules after the event to suit the occasion. We have a number of questions relating to the wording in clause 4, which really leaves no outlet for anyone to dispute a decision if the exemption is refused. I remind the Minister that he has closed every conceivable loophole here to make sure that the only people who will get out of the scheme are those who are net takers from the scheme. The Minister now attempts under this amendment to make the viability of the fund one of the matters that have to be considered by the corporation. The interpretation of 'special circumstances' is not that which was embodied in the majority decision of the court.

The House is well aware of the Opposition's views on this matter. I do not intend to go over the arguments that have already been stated, but I would like some answers from the Minister on a number of matters. Can he tell the Committee how many employers currently have exempt status? The number printed in the newspaper was 43.

The Hon. R.J. GREGORY: I am advised that it is 43.

Mr S.J. BAKER: The Minister confirmed that two entities received exempt status and he explained why they were let out of the scheme. Were they net contributors or net takers from the scheme and what amounts of money would have been involved had they, or had they not, been included in the scheme? How many firms have applied for exempt status apart from Santos and the aforementioned since the scheme came into operation?

The Hon. R.J. GREGORY: There were three firms exempt. One uses the Roman Catholic Church, and the amount involved was nil. I made it clear earlier that that organisation would have had a nil effect and that it has been self-insured for 75 years. PRA and Emolium, by removing from the scheme and moving in with the parent company, would have lost the scheme about $300 000 per annum at the time of that move.

Mr S.J. BAKER: I asked a secondary question. I only get three bites of the cherry and this is my third so I will try to make it as plain and simple as possible so that the Minister can understand. How many firms have applied for exempt status (other than those which have already been mentioned) since the Act came into being and what is the net impact on the scheme?

The Hon. R.J. GREGORY: I am advised that three organisations have been rejected. One is Santos, which would have been a net contributor to the scheme of $1.6 million at the time of its application; another is the Casino, which would have been a net contributor to the scheme of $200 000; and the third is Wormald, which would have added $60 000 to the scheme.

Mr M.J. EVANS: Is it intended that, if this set of criteria has retrospective application—as it is obviously intended—any of those matters that have been determined would have to be reheard from the beginning in order to reassess them

against this criteria? Will every application and every decision, with or without appeals, have to be reheard *ab initio*?

The Hon. R.J. GREGORY: No.

Clause passed.

Clause 5—'Preliminary.'

Mr S.J. BAKER: I would like an explanation from the Minister. I was a little perplexed when I saw that this is exactly the same reference which amends section 65 of the principal Act as was contained in the previous amending Bill. Can the Minister say why the same amendment is repeated? Is it his intention that this new Bill be proclaimed and that those parts still outstanding will not be pursued?

The Hon. R.J. GREGORY: The amending Bill deleted section 65 (2), but it was subsequently found that it was necessary to replace what had been deleted while retaining subsections (2) and (3) of section 65.

Mr S.J. BAKER: I move:

Page 2, line 27—After 'amended' insert:

(a) by striking out from subsection (1) the definition of 'remuneration';

(b) by inserting after subsection (1) the following subsection:

(1a) The regulations may—

(a) provide that payments of a prescribed class made to or for the benefit of a worker are to be included as remuneration for the purposes of this Division;

(b) provide that payments of a prescribed class are not to be included as remuneration for the purposes of this Division.;

and

(c) [The remainder of clause 5 becomes paragraph *(c)*].

The Minister is well aware of the disquiet that exists in the business community. In a number of areas, that disquiet is aimed at the fact that premiums are based on remuneration which includes superannuation and a number of other allowances which employers contest as being in no way related to compensation payments.

We believe that the corporation extended its licence to make its own determination on this definition, further than the Parliament or anybody involved at that time envisaged. We therefore wish to take it out of the hands of the corporation to make a determination of what is the definition of 'remuneration'. We wish to return it to the Parliament where it should have been in the first place so that we do not have these rorts that have come into the scheme because certain people have suggested that without this extra revenue collection the scheme will go broke.

We have already mentioned the fact that it seems that, because $2 million has been taken out of the system by the disappearance of Santos and one or two other organisations, there is a crisis in the scheme. Otherwise the Government would not be indulging in the unusual practices incorporated in this Bill. I move the amendment because I believe it is important that Parliament should have control. We did not seek that control originally because we believed that the corporation was capable of making its own decision on this matter. Since that time we have changed our minds and we would like to see it returned to the control of Parliament.

The Hon. R.J. GREGORY: We need to consider what WorkCover is. It is not an appendage of the Government, and it is not part of the Public Service—

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: Calm down and wait—you will have another two turns. It is not an appendage of the Public Service. It is a corporation established by Act of Parliament. It is managed by a board consisting of four employer and four employee representatives. My advice is that the inclusion of superannuation has been objected to but has never been rejected by the board, and certainly the board has never suggested that it ought to be a matter for the regulations. I am of the view that for the fund to be properly managed the matter needs to be in the hands of the fund.

The member for Mitcham has constantly complained about WorkCover from its day of inception and prior to it, and he continues to be a Cassandra in respect of WorkCover. As I said earlier today in this place at the conclusion of the second reading debate, the member for Mitcham will be surprised when the first report comes out, although it is only for nine months. He will be further surprised when the first full year report comes out and he finds out how well the fund is going—much to his dismay! The Government and I have the view that the corporation will determine these things and that it will not be done by regulation.

The Hon. T. CHAPMAN: I am disappointed that the Minister has not recognised that the Government has as big a problem with WorkCover as it has with the *Island Seaway*. The Government and the Minister should appreciate that WorkCover is a real lemon, that it is the worst form of industrial legislation that has ever come into this State. I can say that with a little experience, despite the smiles and jocular attention from members opposite.

I cannot be absolutely sure, but probably I have employed more people and paid more wages than all the other members of this Parliament combined, so I have a bit of experience in the field of industry employment. Based on what I understand of WorkCover—and given that it has a few advantages, particularly for those who benefit from the premium structure (obviously, others have suffered, but some benefit, and I appreciate that)—I would not go back to employing in the work force while this sort of legislation prevails in this State. I know a number of industry people who are locked into employment and who would dearly desire to get out of it if they could. Wherever possible, they are avoiding the employment of people who ought to be gainfully employed.

Indeed, there is no greater disincentive in our industrial community than WorkCover. The burdens that it has brought to our industry at large are momentous and in order to address the subject properly those people responsible ought to admit that they have a problem and not just brush over the top and boast about how good the scheme is when they must know in all truth that it is as crook as crook. I have a couple of questions for the Minister, and I would appreciate answers to them, even if those answers come at a later date.

The ACTING CHAIRMAN (Mr Peterson): Do they relate to the clause?

The Hon. T. CHAPMAN: They relate to remuneration and employee interest. Has the Government recognised the gross anomaly and discrimination applying to remuneration of employees when one compares male employees of 65 years and over with younger employees? To explain the question, males over 65 years of age qualify in the event of injury only for their medical and hospital expenses. They do not qualify for any remuneration at all, yet their employer must still pay the full premium as if the employee was a full beneficiary of the scheme. In common with other people, I claim that this is a gross anomaly in the scheme and a clear example of discrimination. I have referred to the male employees in particular, but it applies equally to female employees over the age of 60 years.

The Hon. R.J. GREGORY: WorkCover will be around as long as the *Island Seaway* and, despite all the comments from the member opposite about the *Island Seaway*, he will find that it will be around for a long time to come. With respect to WorkCover, from listening to members opposite one would wonder why 56 000 employers employ about 650 000 people in South Australia when most of them are

paying reduced premiums and all the employees have and are getting better benefits from the scheme than they would have received before. Listening to the member for Alexandra one could be excused for wondering why so many employers are registered.

Why are the principal employers in South Australia—those in building, manufacturing and agriculture— not complaining? The people really complaining are those in the retail industry, but they understand the problem because that industry has been a net beneficiary of the fund introduced. In respect of people over the age of 65 years, there is a problem and the Legislative Review Committee of WorkCover is looking at it. I am sure that when it has concluded its discussions it will make recommendations to the Government in respect of this matter.

The Hon. T. CHAPMAN: My second question relates to remuneration of employees. I refer to a person in the shearing industry. If a shearer is injured in the early hours or days of his employment with a sheep owner, I understand that for the first week the employer pays the employee compensation and for each week or subsequent week thereafter WorkCover takes over. Further, I understand that in calculating the amount payable to the shearer, the shearer's average yearly income determines the first payment by the employer in the first week and thereafter by WorkCover. If that is the case, again that employee as a seasonal worker is distinctly disadvantaged.

I can give a host of examples of where that occurs. One example might well be to cover them all for the purpose of this question, and I refer to a shearer on his first day of employment who is injured and is off work for six weeks, if we assume that that period of employment for one day was in the early part of the seasonal employment, that shearer loses significantly as a result of being paid compensation either by the employer or by WorkCover when that compensation is based on his or her annual average income. Recognising that the period out of work is the period that would otherwise be one in which that shearer was gainfully employed, that is, during the ordinary seasonal employment, indeed, it is the average income for the subsequent year, albeit given the compensation, which turns out to be significantly less than it had been in the previous year.

I think that the Minister, with the assistance of his staff, would understand what I am saying. I imagine—and I do not know as I have not done a study of the cases—that the same sort of disadvantage situation would apply to a fruit picker who, for example, was engaged only on a seasonal basis, or for that matter to a fishing employee if an accident were to occur and that person was unable to attend work from a day or period in the early part of the fishing season.

One could go on citing examples from industry to industry where, as I understand it, the WorkCover reimbursement system is designed to disadvantage employees in that situation unlike the situation that applied under the old Workers Rehabilitation and Compensation Act where the average income for the purposes of determining payment to the injured employee was based on the income derived during the period of that case of employment. In other words, if a shearer fell over in the pen and was injured by, say, a ram during the course of his employment, the average income for the period he had been employed at that site, that is with that employer, would be the basis on which the compensation would be calculated. If the system as I understand it now really does apply then, I repeat, it is yet another case of gross disadvantage to employees who are in that form of employment. I would like this matter clarified.

The Hon. R.J. GREGORY: Remuneration is not a matter that is being dealt with now. In the circumstances that the member for Alexandra described the injured person would not receive a straight average for the past 12 months of activity or inactivity. If there was a period of inactivity due regard would be given to what that person would expect to earn. As I said, the matter that is presently being argued by the member for Alexandra is not in respect of the payment to the employers for collection purposes; he is talking about the payment to the injured employee. In respect to—

The Hon. T. Chapman interjecting:

The Hon. R.J. GREGORY: It is somewhere else in the Act, and we may come to it later tonight.

Mr S.J. BAKER: I make two comments relating to the Minister's response. First, it is a patent untruth to suggest that more employers are paying less than they previously paid. The facts are that over 60 per cent of employers are paying more than previously. When we take the first week's wages and associated administrative costs into account, we are talking of at least 75 per cent. Let us not keep that myth going. The fact is that they are paying through their noses.

Secondly, the Minister said that we set up this political animal but suddenly it is no longer subject to political interference; that we cannot bring this thing called remuneration back to the Parliament and that we cannot bring these things called fines and penalties back to the Parliament because that is in the hands of the corporation. As the Minister well knows, the fact is that, had we been in power the whole workers compensation scheme was to be revised. We could see that it was cracking apart, and there was to be a new scheme. We could have used the same argument—you cannot touch it because it is now out there where it should be, between the employee and the employer.

The simple fact of life is that this Parliament makes rules. Just because the Government set up a political animal it cannot deem that everyone is satisfied with it and that that body, the members of which it had a fair amount of say in appointing (despite the four and four, there are still a couple of members missing, but there is still balance in the situation), is all right, that it is an independent body. That does not wash.

I now pursue my previous argument. I ask for guidance. Two principles are involved in my amendments, first, that remuneration be defined by regulation rather than by board determination and, secondly, that fines and penalties be defined by regulation rather than by board determination. I will take a determination on the first amendment as being indicative of the next determination and I will take a determination on the amendment that deals with fines as being indicative of the one that follows.

I point out that the Parliament determines these matters. The Government sets the framework. We are trying to ensure that the system works in a fair way. The Minister said that he will be pleased when the report is presented. Well, so will I. I will be pleased if the formula that I worked out as to where I believe WorkCover should be today coincides with the report. The report may be even better than my formula. If that is so, I will have no difficulty in reporting accordingly. It may not be the Minister's formula but it is certainly my formula based on the best actuarial advice in Australia.

The Minister said that we will be pleased with the financial report. He did not say anything about the vast numbers of employers and employees who are totally displeased with the way in which WorkCover is operating. Previously I have indicated that I have received over 500 complaints about WorkCover through my office. Some complaints are really grievous and some are of a minor nature. These people have had a gutful of the way in which they have been treated by the Administration. If I expand that to say

that not more than 5 per cent of people with problems would talk to me any way, we are talking about 10 000 employees or employers who are unhappy. I will certainly be interested in the Minister's report in relation to how the finances are going. I can guarantee that many more people will be interested in what will be done, because some of the problems are still not being solved, as the Minister is well aware. There is a human problem in the community that has to be resolved. I move:

Page 2, line 27—After 'amended' insert:

(a) by striking out from subsection (1) the definition of 'remuneration';

(b) by inserting after subsection (1) the following subsection:

(1a) The regulations may—

(a) provide that payments of a prescribed class made to or for the benefit of a worker are to be included as remuneration for the purposes of this Division;

(b) provide that payments of a prescribed class are not to be included as remuneration for the purposes of this Division.;

and

(c) [The remainder of clause 5 becomes paragraph *(c)*].

The Hon. R.J. GREGORY: I correct a mistake that I made earlier. There are six members on the board representing the employers and six members representing the unions. The seven day limit that the member for Mitcham complained about was agreed to by negotiation between the parties prior to the provision being inserted in the legislation. It will not be my report; it will be the board's report. It must be clearly understood that a corporation manages the rehabilitation and compensation of persons injured at work. That is what it is doing. Despite what all the Cassandras opposite are saying, I am of the view that more employers are better off today than they were under the previous Act and more employees who are injured at work are better off. To go back in time into the 19th Century will make people worse off all round.

Amendment negatived; clause passed.

New clause 5b—'Recovery on default.'

Mr S.J. BAKER: I will not proceed with new clause 5a. I move:

Page 2, line 38—Insert new clause as follows:

5b. Section 70 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) The corporation may, by assessment under subsection (1) or (2), impose on the employer a fine fixed in accordance with the regulations.

I have already put the case for this amendment. It should be subject to parliamentary review. We in this Parliament cannot condone any person imposing a fine of 100 per cent, 150 per cent, 200 per cent or 300 per cent. The Minister says that if people are running a month late and are already a month in arrears, they deserve everything they get under this determination by the board. I say to the Minister that he would be failing in his duty if he allowed this. There may be certain circumstances in the income tax area, but there is definitely no parallel there. If we extended it further, the only example of such impositions would relate to money lenders in Hindley Street. For a whole range of reasons people are not paying their moneys. I have heard the Minister's argument, but we cannot condone these enormous penalties.

The Opposition would feel quite comfortable if the penalty was sufficient as a deterrent. There are sufficient deterrents without going to the extraordinary lengths of allowing this board determination—without the approval of the Parliament. If sums are outstanding for a long period, obviously the penalties have to be greater. A penalty must accrue to those people who do not meet their obligations. The suggestion that the dirty notices threatening heavy fines of 100 per cent up to 300 per cent should start rolling out a few days after the due date has no place in South Australia today. Accordingly, that should be under the auspices of the Parliament by regulation.

The Hon. R.J. GREGORY: I said earlier, and it bears repeating, that the general principle of paying in advance each year for insurance coverage for workers compensation for employees in this State applied until the proclamation of this Act. The employers had to provide that money at the beginning of the financial year in which they were insured. If they did not pay their insurance premium prior to the commencement of that period, they were not insuring their employees and consequently were liable for a fine of $500. That was the situation previously. Now an employer pays monthly in arrears—a significant financial advantage which the member for Mitcham fails to accept.

Of the 56 000 employers registered under WorkCover, in October of this year 667 were penalised for late payment of levies—less than 1.2 per cent of the total group. WorkCover has also introduced alternative methods of payment for employers with legitimate reasons for not being able to pay on time; except for extremely recalcitrant employers, the 300 per cent fine does not apply. The people paying on a monthly basis have seven days to pay after the end of the month, the same as for the payment of group tax. If they cannot meet that deadline, there is a 20 per cent interest charge—less than the current Bankcard charge. The fines are applied for first defaulters only after the seventeenth day, as follows: if payment is made between the seventeenth and twenty-fourth day, it is 15 per cent; if payment is made between the twenty-fifth and thirty-first day, it is 25 per cent; and it is only if an employer who is a first defaulter has not paid by the thirty-first day after the end of the month in which the levy is due that a 100 per cent penalty is imposed. To incur penalties of 150 per cent, 200 per cent or 300 per cent, an employer has to be really negligent and has to be working at it to get that sort of attention from WorkCover. Those sorts of employers are not the innocents that the member for Mitcham is parading in this place: they are people who are deliberately avoiding paying their levy when this sort of scheme allows them to pay monthly in arrears instead of annually in advance.

Mr S.J. BAKER: Without pursuing the matter, but to teach the Minister a bit of basic mathematics that he forgot to learn at school (which is why these childish things creep into his language), I remind the House that when we are talking about discounted values, about which the Minister might have some small idea, and we compare the discounted value of money paid in advance with that paid in arrears, we may be talking about a 25 to 30 per cent penalty. So, the Minister is saying that if a person had to pay the workers compensation bill at the beginning of the year by overdraft, they would suddenly be 100 per cent to 200 per cent better off because that is the level of the fine. That is the whole argument of the case, if the Minister would only listen.

If he says that the innocents are not affected, I could cite three cases where there has been great dispute about whether the levies have been applied appropriately. The people have said that they want the matter sorted out but then the fines come along. The corporation says to them, 'We have a legitimate right to fine you people. You have been recalcitrant.' They have replied, 'I thought the matter was being reviewed and I was going to stop payment until such time as we had sorted out this important matter.' The corporation says, 'If you are a good little boy we will let you off, provided you pay that fine and we will not pursue these other fines,' or 'You can go to a review tribunal and sort it out and go through that hassle.'

There have been many genuine cases. I know of three pending cases and the people have come to me after having a dispute with WorkCover. The computer has continued to churn out the names and imposing fines of 100 per cent to 300 per cent. The Minister should not tell the Committee untruths. There will indeed be naughty people who will abuse the system. We have already agreed that in principle heavy penalties should be imposed on those who abuse the system, but a penalty of 100 per cent for a first offence for being a month late is unacceptable. The Minister ought to go to the debtors court or the bankruptcy court. I think it is disgraceful.

The Hon. R.J. GREGORY: I do not tell untruths in this place. The member for Mitcham exaggerates. I point out that section 72 of the Act makes quite clear what happens when there is a dispute and when an employer applies for a review. That does not suspend the liability to pay a levy or fine, but on review the board may alter the levy or assessment, quash or reduce a fine or order repayment of amounts overpaid. I do not know what the member is on about. We do not accept his amendment.

New clause negatived.

Clause 6 passed.

Clause 7—'Amendment of first schedule.'

Mr S.J. BAKER: I have already congratulated the Minister on going along the road that the mining industry wanted, to certain silicosis funds for some productive safety and promotional work within the industry. Can the Minister say how much may be set aside in this special fund? Secondly, in relation to Part B of the fund, which will be managed by the Mining and Quarrying Occupational Health and Safety Committee, how much of the $6 million that is currently in the silicosis fund will remain with this committee for distribution, and how much does he envisage will be paid in fees to members of the committee?

The Hon. R.J. GREGORY: Setting aside money for the benefit of persons suffering from silicosis and also money for a use to be determined by the Bill will be determined by the committee on the advice of an actuary. The honourable member would appreciate that, before the committee considers how to apply the funds for occupational safety and health training, it would need expert advice as to its liabilities with respect to persons who may contract silicosis. The matter of fees has not yet been decided, but I imagine the fees will be set by Cabinet in accordance with normal arrangements for fees of boards of this type.

Mr S.J. Baker: How much is that?

The Hon. R.J. GREGORY: I do not know.

Mr S.J. BAKER: I did not wish to pursue this matter unduly, but the Parliament should be made aware of approximately how much money will be made available. We are talking about different aspects. For example, we know from anecdotal evidence and statements made by a number of Government members that the silicosis fund will not be fully utilised. That is the evidence which exists today: it may well change tomorrow. Those statements have already been made. The fund is in excess of what is perceived to be the liabilities relating to silicosis. That is why the mining industry originally was very upset that the silicosis fund was to be absorbed into the general compensation fund. I know that the former Minister of Mines and Energy would have received representations on that matter.

We are delighted to see that those funds will not be gobbled up in the general compensation fund but that some moneys will be made available for efforts which the mining industry generally supports. Having put this into legislation, the Committee should have some idea of how much money we are talking about. If the Minister has no idea, why is this amendment before the Committee? As far as I understand the situation, the liabilities will fall well short of what is currently in the fund. If he is saying it is the net assets of the fund as it stands today, if you like, I shall be delighted, because we may be talking about $3 million or $4 million sitting in the promotional research fund. However, I do not think that is what the Minister is talking about. Can we have some explanation?

The Hon. R.J. GREGORY: At about now, the fund has $5.5 million, not $6 million, and as I said earlier actuarial advice is being sought to obtain the exact amount. All the people associated with the silicosis fund say there is a significant surplus. Until such time as the actuary has given his report, there will be no dividing of the fund or determination of how the money will be spent: it would be totally improper to do that. My understanding is that actuarial advice is being sought and, as people who have experience with actuaries know, they will provide that information when they are ready. The general opinion of those associated with this is that it will be quite significant. I do not know the exact amount. I will not make a comment on that because I do not know. We will not know until the actuary advises the committee or the Government.

Mr S.J. BAKER: I do not want to press the point any further. If the Minister says that the whole surplus, determined actuarially and almost hypothetically in some ways, is to be placed with fund B, then I would be surprised. We are talking about large sums available for this purpose. If the Minister is saying that the full surplus determined actuarially is being placed within the fund, I would convey that message and everybody I know who has mentioned this matter to me would be forever grateful to the Minister. However, if that is not the case, we do not need an actuarial determination: we merely need an indication of how much money will be put in.

Clause passed.

Clause 8—'Insertion of new schedule.'

Mr S.J. BAKER: I move:

Page 4, line 5—Leave out 'seven' and insert 'four'.

My intention is to restrict the membership of the committee to four. There are a number of consequential amendments which deal with the membership comprising those four members. There are two reasons for moving these amendments. First, we have differences of opinion about who should be a representative on this committee, and we do not normally include the UTLC. If the fund is not a large fund and is being eroded by fees, we believe that the structure of the committee should be as small as possible and that we should not set up a committee to distribute a small amount of money. I well remember the Department of Recreation and Sport spending more money distributing the money than the amount actually distributed. We do not want to see that situation occur here. There are two reasons for moving this amendment: one is ideological, and the other is monetary.

The Hon. R.J. GREGORY: The Government does not accept this amendment. It is of the view that, if matters involve people from the trade unions, they ought to be adequately represented on these committees. I understand the problem of members opposite to even recognise that workers can think and plan or have a desire to participate in what happens to them in the future. I know that the honourable member makes noises about how he will deregulate unions. The United Trades and Labor Council has a right to have representation on this committee. It represents the whole of the trade union movement in this State. I think it is a grave injustice on the part of the Opposition to move its amendment.

Amendment negatived; clause passed.
Remaining clauses (9 to 12) and title passed.
The Hon. R.J. GREGORY (Minister of Labour): I move:
That this Bill be now read a third time.
The House divided on the third reading:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter, De Laine, Duigan, M.J. Evans, Gregory (teller), Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Rann, Slater, and Tyler.

Noes (15)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Becker, Blacker, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Lewis, Meier, Olsen, and Oswald.

Pairs—Ayes—Messrs L.M.F. Arnold and Ferguson, and Ms Gayler. Noes—Mr Ingerson, Ms Cashmore, and Mr Wotton.

Majority of 8 for the Ayes.
Third reading thus carried.

TECHNOLOGY PARK ADELAIDE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (LOCAL GOVERNMENT) BILL

Received from the Legislative Council and read a first time.
The Hon. G.F. KENEALLY (Minister of Transport): I move:
That this Bill be now read a second time.
I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.
Leave granted.

Explanation of Bill

This is a Bill to amend the Local Government Act 1934 and the Local Government Amendment Act 1988 which was assented to on 21 April and which is yet to come into force. The majority of these proposals stem from two recently completed reviews of particular portions of the Act, independent of the major rewriting program.

In 1984 as part of the first stage of the Local Government Act revision the provisions relating to amalgamation, boundary change and other alterations to council structure, the Local Government Advisory Commission, and elections, were entirely reformed. Earlier this year the Government sought advice from the Advisory Commission on any changes which the commission believed desirable based on its four year experience of the new provisions. The commission has suggested various changes, many of which are technical refinements of the existing provisions.

The new electoral provisions were first used for the 1985 local government periodical election. Following that election, I, as the then Minister of Local Government, appointed a representative working party to review all aspects of the 1985 election. That working party concluded that the preferential voting systems introduced for that election had achieved their objectives, and made a number of recommendations for amendment which were incorporated in the Local Government Act Amendment Act (No. 4) of 1986.

An undertaking was given that a similar review of the local government electoral provisions would be conducted following the 1987 periodical election. A second working party was appointed in December 1987 with terms of reference which focused, not on voting systems, but on maximising voter turnout and on the adequacy of procedures for policing illegal practices and challenging an election.

On the basis of that working party's recommendations this Bill provides for advance voting as an automatic right (not dependent on inability to attend a polling booth on polling day) and for temporary and mobile polling booths on polling day. Procedures for the scrutiny and reconciliation of ballot papers are improved and a number of new offence provisions added. The Bill repeals the present requirement that municipal councils must have wards and the present limitation on the number of councillors per ward to four. These measures were recommended by both the Local Government Advisory Commission and the Election Review Working Party. Removal of these arbitrary restrictions will give councils more options in redesigning their elected structure. The commission and the working party also concurred on amendments contained in this Bill which resolve problems in the application of the electoral provisions of the Act to councils affected by proposals or proclamations under Part II of the Act.

The Election Review Working Party's recommendation that exclusively postal ballots be an option for all councils has not been included. The Government has concerns about the potential for fraud and lack of confidentiality in postal ballots in metropolitan areas and it will not possible in the time available to resolve this issue for this Bill, given that an improved method for the policing of offences is still to be determined. The working party put forward two alternatives for an improved way of dealing with electoral offences. Under alternative one the administration of complaints is placed with the Minister of Local Government, under alternative two it passes to the Attorney-General. This matter, together with the working party's suggestion that aspects of the procedure in the Court of Disputed Returns require attention, is still being worked on. The Bill makes a number of improvements to technical and procedural aspects of the local government electoral process which it is desirable to put into place in preparation for the 1989 local government periodical elections.

Finally, the opportunity is taken to make three amendments to the Local Government Act Amendment Act 1988 before that Act is brought into operation. The first amendment relates to the suppression of information from the Assessment Book in cases where similar information has been suppressed under the Electoral Act 1985. The second amendment corrects a technical problem identified in relation to proposed new section 184 (7). The third amendment provides for greater consultation between the Minister and a council when it is proposed that the council be included as a constituent council of a controlling authority.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides that a reference in Part II of the Bill to 'the principal Act' is a reference to the Local Government Act 1934. Clause 4 amends section 5 of the principal Act to introduce the concept of 'a general election' and to make a consequential amendment to subsection (7).

Clause 5 amends section 6 of the principal Act. Section 6 presently provides that a proclamation constituting a council must also make provision for a number of other matters. It has been decided to provide that many of those matters may be dealt with by subsequent proclamation. Furthermore, if a proclamation makes provision for the

appointment of the first members of the council, the proclamation, or a subsequent proclamation, may also make provision for the first election of members of that council.

Clause 6 amends section 7 of the principal Act in a manner consistent with the amendments to section 6. Clause 7 relates to section 11 of the principal Act to allow a proclamation under this section to make provision for incidental matters that may be necessary or desirable in view of the circumstances of the particular case. Clause 8 amends section 13 of the principal Act to remove the requirement that a municipal council must be divided into wards. A new subsection (2) will allow a proclamation under this section to make provision for incidental matters that may be necessary or desirable in view of the circumstances of the particular case.

Clause 9 inserts a new section 15a in the principal Act under which the Governor will be empowered to cancel the holding of periodical elections for a council if a proclamation under Division I or II of Part II makes provision for the appointment or election of the members of the council. Clause 10 inserts new subsections in section 20 of the principal Act that will regulate the disqualification of members of the Advisory Commission in relation to the hearing of matters in which they might have a conflict of interest. Clause 11 inserts a new section 25a that will require the Advisory Commission to prepare an annual report to the Minister.

Clause 12 makes various amendments to section 26 of the principal Act. An amendment to subsection (2) will provide that an application for referral of a proposition to the commission may be made by 20 per cent of the electors for an area or portion of an area directly affected by the proposal. Another amendment will deal with the situation where the proposal relates to a part of the State that includes land both inside and outside an area. Other amendments are intended to clarify the powers of the commission under subsection (10). Clause 13 amends section 28 of the principal Act so as to allow the commission, on a review under section 28, to recommend any alternative proposal, or that the proposal not be carried into effect.

Clause 14 amends section 46 of the principal Act to remove the restriction on the number of councillors who may represent a ward. Clause 15 replaces a reference in section 47 of the principal Act to 'periodical elections' with a reference to 'general elections'. Clause 16 amends section 49 of the principal Act. Section 49 presently provides that a council must fix the rates of its annual allowances at its first ordinary meeting held after the first Saturday in May in each year. However, provision also needs to be made where the council is newly constituted, or where a general election has been held pursuant to proclamation, and not under section 94 (1).

Clauses 17 and 18 replace references to 'periodical elections' with references to 'general elections'. Clause 19 relates to certificates of registration issued by the Local Government Qualifications Committee under section 69. It is proposed that the regulations may provide for the term, and renewal, of such certificates. Clause 20 makes various amendments to section 85 of the principal Act relating to the definitions that are required for the purposes of Part VII. One amendment relates to the inclusion of definitions of 'polling booth' and 'polling place', in a manner consistent with the Electoral Act 1985. New subsection (2) will provide that the close of voting on polling day in an election or poll is 12 p.m. in the case of a supplementary election carried out entirely by the use of advance voting papers (section 106a), or 6 p.m. on polling day in any other case.

Clause 21 replaces subsection (2) of section 86 and will provide that if a council has appointed more than one deputy returning officer, the deputy returning officer to act in the office of returning officer in the absence of the returning officer will be determined in accordance with an order determined by the council. Clause 22 recasts section 89 of the principal Act relating to the appointment of polling places. The new provision will allow mobile polling booths to be used and a council will be able to decide the times at which polling booths will be open for polling on polling day (although no polling booth will be open after 6 p.m. on polling day). At least one polling booth will be open between 8 a.m. and 6 p.m. on polling day.

Clause 23 inserts new subsections in section 91 of the principal Act relating to the ability of a body corporate to nominate an agent at an election on its behalf. Amendments made to the principal Act in 1986 provided that the nominated agent must be an officer of the body corporate. New subsection (7) defines the meaning of 'officer' of a body corporate. New subsection (8) is intended to remove any doubt as to the validity (or invalidity) of any nomination made before the commencement of the 1986 amendments.

Clause 24 relates to the voters roll. Section 92 (2a) of the principal Act presently provides that the chief executive officer may suppress the address of a person from the roll in order to protect the safety of the person. A new provision will compel the chief executive officer to suppress the address if it is suppressed under the Electoral Act 1985. Furthermore, it is proposed that a revision of the roll is to be completed by the second Thursday of the calendar month following the month in which a closing date occurs (the Act presently refers to the first Thursday of the following month).

Clause 25 provides for amendments to section 94 of the principal Act. Subsection (1a) provides that where a proposal for the making of a proclamation under Part II has been referred to the Advisory Commission, the Governor may, by proclamation, suspend pending periodical elections. New subsection (1b) will require that the suspended elections must be held within the following period of 12 months. Another amendment will allow a returning officer to appoint a day other than Saturday as polling day for a supplementary election that is to be carried out entirely by the use of advance voting papers.

Clause 26 amends section 96 of the principal Act in several respects and is related to the introduction of the concept of 'general elections'. Clause 27 provides for a new section 100 (3) of the principal Act. It has been submitted that under the present provision it is arguable that if a voter, voting at an election where the method of counting is as set out in section 121 (4), votes for less than the number of candidates required to be elected, subsection (3) may in some cases nevertheless render his or her vote valid. It is intended to clarify that, for the purposes of the operation of subsection (3), the voter must have at least set out numbers that are consecutive up to the number of candidates required to be elected.

Clause 28 amends section 101 (1a) to ensure that a candidate who has already been declared elected cannot act as a scrutineer. Clause 29 makes a consequential amendment to a heading. Clause 30 amends section 106 of the principal Act in several respects. Subsection (1) is to be altered so as to allow advance voting papers to be used whenever a person desires to vote at an election or poll otherwise by attending at a polling place during voting hours (the present provision only operates when the person is unable to attend at a polling place). The declarations that are to be printed on the outside of the relevant envelopes are being revised. New subsection (10) will require the returning officer to

give public notice of the fact that advance voting papers are available to electors under section 106.

Clause 31 amends section 106a in several respects. Advance voting papers under this section are to be sent as soon as practicable after the twenty-first day before polling day. The envelopes sent as part of the papers will be required to be prepaid envelopes addressed to the returning officer. Other amendments are similar to amendments to section 106. Clause 32 recasts sections 107 and 108 of the principal Act in order to ensure consistency with other provisions of the Act relating to the procedure to be followed when voting, the procedure to be followed when voting papers are returned, and the provision of assistance to persons who desire to vote but who are illiterate or physically unable to carry out a voting procedure.

Clause 33 recasts the provisions relating to voting at polling places. New section 111 revises the procedures to be followed when a person attends at a polling place to vote at an election or poll. New section 112 is similar to section 117 of the present Act. New section 113 relates to the provision of assistance to a person who desires to vote at a polling place but is illiterate or physically unable to carry out a voting procedure. New section 114 relates to how-to-vote cards. The new section will provide for how-to-vote cards that are to be placed in voting compartments (the Act presently provides for the display of cards in polling places), and will allow the returning officer to determine the size of the cards submitted to him or her. New section 115 relates to the use of ballot boxes and reflects the fact that many ballot boxes are now sealed, and not locked. New section 116 is similar to section 120 of the present Act.

Clause 34 inserts a new section 120 relating to the scrutiny of declaration voting papers. The scrutiny of declaration voting papers is to be completed as soon as practicable after the close of voting on polling day. Subsection (3) sets out in detail the procedures that are to be applied. Subsection (4) will allow the returning officer subsequently, on his or her own initiative, or on application, to admit to a count any declaration vote initially rejected but later found to be valid.

Clause 35 amends section 121 of the principal Act in several respects. Some amendments reflect the fact that polling booths will be closing at different times. Other amendments reflect the fact that voting is now to occur in polling booths, as defined. Under subsection (8) of section 121, the returning officer must presently carry out any recount within 48 hours after the provisional declaration is made. New subsection (8) will only require that the decision to carry out a recount be made within that period.

Clause 36 will require the returning officer, after the conclusion of an election, to prepare a return to candidates setting out various matters relating to the conduct of the election. Clause 37 amends section 122 of the principal Act in a manner consistent with the introduction of the concept of 'general elections'. Clause 38 makes various amendments to section 123 of the principal Act ('Procedure to be followed at the close of voting at polls') that are consistent with the amendments to section 121.

Clause 39 amends section 124 of the principal Act to provide that except as authorised by other provisions of the Act, voting material will not be available for public inspection. Clauses 40 to 48 (inclusive) relate to illegal practices under Division X of Part VII. New section 124a will ensure that the provisions relating to offences in polling booths extend to acts committed in any other place where voting papers are issued (such other places being where advance voting papers are issued). Other amendments clarify various offences, or provide greater consistency with the provisions of the Electoral Act 1985. It will be an offence for a candidate at an election, or a person acting on behalf of a candidate, to have in his or her possession advance voting papers issued for the particular election. Another provision will prohibit persons attempting to discover how electors voted at a particular election or poll. New section 133a regulates the publication of statements that are inaccurate and misleading to a material extent.

Clause 49 will provide that the Court of Disputed Returns will not call into question the eligibility of any person whose name appears on the roll as an elector to be a candidate under section 95 (1) *(a)*. Clauses 50 and 51 make various amendments to the Local Government Act Amendment Act 1988. The amendment relating to section 178 is consistent with an earlier amendment relating to the suppression of the name or address of a person whose address has been suppressed under the Electoral Act 1985, in order to protect his or her safety. New section 184 (7a) corrects a technical problem identified in respect of the operation of section 184 (7) in certain cases. Proposed amendments to section 200 relate to the powers of the Minister to include other councils as constituent councils of controlling authorities. Clause 52 makes a technical amendment to section 55 of the Local Government Act Amendment Act 1988.

The Hon. B.C. EASTICK secured the adjournment of the debate.

MINISTERIAL STATEMENT: NATIONAL CRIME AUTHORITY

The Hon. D.J. HOPGOOD (Deputy Premier): I seek leave to make a statement.

Leave granted.

The Hon. D.J. HOPGOOD: During Question Time this afternoon, in response to a question from the Deputy Leader of the Opposition regarding the number of people identified for further investigation by the NCA, I informed the House, and I quote from the *Hansard* record:

From memory, it is a couple of dozen, a number of that order.

Since Question Time I have taken the opportunity to check the number of names on the list provided by the NCA. The list is one column, tightly typed on an A4 sheet. There are in fact 56 names on that list.

DANGEROUS SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 1456.)

Mr S.J. BAKER (Mitcham): The Opposition is generally supportive of this measure. The Bill seeks to make the Dangerous Substances Act consistent with the Occupational Safety Health and Welfare Act via the introduction of improvement and prohibition notices. The penalties have been upgraded and converted to the new divisions. Storage licences for dangerous substances can be issued by the Director even in premises which do not comply with the regulations provided there is no danger to person or property. Special powers are given to inspectors during dangerous situations.

First, may I say with regard to the proposed amendments to the Dangerous Substances Act 1979, as amended, that the Opposition consents and is in agreement with the amendments created by clauses 1 to 5, 7 to 9 and 11 and

12, including the accompanying schedule. However, the Opposition is not in a position to consent to clauses 6 and 10 for the reasons that I am about to outline. We are concerned that the proposed amendments to section 14 of the Act via clause 6 will not maintain the status quo in regard to the amount of fuel and other substances that rural landowners are permitted to have on their premises. If the Government indicates that it proposes by regulation to maintain that position, our opposition to this amendment shall cease. If that is not the case, I put forward the following argument for the preservation of the status quo.

Clause 6 of the Bill relates to section 14 of the Dangerous Substances Act. As it now stands, the Act provides:

A person shall not keep any prescribed dangerous substance in any premises except—

(a) as permitted by regulations prescribed for the purposes of this section;

or

(b) pursuant to, and in accordance with the conditions of, a licence granted under this Division.

This section, when read with the accompanying regulations in Schedule 1, provides that any person may have on his or her property:

(a) up to 120 litres of a class 3.1 item

(b) up to 1 200 litres of a class 3.2 item

(c) up to 5 000 litres of a class 3.1 and up to 5 000 litres of a class 3.2 item provided that the premises have an area of not less than two hectares and that the storage of such products is carried out in accordance with the stringent regulations referred to.

For clarification, class 3.1 includes diesel and petrol and class 3.2 includes kerosene. The proposed amendment to section 14 provides:

A person must not keep a prescribed dangerous substance in any premises unless the person is the holder of a licence under this Division.

In its present unamended form section 14 will allow a city motorist to keep a supply of petrol for use in his motor vehicle and or motor boat or lawn-mower if so desired. He may also keep a supply of kerosene for a domestic heater. More importantly, the rural farmer may keep a supply of these types of liquids for use in connection with day-to-day activities without having to rely on travelling, perhaps a considerable distance, to a local supplier.

It is pertinent at this point to consider the history of this Act and its predecessor the Inflammable Liquids Act. The Dangerous Substances Act was discussed in the Legislative Council on 22 February 1979. At that time the Hon. Trevor Griffin in proposing amendments to the Act drew members attention to the fact that its predecessor, the Inflammable Liquids Act, made specific provision for the keeping of predominantly petroleum liquids on rural properties for primary producers. At that time the Hon. Mr Griffin asked for an assurance from the Hon. D.H.L. Banfield that the regulations would provide for the situation referred to. The Minister agreed that such regulations would be enacted, and such is the state of the Act today.

We are now asked to agree to an amendment that may revoke such a possibility. In fact, it could go much further in preventing any person from having any fuel supplies without a licence pursuant to the Act. It is not the case that primary industry should be a privileged class, but the great difficulties that primary industry has in handling dangerous substances, particularly petrol, should be recognised. Primary industry in Australia has enough on its plate without having to acquire a licence to possess fuel.

However, the amendment could go so far as to require a licence for any amount of fuel. One could even require a licence for petroleum for a car or a lawn-mower. I am seeking from the Minister some clarification as to whether these amendments will affect the status quo, which is special provisions which will allow people to keep on with their day-to-day activities, whether they be in the metropolitan area or in a rural environment.

As I have said, the provision in clause 6 discriminates in particular against the rural community and would promote chaos for city dwellers who store fuel, if the provision is taken blandly in the vein that appears in the Bill. In addition, the requirement to issue a licence for each and every storage space would present a logistical nightmare and certainly would cost much more than any revenue generated. Incidentally, the Government has failed to put forward any reason why the present practice should be removed.

It may be said that the proposed section 15 provides a remedy for this situation, but examination will show that, in order to allow the classes of person mentioned access to fuel supplies, licences will have to be granted and renewed on a continuing basis. This will further add to the cost and charges levied upon the individuals concerned, and taxpayers as a whole. For the reasons mentioned, I indicate our opposition to the provision proposed in clause 6 of the Bill, although we might relax that opposition if certain undertakings are given by the Minister.

Proposed section 23c deals with the review of improvement and prohibition notices issued pursuant to the Act. Proposed new section 23c provides that such reviews will be undertaken by the Minister. The Opposition contends that such a review should be made by a body independent of the authority issuing such notices. As the amendment stands, there is a distinct possibility that the ministerial review would simply reinforce the decision made by the inspector—in other words, a 'Caesar to Caesar' situation.

The Opposition further proposes that the independent body should be a review committee constituted under the Occupational Health, Safety and Welfare Act, which, indeed, is in keeping with the general tenor of the amendments to the Act and the Minister's second reading explanation. This review committee is presently in existence and would be able to perform the task of review, with minimal additional operating costs. In the case that the Opposition's further amendments to proposed section 23c are accepted, we would have no further opposition to the passage of this Bill.

There is one positive aspect of this legislation, in terms of the allowance that, when no dangerous situation is arising, the severe constraints that may be placed by regulation can be relaxed, if those safety considerations are not necessarily important. With those few words, and specifically my comments on clauses 6 and 10, I indicate that the Opposition generally supports the proposition, subject to ministerial undertakings on the matter of fuel keeping on domestic and rural premises.

Mr BLACKER (Flinders): I, too, have a concern about the possible effect that this could have on rural premises and about whether the Government might be looking at the licensing of farmers or their premises for dangerous substances.

Mr Lewis: They had better not be.

Mr BLACKER: Well, that is the point I am trying to seek clarification on. It has been put to me that this could be a means of licensing farmers and their premises, as many farmers are required to store fuel. I also ask whether there is a correlation in relation to the storage of farm chemicals and items of that kind, which may be deemed to be dangerous substances and which therefore could be part of another ball game with respect to identification, inspections, inspectorates, and what have you, that would follow from

that. I seek information from the Minister when he sums up the second reading debate about whether in fact that is the case.

Mr LEWIS (Murray-Mallee): My concern is identical to that already expressed by the members for Mitcham and Flinders. It will not be appropriate for the Government, either through the present Minister or any subsequent Minister—in the event, for example, that there is a reshuffle in the next few days—to contemplate that course of action in relation to licensing. It is just not fair.

Members opposite need to remember that whereas from time to time they would accuse us of stereotyping the roles of trade union secretaries, painting them to be the same kind of irresponsible people as someone like Norm Gallagher, capable of coercion and bully tactics on work sites, shop floors and so on, they also make the same mistake in other ways when they imagine—fondly or otherwise—that farmers are all wealthy people with nothing better to do than drive around in a Mercedes day in and day out, enjoying conferences, sales and so on. They are just not like that at all.

As members will recall, in recent times I have demonstrated that 80 per cent of the people in those district council areas of Peake, Lameroo, Browns Well, Karoonda, East Murray and Meningie, in the electorate that I represent, have household incomes which, after we take off interest payments, average less than $100 a week to spend on two adults and an average of just over two children. That is for 80 per cent of the people. Those localities to which I refer do not comprise 80 per cent of working people who are in positions where they get nothing more than wages. The vast majority of them are people who work under contractual arrangements or are farmers on the land with minimal income.

The amount of time that they now spend at home filling in these ruddy forms for the Government, paying straight out of the limited cash resource which must sustain their families for licences to do this and permits to do that and seeking the necessary approval before they can begin certain tasks has become so burdensome that the Minister and the Government would be well advised to simply rack off and leave well enough alone, or there will be more than just a revolt of the kind that confronted the Hon. Frank Blevins when he was Minister of Agriculture in another place. That would not represent 10 per cent of the people who will move into this capital city of our State, and they will not—

Mr Plunkett interjecting:

Mr LEWIS: I am not sure what the honourable member is saying.

Mr Plunkett interjecting:

Mr LEWIS: The honourable member makes the very mistake that I implored him and other members not to make. He fondly believes that, because he knows of a farmer who may have off-farm income sources anyway, who does have a higher income than the people to whom I have just referred, he can ignore the evidence that I put before him and other members about the average income levels of the vast majority in the district councils to which I have just referred. It is less than $100 a week. The member for Peake needs to bear that in mind. They do not own Mercedes. In fact, most of them are driving cars that are more than five years old and they were never worth anything like one-fifth or one-tenth of what one would have to pay for a Mercedes. Many of those cars were bought second hand. Whilst it may have been true that he recognised some of those people in that march as having been graziers in the South-East in the days when he was an organiser with the AWU, that does not mean that the entire group was comprised of such people. I remind him that they were perhaps the more fortunate people who could afford the time and money to get to Adelaide.

Certainly, for every one who came to Adelaide to march that day, there were at least 10 who could not at that time either spare the time or the money to do so. Notwithstanding whatever reservations and bigoted views the member for Peake may have, my concern is about the people I represent and I urge him to consider the facts that I have presented to him as evidence of the truth of what I am saying. He should not take it lightly.

The Hon. R.J. GREGORY (Minister of Labour): Three matters have been raised that require a response. The storing of fuel in relation to the keeping of dangerous substances comes under class 3, and I think members opposite appreciate that the danger of fuel increases as the amount stored increases. Also, there are graduations in storage. The amendments before the House are not intended to involve class 3 dangerous substances. As stated in the second reading explanation they cover the problems that have arisen in the keeping of class 6 (poisons) and class 8 (corrosive substances and alkalines) dangerous substances.

When the 1987 amendments were proclaimed and the regulations put in place businesses were given six months notice to improve their premises. Some of those improvement notices required substantial amounts of work, including substantial design work, which just could not physically be done within that six-month period. The Director was faced with the requirement to close the business down, consequently causing considerable disruption. Members should bear in mind that some of these places had been operating for a considerable period of time without any accidents occurring. This Bill allows, where there is no immediate danger, for an improvement notice to be given, for a time to be specified and for that matter to be monitored. The other deficiency in the Act and the amending Act was that they did not deal with the provision of improvement notices. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

The Hon. R.J. GREGORY (Minister of Labour): I move:

That the House do now adjourn.

Mr OSWALD (Morphett): This evening I will deal with two matters, first, the ongoing saga of land tax that is imposed on businesses in this State and, secondly, a few concerns I have about transport in the west and south-western suburbs (and I welcome the Minister to this Chamber as he joins us for the next 10 or 15 minutes). I now turn to the ongoing problem of land tax. When a person runs a business they have to contend with numerous overhead costs. Apart from buying initial stock for their business, they must restock and the price increases because of inflation. They have to budget for ongoing costs such as wages, insurance (general, motor vehicle and other), payroll tax and sales tax. Superimposed on that are council rates, water rates, and the tax in the electricity charge that everyone has to contend with.

Businesses also have to budget for regular licence fees; motor vehicle registration fees; the tax incorporated within fuel costs; and workers compensation premiums, to which honourable members have referred in an earlier debate. Put them together, and that accounts for a large amount of the

profitability of any business. There is so much turnover, from which all these costs must be met.

Superimposed on top of that again is this insidious land tax, which this Government is using as a source of revenue. I have before me a letter which was sent to me by a firm that owns two properties (albeit modest properties) on Greenhill Road. The land tax on there properties has risen from $9 054 in 1987 to $11 257 in 1988, an increase of about 25 per cent in one year. It has almost doubled over the course of two years. The letter states:

I am appalled that the land tax on the Greenhill road properties referred to—

and I have just given these figures—

has gone up a further 25 per cent in one year; it has almost doubled in two years. There is no way in which the site value can be disputed, but the overall hike in land tax payable is straggering in respect to the massive increase in just two years. There is no question that small business is being penalised in a most punitive way, and I am sure that many business people, in particular retailers, will be forced out of business.

The letter goes on at some length after that. The highlight is this factor that small business retailers and wholesalers, architects and professional rooms are having these land taxes foisted upon them. Coupled with the initial costs that I have already mentioned, such as wages, insurance, payroll tax, sales tax, council rates, water rates, taxation within electricity charges, licence fees, workers compensation, and the cost of running their vehicles, very little is left.

The insidious land tax is absolutely crippling a lot of small businesses. Surely this Government, which has always purported to champion the cause of small business—although I believe the only reason it is interested in small businesses is as a source of tax revenue—

Mr Duigan: What would you replace it with? Would you just cut the revenue?

Mr OSWALD: That is a very interesting question, and the honourable member would love to know what the Liberal Party would do with land tax. I can assure him as we go into the next election phase (which is not far away) he will see the most imaginative land tax scheme ever offered to the public of South Australia. This scheme will give genuine relief to the small business people of this State, and we have been waiting for eight years for that opportunity. The whole five years of the Bannon Government has been a disaster in relation to land tax and, when we gain the Treasury benches in the very near future, the Liberal Party will present back to the people and the businesses of South Australia the most imaginative land tax scheme ever seen. People who run businesses are crying out for relief but they are not getting it from this Government.

Another matter I would like to raise, because the Minister of Transport is in the Chamber, is our concern for the traffic chaos that is being created in the Darlington area through the western suburbs as a result of the build-up of population in the southern region. As that population has built up in the southern region, the Government has been neglectful in relation to what it will do with that traffic when it reaches the plains.

Reservoir Drive has already been opened. That is perhaps one of the greatest cul-de-sacs in the southern region so far. It is a huge highway sweeping down through the area to the east of the reservoir. It will pick up traffic and channel it down Flagstaff Hill Road. We saw in the press the other day the suggestion of the dual movement on Flagstaff Hill Road, where vehicles run only one way during the peak hour period. That might be fine on that piece of roadway, but it still will not solve one problem when that traffic reaches Darlington. If members cast their minds back to the time before Ocean Boulevard was constructed and when South Road was at peak traffic capacity, we moved to open up Ocean Boulevard.

That took considerable pressure off South Road. The traffic on South Road has now built up again to pre-Ocean Boulevard days. Both arterials are almost at capacity, yet the Department of Environment and Planning continues to plan for massive housing developments in the south. All those people living in the dormitory suburbs are travelling up to the plains for work. Unfortunately they are not all travelling by rail, but are coming by road. We have now heard that the proposal for the third arterial has been put off to the mid 1990s. Even if it starts in the mid 1990s, it will not be completed until after the turn of the century.

Although we may be lucky enough to see that road under way before the turn of the century, it will not be completed in that time and traffic will still be travelling on South Road, Ocean Boulevard and the already chocked Flagstaff Hill Road, all of which empty out into the Darlington area in the electorate of Hayward, my electorate and the electorates of other Labor members on South Road. Yet this Government has no plans for what it will do with that traffic when it hits the plains, except to make modifications to the right hand lanes in some of the major intersections.

The Government sold off the north-south corridor, which could have been the salvation and allowed us to build a four-lane north-south corridor from the Darlington interchange out to the northern suburbs. It got rid of that—sold it off to raise revenue. It said that South, Morphett, Marion and Brighton Roads could handle it—there is no way that they can handle it. We have already heard about the modifications at Darlington when it brings in the third arterial. That will simply shift the problem about 1.5 kilometres to the north. Again the traffic will be channelled back out to the other four urban arterials to which I have referred.

The Labor Party is devoid of ideas on what it will do. I ask the House to consider seriously the interests of those who live in the southern suburbs. What will the present Government do? We cannot continue to put tens of thousands of homes into the southern region without providing ways and means for that traffic to get up to the plains. The planning of highways in this State is a State-wide disgrace and there is no future in it as we see it, unless the Government has a radical rethink of its transport policies and the way it is strategically planning roadways from the southern regions up to the plains.

Mr DUIGAN (Adelaide): I take this opportunity this evening to deal with a number of matters in the education arena. Time permitting, I will deal with three issues: first, the general issue of education management in South Australia; secondly, local school initiatives being undertaken within the Adelaide electorate; and, thirdly, and perhaps most importantly in light of recent announcements by the Federal Government, tertiary education initiatives taken by the Federal Government and announced last week by the Federal Minister for Education, John Dawkins, when in Adelaide in response to an invitation I extended to him a month or so ago. I would like to preface my remarks by commenting on community involvement in schools, in school management and in school policies. The opportunity has been provided to me (and, I am sure to many other members recently) to revisit a number of schools in their electorates as they are all holding annual general meetings for their school councils and are involved in speech days and prize night presentations.

These events have been happening in Government primary and secondary schools, in independent schools at the primary and secondary level and in Catholic primary and

secondary schools. The comments that I make apply across the board. In general, school councils attract very strong, committed and active parents who are helped in the management, administration and policy development of their schools by equally committed teachers. The people involved in school councils and governing bodies tend to do most of their committee work after hours.

They readily accept that extra commitment in order to ensure that the school that their child attends and the educational program that their child receives are of the highest possible quality. Those parents are involved in a variety of activities, such as fundraising, sports programs and the development of educational profiles for students, including a policy for the employment orientation of the school. Consequently, they are involved in curriculum policy and a number of other management issues relating to uniforms, facilities, maintenance and the ever-present issue of fees.

In one sense, the decision-making responsibilities of Government schools are somewhat more onerous because their ability to act independently and autonomously is somewhat more curtailed since they are part of a much larger group. Budget priorities must be determined within the global amount that is available for all Government schools within South Australia. Nonetheless, many thousands of hours are spent by many hundreds of people and I pay tribute to their dedication and commitment to education, the community, their children and their children's future.

Any system—Government, independent or Catholic—would be much poorer without the strong contribution that is made by these parents. Their contribution to educational policy is valued and important; their contribution to school management is critical; and their contribution to school finances is absolutely essential. I have been heartened by the large number of parents who turn up at these important end of year school functions, even when they are not actively involved in the school or when their child is not a recipient of an award.

One feature of community involvement in schools that I must mention is the competitions and awards that are run by professional, community and commercial organisations in which many students from many schools participate. It gives them exposure to and involvement with some real world experiences while they are still at school. It matters not whether students get into the mathematics olympics, the young newscasters competition or the BHP excellence award. Anything that provides students with exposure to the wider world of work and the opportunities that exist in the world of employment is good in helping students to make appropriate decisions about the curriculum options that they take up in the later years of schooling.

The first of the three areas that I will touch on is educational management. Early in 1988 there were some problems in the Government management of the education system in terms of the discussions about the 4 per cent second tier wage offsets and, later, the new staffing formula; and some problems arose in communication between management and staff. Such communication is critical in the organisation and management of such a large system.

However, in order to address those and other problems, the Government has embarked on what I have to describe as a fairly ambitious three year planning exercise. It has been quite correctly described as Australia's first three year plan for education. This plan tries to highlight key goals for every school in the State so that it can start to identify how it can meet the educational needs of the young people in that school. The draft plan has now been distributed to every school in the State together with a supportive video. The video has been featured at a number of AGMs of school councils together with the three year plan outline, and that has provoked a substantial amount of debate within those school communities.

I believe there is a desire on the part of both parents and teachers to contribute to this improvement in the communication between those who are providing the educational service within the schools and those who are charged with the responsibility of planning and resourcing it at the Education Department level. The three year plan will focus on key areas such as reading, writing and numeracy skills and will attempt to build on the science and technology studies that are so important for the future of our schools. It provides clear strategies to ensure that young people will be able to make judgments about the skills that will be necessary to live and work in the twenty-first century. It will help prepare schools to work with young people to realise the dynamics of the work place so that they are able to get a clear appreciation and understanding of the links between schools, TAFE, and business and industry and the skills and knowledge that are so important.

By way of an aside, one of the places I was able to visit when hosting the Federal Minister for Education last Friday was the Nailsworth High School where he spoke to a group of year 10 students. The general points I have made tonight about the importance of getting the basic knowledge and making appropriate decisions about the skills necessary for taking up jobs after leaving school were taken up by the Minister who pointed out that those students could expect to have five or six jobs in the period of their working life after leaving school, and that their school life was not to be the end of their learning experience or the end of their skilling process. That process would happen four or five times as they moved from one job to another as the rapid rate of technological change in our community altered the nature of the working environment.

Time is about to run out on me. I did wish to talk about that matter a little longer and also about the local initiatives that are being taken in the schools within the Adelaide electorate. I wanted to conclude with a few remarks about the major initiatives in tertiary education.

The ACTING SPEAKER (Mr Rann): Order! The honourable member's time has expired.

Mr HAMILTON (Albert Park): Since 1985, as the member for Albert Park and as the Government's representative on the Fort Glanville Historical Association, I have come to appreciate the work that this organisation, headed by its Chairman (Mike Lockley) has carried out in that area. The volunteers have done a tremendous amount of work on the fort's restoration and the surrounds. It is very disappointing for these people to find, as they did last Sunday when they opened up the fort for public inspection, that vandals had been there and caused real problems. It is not the first time that I have noted these people who want to vandalise that area, using any piece of wood or anything that can be burnt to light a fire on the adjacent beach.

A couple of years ago in the local press I mentioned the practice of these unknown people burning arsenic impregnated wood which was used for walkways over the sand-dunes in various parts of my electorate. That was a very dangerous practice, because the arsenic fumes could impact on the health of people.

Mike Lockley wrote to me and reported that these vandals are using wood from the fort for these party fires along the beach. Two pieces of vertical wood were removed from a stockade fence and used for the fires. It is suspected that covers from the stairway into the mess are also being used

for fires. They believe that some time earlier the original sentry box was also used for a fire. At some cost a new sentry box for that fort has had to be installed. I understand that fires are also being lit in the magazine area and that could mean that the whole place could burn down.

These matters have been reported to the local police, but they cannot be there 24 hours a day. In the past, security systems have been installed and these thieves or vandals have also broken in and damaged the security system in the fort. This is a serious matter. I am informed by Mr Lockley that many of these incidents, particularly burning wood for fires along the beach, have occurred over the past two weekends. There is no security on the landward side of the fort which, once again, provides easy access for these vandals and thieves. Barbed wire was erected around the fort to deter these people from entering the site. Regrettably, the thieves and vandals are very quick and they have found an easy way to overcome that barrier. They wired up the strands of barbed wire so that they could get underneath it and then into the fort.

Mr Lockley, members of the Fort Glanville Historical Association and I are concerned that action must be taken. I am aware of the constraints placed on Government but, at the same time, one of the few remaining historical forts not only in South Australia but in Australia is constantly being vandalised by unknown people. I believe that the amount of work that the Department of Environment and Planning, particularly through the National Parks and Wildlife Service, has put into this fort could be severely jeopardised if action is not taken to remedy the problems associated with vandalism and breaking and entering. If it continues, then I think it is only a matter of time before these vandals light a fire near the main buildings of the establishment.

As I have stated, very few such forts are left in Australia. As I understand it, local schools and other visiting groups in and around South Australia (and specifically from the metropolitan area) propose to use this fort for educational purposes. It is very important that this establishment be maintained and that it be protected from these vandals and thieves.

In correspondence sent to me on 17 November 1988, Mr Lockley said in part:

> Incidentally, security is still a problem; the permapine posts from the old caravan park days forming a now redundant pathway marker have still not been removed and no additional site fencing has been provided. Barbed wire has been provided along the fort's western wall but we discovered the other day that the strands had been deliberately wired together to form gaps through which access to the fort could be gained.
>
> Our sentry box has been completely destroyed and most of the timber removed, plus a smashed guardhouse window and intruder detector. Fortunately a new sentry box is under construction at a cost of $1 500, funded by the association. I hope that it doesn't suffer the same fate. Makes one wonder sometimes if it's all worthwhile.

One must give recognition to the amount of work Mr Lockley and his group contribute voluntarily to the upkeep of this fort. I would like to put on record the number of occasions when they have helped out at the Grand Prix and the moneys that each of these volunteers at the fort has received because of that work. All that money has gone into the restoration and upkeep of the fort, and I believe that all members here would commend them for the amount of work they have put in voluntarily to maintain this historical site. So, it is very sad that one must relate that this damage is occurring. I have contacted the Minister, but I believe that it is important to put on record the difficulty that this very dedicated group of people is having down there.

Finally, an article appeared in yesterday's and today's *News* about the rail link closure looming over the passenger service between Adelaide and Mount Gambier. I want to emphasise for the record that the article is basically correct, with one exception: information provided to me by this 'other source' indicated that the service will close in the new year. They are not my words: the information provided to me by this other party indicates to me that this matter is under consideration.

I am concerned when people say, 'We won't commit ourselves to saying any service will or won't close.' To me that is bureaucratic nonsense and jargon, and I believe that the Australian Railways Union and its members have every right to be concerned, and they should be given a clear message one way or another as to the intention of Australian National in regard to this service to and from Mount Gambier.

Motion carried.

At 10.28 p.m. the House adjourned until Wednesday 30 November 1988 at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 29 November 1988

QUESTIONS ON NOTICE

HOUSING TRUST

3. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: Does the South Australian Housing Trust own the property at 3 Preston Street, Blair Athol and, if so—

(a) how many tenants have occupied the premises since November 1987;

(b) what damage has been done to the property since 1 December 1987 and what is the cost of repairs, repainting and general renovations since 1 July 1987; and

(c) for what periods was the property vacant since 1 July 1987?

The Hon. T.H. HEMMINGS: The replies are as follows:

Yes, the trust does own the property at 3 Preston Street, Blair Athol.

(a) Two.

(b) After the property was vacated in November 1987 approximately $800 was spent on cleaning the house, mowing the lawns, removing the rubbish and minor repairs. Upon vacation of the house in April 1988 further work was undertaken, totalling some $2 400, with the largest component of the work being redecoration of the home, which had not been redecorated since September 1984.

While much of this work was necessitated through normal wear and tear and was undertaken as standard practice to prepare the house for the incoming tenant, some damage was caused to the house for which the outgoing tenant was liable to meet the costs. In these instances, the trust pursues recovery of such costs to the full extent of the law. However, the trust was not able to pursue this course of action because the tenant in question could not be located.

(c) The property was vacant for three weeks in November 1987 during which time it was made available for use as an EHO pool house, and for six weeks in April-May 1988 while redecoration was carried out.

PROPERTY FORFEITURE

13. **Mr OLSEN (Leader of the Opposition)**, on notice, asked the Minister of Transport representing the Minister of Health: For each of the years 1985-86 to 1987-88, on how many occasions did the Crown apply to invoke section 47 of the Controlled Substances Act to require the forfeiture of property by persons charged with drug offences, on how many occasions did the courts invoke this section and what was the value of property required to be forfeited in each year?

The Hon. G.F. KENEALLY: Section 47 had a short life (8.5.85-1.3.87). The matter of Edwards was the only occasion on which the court ordered forfeiture of real property in respect of the offence of producing cannabis, only section 47 (1) *(c)* was of any real significance. To my knowledge, in the period under review, there was no case in which the offender received real property or acquired it as a result of the commission of the offence. All cases of production of cannabis were prosecuted in the District Criminal Court. In most cases it was clearly not appropriate to apply for forfeiture of real property, for example, production of 10-100 plants in the backyard of suburban homes, often by one of joint tenants or tenants in common or by unemployed rent payers of Housing Trust homes. Apart from Edwards, there were other occasions that forfeiture was applied for or foreshadowed but the court indicated it was inappropriate for any number of reasons, some of which are enumerated above.

In respect of drugs, money and equipment, there was automatically an application for forfeiture in every case where there was a connection with the commission of the offence. The property was usually in the possession of the police in the form of exhibits and ownership passed to the Crown without any physical movement of the property. Drugs are covered by section 46 as is equipment the subject of the offence, for example, pipes, syringes, etc., and therefore outside the ambit of the question.

To answer this question more fully, a complete search of court files would be required which would be an extremely onerous task requiring extra resources to complete. I consider that the provision of extra resources to answer the question is unwarranted.

HOUSING TRUST

38. **Mr LEWIS (Murray-Mallee)**, on notice, asked the Minister of Housing and Construction:

1. What has been the cost of repairs to the South Australian Housing Trust home in Johnson Street, Murray Bridge, severely damaged by the tenants who left without notice in late July?

2. Is it known to trust officers that the former tenant is or has been a user of contraband narcotics?

3. Has this tenant and/or his *de facto* wife a prior history of failing to keep abreast of rental payments and causing substantial damage to trust property?

4. Is the former tenant known to have used aliases or other names in obtaining accommodation either belonging to the trust or subsidised by it?

5. Will the Minister confirm that neither the former tenant nor his *de facto* wife are or claim to be Aboriginal?

6. Is it the Government's policy to allow the trust to provide people with another dwelling when they next make application for shelter for a few weeks after having vacated premises which they have (or are suspected of having) badly damaged and then vacated, often without notice to the trust?

7. Is it the Government's policy that the trust should continue to pay the bills to the public utilities providing goods and services which have otherwise been left unpaid by such tenants, that is, council rates, ETSA, Sagasco, E&WS and Telecom?

8. During the past five years, how many dwellings belonging to the trust have been, or were suspected of having been, damaged by tenants where the cost of repairs of that damage has been $1 000 or more and in how many instances has the same tenant been involved on more than one occasion?

9. What steps is the Government proposing to take to address this problem of repeated abuse of trust property by such tenants?

10. Why does the Government require the trust to provide detached or semi-detached dwellings to people who are known to be drug users or drug addicts and who also have no history of stable responsible behaviour?

11. Is the Government currently considering more appropriate forms of shelter for such people where the likely cost to the public purse for the provision of their accommodation per week would be less than it is under the present

policy; where the payment of the cost of repairs and the outstanding bills to public utilities has to be added to the cost of rental subsidy (either real or notional)?

The Hon. T.H. HEMMINGS: The replies are as follows: I am not prepared to divulge confidential information between the South Australian Housing Trust and its tenant to answer your specific questions 2 to 5.

I have raised the matter with the General Manager, South Australian Housing Trust, who has briefed me on the circumstances surrounding this particular tenancy. I am satisfied that the situation has been properly managed by the trust.

1. The estimated cost of upgrading the trust rental property at 5 Johnson Street, Murray Bridge is $4 000 of which some $2 000 can be attributed to property damage caused by the tenant.

6. If the trust was to re-house a tenant shortly after vacating, strict arrangements regarding the payment of any outstanding debt would be made. The trust will pursue rental arrears through the court to the point of physical eviction and other debts to the full extent of the law.

7. The trust, as property owner, is responsible for the payment of council rates and E&WS charges on all its rental properties, while ETSA, Sagasco and Telecom charges are, and remain, the responsibility of the tenant.

8. This data is not readily available and the costs associated with its collection cannot be justified. Any outstanding debts, including the costs associated with repairs to damage beyond fair wear and tear, are actively pursued by the trust to the full extent of the law.

9. As noted in 6 above, tenants and ex-tenants are responsible for the cost of repairing damage to their rental properties. The trust will pursue such damages through the court to the point of gaoling for unsatisfied judgment if necessary. Trust officers counsel tenants who damage property and the trust seeks to work with other agencies which may be able to assist tenants who, for one reason or another, damage rental property. The trust is also prepared to proceed to physical eviction.

10. Except in exceptional circumstances, the trust would be unlikely to know whether or not an applicant who had waited in line and was housed in turn was a drug user or a drug addict as applicants are not asked to provide such information when lodging an application form.

The trust works closely with a variety of social and medical agencies in a priority housing scheme and some of the clients assisted through this scheme are people who have suffered drug addiction and are being housed in cooperation with other agencies as part of a program of rehabilitation.

It is the role of the trust to assist those most in need, and, sadly, in today's environment those suffering the effects of drug abuse are among those most in need.

11. While the proposal underlying this question is not clear, it is certain that—if it was the Government's wish to provide a concentration of crude and substandard dwellings (presumably without power, water or telephone services) for one part of the population—no local government authority in the State would approve the project.

It is also certain that the trust would not propose such an undertaking.

HUMAN SERVICES COMMITTEE

48. **Mr BECKER (Hanson)**, on notice, asked the Minister of Community Welfare:

1. What are the recommendations of the Human Services Committee of Cabinet in relation to hostel accommodation for intellectually and psychiatrically disabled persons and what action does the Government propose to take?

2. What moneys were allocated to whom, where and for what reasons from the Supported Accommodation Assistance Program in the past financial year and what is the estimated program for this year?

The Hon. S.M. LENEHAN: The replies are as follows:

1. The Human Services Committee of Cabinet report on the Needs of Psychiatrically and Intellectually Disabled Persons in Boarding Houses was approved by Cabinet and released to the public. The main recommendations are:

To extend the role of the Mental Health Accommodation Program in order to establish regional community support teams. These teams will provide continuity of care to residents irrespective of their diagnostic criteria.

To develop legislation to safeguard standards of care in premises offering to provide personal care services, in addition to accommodation and board.

To establish a Registered Accommodation Committee to monitor and advise on policies and planning concerning such facilities.

The South Australian Health Commission has allocated $239 000 within the Social Justice Budget for the implementation of the report's recommendations in the financial year 1988-89.

2.

SAAP

Sub-Program Area	Actual 1987-88 $'000	Estimate 1988-89 $'000
Youth	2 931	3 046
Women	2 730	2 766
General	1 658	1 783
Admin. Salaries/Oper. Coord./ Training Evaluation	284	306
To be allocated	—	798
	7 603	8 699

YOUTH SUPPORTED ACCOMMODATION PROGRAM

Organisation	Location of Service	Total Paid 1987-88 $
Aboriginal Child Care Agency (Nurrunga House)	Mansfield Park	92 131
Adelaide Housing Outreach Centre (ADHOC)	Adelaide	135 966
Australian Red Cross	Dunant House, Brompton	91 409
	South Terrace, Adelaide	132 289
	Craig Street, Richmond	11 503
Balyarta Youth Accommodation	Port Pirie	95 611
Bellevue Heights Baptist Church	Bellevue Heights	47 203
Coolock House	Morphett Vale	83 611
Edwardstown Youth Housing	Edwardstown	72 622
Gawler Community Accommodation Program	Gawler	52 709
South East Regional Accommodation Forum, Gemini House	Mount Gambier	19 368
Indo Chinese Refugee Assoc., Mekong Youth Accommodation	Western Suburbs	45 877
I.T.R.A.	Kilkenny	98 687

Organisation	Location of Service	Total Paid 1987-88 $
	Norwood	100 776
Noarlunga Youth Accommodation Services	Christies Beach	253 771
Offenders Aid and Rehabilitation Service (OARS)		
Banjora	Prospect	24 751
Homestead	Bedford Park	65 782
Hurtle Square	Adelaide	102 862
Para Districts Housing Service	Elizabeth	95 953
Port Adelaide Central Mission	Port Adelaide and Environs	57 111
Port Augusta (Ranges)	Port Augusta	97 815
St John's Shelter	Adelaide	124 799
St Stephen's	Royston Park	83 451
Salvation Army		
Ingle Farm	Salisbury/Pooraka	218 489
St Vincent de Paul		
(Avila House)	Brighton	39 979
S.A. Mothering Unit	Malvern	46 524
Tea Tree Gully Youth	Modbury	130 329
The Ranch	Noarlunga	41 950
Umbrella Housing	Salisbury/Paralowie	53 318
		94 976
Urrbrae Parish (Bethbara)	Goodwood	35 911
Waikerie Youth and Emergency Shelter	Waikerie	48 357
Whyalla Homeless Youth Project	Whyalla	31 985
Westcare	Adelaide/Brompton	106 157
Youth Haven	Port Lincoln	96 933
Total		$2 931 005

WOMEN'S EMERGENCY SUPPORT PROGRAM

Organisation	Location of Service	Total Paid 1987-88 $
Bramwell House	Fullarton	194 012
Christies Beach Emergency Shelter	Christies Beach	55 074
Elourera	Whyalla	173 710
Hope Haven	Adelaide	225 162
Irene Women's Shelter	Clarence Gardens	202 303
Judith House	Klemzig	115 647
Lower Eyre Peninsula Shelter	Port Lincoln	208 767
Migrant Women's Emergency Support Service	Woodville	157 755
Para Districts Shelter	Para Districts	204 249
Riverland Women's Shelter	Berri	191 197
Southern Areas Women's Shelter	Christies Beach	191 220
South-East Women's Emergency Shelter	Mount Gambier	150 066
Transition House	Whyalla	20 822
Western Area Women's Shelter	Woodville	219 542
Women and Children's Hostel	Port Augusta	209 801
Women's Emergency Shelter	North Adelaide	202 325
Management Training Program	Adelaide	8 700
Total		$2 730 352

GENERAL SUPPORTED ACCOMMODATION PROGRAM

Organisation	Location of Service	Total Paid 1987-88 $
Aboriginal Sobriety Group	Adelaide	28 368
Adelaide City Mission	Adelaide	1 808
Adelaide Day Centre	Adelaide	43 236
Bethesda House of Mercy	Mount Gambier	7 234
Bowden/Brompton Community Group	Brompton	34 387
Community Housing and Emergency Accommodation	Norwood	59 052
Congregation of Sisters of St Joseph	Parkholme	47 188
Daughters of Charity	Adelaide	51 755
Gawler Community Accommodation Program	Gawler	50 352
Lutheran Emergency	College Park	93 961
OARS	Head Office	9 000
	Berri	30 922
	Bowden/Brompton	41 103
	Christie Downs	48 296
	Exeter	39 709
	Port Augusta	53 623
	Port Lincoln	62 260
Para District Housing	Elizabeth	39 953
Parks Self Help Group	Mansfield Park	56 184
Pika Wiya	Port Augusta	4 239
Port Pirie Central Mission	Port Pirie	115 510
Salvation Army	Ingle Farm	68 526
	Mount Gambier	15 947
	Port Augusta	79 461
	Renmark	48 466
	William Booth	174 317

Organisation	Location of Service	Total Paid 1987-88 $
	Metro House 1, Mile End	28 207
	Metro House 2, Mile End	28 152
	Metro House 3, Edwardstown	10 749
	Metro House 4, Thebarton	9 865
	Metro House 5, Renown Park	7 250
	Metro House 6, Glandore	9 000
St James Community Care	Waikerie	53 023
St Vincent de Paul	Bailly House, Croydon	5 575
	St Vincent Night Shelter, Adelaide	160 712
	Vincent House, Mile End	2 935
South East Regional Accommodation Forum	Mount Gambier	15 980
Westcare	Adelaide	20 287
Country Review	Adelaide	855
Total		$1 657 447

CLASS B LICENCE FEES

66. **Mr S.J. BAKER (Mitcham)**, on notice, asked the Minister of Labour: What was the revenue derived in 1987-88 and what is the estimate for 1988-89 from Class B licences under the Business Franchise (Petroleum Products) Act (Program Estimates and Information, page 500)?

The Hon. R.J. GREGORY: With respect to licences issued under the Business Franchise (Petroleum Products) Act 1979:

(i) Revenue derived from Class B licences in 1987-88 was $64 975.

(ii) The anticipated revenue for 1988-89 is $63 000.

Based upon an increase from $50 to $100 per annum, as provided in the Business Franchise (Petroleum Products) Act Amendment Bill yet to be passed by both Houses of Parliament, the anticipated revenue in a full year from these licences would be approximately $126 000.

WORKERS COMPENSATION

69. **Mr S.J. BAKER (Mitcham)**, on notice, asked the Minister of Labour: What were the workers compensation payments to Government employees during 1987-88 for—

(a) workers injured prior to the introduction of WorkCover (and how does this compare with the original budget estimate); and

(b) workers injured after the introduction of WorkCover?

The Hon. R.J. GREGORY: The workers compensation payments to Government employees during 1987-88 for—

(a) Workers injured prior to WorkCover—$26 041 502.

(b) Workers injured after WorkCover—$5 061 307.

70. **Mr S.J. BAKER (Mitcham)**, on notice, asked the Minister of Labour: With respect to the workers compensation charts on page 130 of the Auditor-General's Report, what are the statistics upon which they were derived and what are the comparable figures for the South Australian Health Commission for 1987-88?

The Hon. R.J. GREGORY: The charts shown on page 130 of the Auditor-General's Report for 1987-88 were based upon statistics contained in the computer database of the Government Workers Compensation Office (GWCO). The current GWCO personal computer network-based system, which commenced operation on 1 July 1987, records details of all workers compensation claims lodged by employees of 45 Government departments and agencies serviced by the office. The new system enables for the first time detailed analysis of claims from Government employees to be undertaken. The Health Commission is not serviced by the GWCO but is a separately exempt Crown agency. Questions regarding commission claims should therefore be directed to the Minister of Health.

CORRECTIONAL SERVICES PROGRAMS

79. **Mr BECKER (Hanson)**, on notice, asked the Minister of Correctional Services: What occupational health, safety and welfare strategy programs have been implemented by the Department of Correctional Services in the past 12 months and, if none, why not?

The Hon. F.T. BLEVINS: In the preceding 12 months the Department of Correctional Services has taken, instituted or facilitated the following in regard to occupational health, safety, welfare and rehabilitation:

- Contracted with consultants to recruit officers (including psychological assessment in an effort to improve the suitability of persons recruited).
- Upgraded medicals, and introduced a 'family evening' to involve the close family of recruits.
- Reviewed the Risk Management Program presently operating in the Department of Marine and Harbors, and TAFE. Additionally discussed with the Executive of the Highways Department their program for risk management and rehabilitation.
- A component is now included in all departmental in-service training courses, addressing occupational health, safety and welfare.
- Four departmental instructions have been issued stating policy towards:
  —Smoking in the workplace
  —Pregnant correctional officers
  —Claims for damage to personal property
  —Procedure for processing workers compensation claims.
- Closer liaison with the Department of Labour, which has acknowledged that this department is well advanced in handling employees with compensable disabilities.
- Closer liaison with the Department of Personnel and Industrial Relations has resulted in the successful relocation of injured employees to alternative duties.
- On 2 February 1988, the Department of TAFE conducted a one day training course for all correctional officers elected health and safety representatives.
- On 21 September 1988, a seminar was organised for all prison managers, at which the following speakers and topics were presented:

  1. Chairperson, The South Australian Occupational Health and Safety Commission—'Occupational Health and Safety Legislation'.

  2. Manager, Government Workers Compensation Office—'Workers Compensation and Rehabilitation Legislation'.

3. Rehabilitation Adviser—'Practical Rehabilitation for Managers'.

4. Rehabilitation Adviser—Rehabilitation and the Legislation'.

5. Safety Officer, UTLC—'The Trade Union Perspective'.

The department has instituted a pilot research program to evaluate the effectiveness of occupational fitness and health development programs amongst its workers. An AO-1 Senior Project Officer has been temporarily reassigned to a position of Coordinator, Employee Fitness and Health to develop and implement programs such as fitness classes, nutrition education programs, lifestyle management programs and a range of other health development programs.

This program has been in operation a little over 12 months and the pilot phase will continue through until July 1989. It should be noted that this program (the Health Corrections Program) is the most innovative and complex program yet implemented in South Australia. Resources of up to $100 000 will have been made available over the two year period of this project. An extensive clinical evaluation is being undertaken.

The initial phase of this program was the implementation of a broad health and fitness survey which has been completed and returned by nearly 600 staff. This information will provide the basis for long term planning.

As a supplement to the Health Corrections Program, and as a means of educating new employees at the beginning of their careers, the curriculum of the induction training course for correctional officers has been expanded from 12 to 18 hours and has been totally rewritten. This aspect of the induction is now taught as a lifestyle management module and includes the use of a comprehensive health and fitness assessment. The lifestyle management module will be piloted at the induction course beginning 4 July 1988.

As a further extension of this total person approach to occupational health and welfare, the selection processes for correctional officers are being integrated more closely with the induction course and with the types of jobs being undertaken within the department.

PRISON EDUCATIONAL PROGRAMS

83. **Mr BECKER (Hanson)**, on notice, asked the Minister of Correctional Services: What education programs are available at prisons and are any additional programs planned?

The Hon. F.T. BLEVINS: Statutory responsibility for prisoner education rests with the Department of Correctional Sevices, but the actual teaching is carried out by staff of the Department of TAFE. Management of prisoner education is by consultation between the two departments.

In the 1987-88 financial year it is estimated that approximately $495 000 was spent by the Department of TAFE on prisoner education. There were 9.5 equivalent full-time staff involved, as well as a significant number of part-time instructors. The courses were run at the colleges below, which related to the correctional institutions indicated:

College of TAFE	Correctional Institution
Adelaide	Yatala Labour Prison
	Northfield Prison Complex (Men's and Women's sections)
Eyre Peninsula	Port Lincoln
Murraylands	Mobilong
Port Augusta	Port Augusta
Riverland	Cadell
South-East	Mount Gambier

Types of courses: the variety of courses run is wide, to reflect the different objectives with different types of prisoners. Literacy and numeracy is taught extensively, as many prisoners do not possess these skills. Vocational skills such as welding and leather working are taught with the aim of increasing employability of prisoners on release, and there are also cases which, though they can have vocational outcomes, can also be viewed as enrichment activities. Art is an example.

The above refers to matters which are formally educational in nature and taught by TAFE. As well, much of the 'prison industry' work, conducted by DCS, can be viewed as having a training component.

In 1989 TAFE plans to expend an estimated $605 000 on prisoner education. Note, however, that this includes an amount of $58 000 as a once-only inclusion arising from the deferral of some prisoner education spending in 1987-88.

A management system involving prisoner education lecturers and management representatives from the Department of TAFE and Correctional Services has been put in place, and detailed planning of the prisoner education program for 1989 is proceeding. It is anticipated that much the same types of courses will be run as previously. Courses will be run in the same institutions as in 1988, but it is planned to increase significantly the full-time lecturer presence in prisons. In particular, it is hoped to appoint full-time TAFE staff members to Cadell Training Centre, the Port Augusta gaol, and the women's section of the Northfield Prison complex.

Within the higher education system, the major provider is the South Australian College of Advanced Education. The majority of its 35 programs offered in the external mode are available to prisoners.

The University of Adelaide does not generally provide courses in the external mode. However, special arrangements can be made to allow students who have partially completed courses and are no longer able to continue on campus study to complete subjects with exemption from attendance at lectures.

The Flinders University of South Australia permits prisoners over the age of 21 years to sit its mature entry test in preparation for admission to a degree course upon release from prison. This involves making arrangements with the prisoner and the authorities for the test to be conducted under appropriate supervision.

WESTERN DOMICILIARY CARE SERVICES

92. **Mr BECKER (Hanson)**, on notice, asked the Minister of Health:

1. How many permanent and casual persons are employed at Western Domiciliary Care Services?

2. How much was expended in salaries, related payments, equipment replacement, motor vehicle costs and other expenses, respectively, in the past financial year and how much is provided in each category in the budget for the year ending 30 June 1989?

The Hon. F.T. BLEVINS: The replies are as follows:

1. Employees

	Head Count
Permanent	123
Casual	66

2. Expenditure

	1987-88 Actuals $'000	1988-89 Budget $'000
Salaried and Wages	3 125.3 (1)	3 008.8
Related Payments	122.2	101.0
Total S&W	3 247.5	3 109.8

Equipment Replacement	165.4	175.4
Motor Vehicle Costs:		
—Replacement	309.6	243.4
—Operating	77.4	82.0
Other Expenses	527.2	309.9
Total G&S	1 079.6	810.7
Gross	4 327.1	3 920.5 (2)

Notes:
(1) Includes twenty-seventh pay of $82 000 not to be incurred in 1988-89.
(2) The 1988-89 budget excludes an amount of $379 000 which relates to the Geriatric Assessment Program, terminal leave payments and workers compensation, all of which are to be specifically funded in 1988-89.

HOUSING TRUST

101. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: How many new houses will be built by the South Australian Housing Trust in each country region this financial year, what type of construction will be used, and what is the expected price range?

The Hon. T.H. HEMMINGS: During 1988-89, the South Australian Housing Trust will build a total of 113 units of accommodation of brick veneer construction in country regions. The trust does not disclose estimated construction costs because of possible effects on tendering, but the units will range in total cost from $42 000 to $76 000 depending on type and location. Details on location and numbers/type of units are set out below:

Location	No./Type of Units
Central Region	
Blyth Stage 2	3 cottage flats
Kadina	4 attached houses
Kapunda	2 attached houses
Mintaro	2 cottage flats
Tanunda	3 single units
Wallaroo	14 cottage flats
Subtotal	28
Northern Region	
Orroroo	3 cottage flats
Port Augusta	12 attached houses
	10 cottage flats
	1 detached house
Port Pirie	16 attached houses
Subtotal	42
Southern and Riverland	
Berri	4 attached houses
Mount Barker	12 attached houses
Murray Bridge	24 attached houses
Strathalbyn	3 attached houses
Subtotal	43

EMERGENCY HOUSING OFFICE

104. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: What has been the impact of the merger of the Emergency Housing Office and the South Australian Housing Trust, how have services been improved and what is the waiting time for an appointment?

The Hon. T.H. HEMMINGS: The merger of the Emergency Housing Office with the South Australian Housing Trust has resulted in better use of resources and improvements in service delivery. Since May 1988, the following improvements have been made to the services of the Emergency Housing Office:

new city premises have improved the facilities for client services with increased accommodation for confidential interviews and a less crowded waiting area;

client services have been structured to allow female clients the opportunity to express a preference for being assisted by a female housing officer;

the tenancy agreement in respect of short-term pool house tenancies has been revised to clarify the rights and responsibilities of the client, and the landlord;

delays in arranging appointments in regional offices of the EHO have been addressed; and

the staffing structure of the EHO has been changed to optimise bond recovery activity (bond reimbursements of $281 240 to date, are within 5 per cent of budget estimates).

Arrangements are made for clients in extreme need to be assisted the same day. People in situations which do not have the same degree of urgency are presently waiting one week at Port Adelaide and Noarlunga and two weeks at Salisbury and the City office. The EHO is examining both internal and external processes to further reduce these delays.

By the end of the calendar year it is intended to reduce the waiting times for an interview to a maximum of one week in any office in any circumstances without increasing the staff of the EHO. This must be achieved by restructuring workloads and responsibilities. Progress is being made in this context with the assistance of the Department of Personnel and Industrial Relations and the Office of the Government Management Board. A second strategy in achieving this objective will be to provide other agencies with opportunities to address their clients' needs for housing assistance directly with the EHO, thereby avoiding duplication of interviews. This will reduce the demands on the EHO staff and, equally importantly, the 'bureaucratic' requirements on clients in times of crisis. A range of other options to enhance the operations of the EHO are currently under review in consultation with the Department of Personnel and Industrial Relations and the Office of the Government Management Board.

HOUSING TRUST

106. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: How many rental properties were sold by the South Australian Housing Trust in the past financial year and—

(a) where were they located;
(b) what price was obtained for each;
(c) what was the valuation of each;
(d) were all properties purchased by tenants and, if not, why not; and
(e) how were the costs of $7 192 000 made up?

The Hon. T.H. HEMMINGS: The replies are as follows:

Details on the sale of rental properties by the South Australian Housing Trust for the 1987-88 financial year are set out below:

(a) Regional Breakdown of Rental Properties Sold

	Full Sales	Shared Ownership
Central Metropolitan (from Gepps Cross to Darlington)	139	6
Southern and Riverland (Christies area, Hill towns and Riverland)	22	11
Central (Elizabeth area, Barossa and Yorke Peninsula)	47	7
Northern (Port Augusta and Port Pirie)	15	—
Eyre (Whyalla, Port Lincoln and other Eyre Peninsula towns)	16	4
South East (Mount Gambier and other South East towns)	16	1
Total	255	29

(b) Average Price of Properties Sold
Full sales $46 500.
Shared Ownership sales $19 800.

(c) Valuation
The Commonwealth/State Housing Agreement states, *interalia*, that if a sale occurs within five years of the date of purchase or construction of the house, the sale shall be made at a price at least equal to the replacement cost at the time of sale. If the sale occurs after five years then the price is equivalent to either market value or replacement cost at the time of sale. Ninety-nine percent of properties sold were at prices based on market value.

(d) In addition to those sales shown in *(a)*, eight properties were sold to non-tenants as follows:

- Five properties originally purchased under the rental purchase scheme were re-sold by the trust after the original purchaser had decided not to proceed with the arrangement.
- Prior to the establishment of the Office of Government Employee Housing, the South Australian Housing Trust rented some of its properties to Government departments. Due to an on-going need for residential accommodation by the agencies concerned two properties, previously rented, were purchased from the trust.
- One property was sold in the outer metropolitan area.
  This property was part of a group under construction which attracted the interest of a private purchaser. As sufficient land was available on which to build a replacement house and the sale, at full valuation, was useful in establishing a 'mix' of public and private residents, the transaction was allowed to proceed.

(e) The $7 192 000 comprised:

		$
The cost of buying or building (i.e. historic book value) dwellings	—full sales	6 528 353
	—shared ownership	364 819
	—Aboriginal housing	63 585
	—community properties	1 022
	Subtotal	6 967 779
plus total costs associated for these sales viz.		
Agents' Commission		25 791
LTO fees		37 452
Stamp Duty		160 705
		7 191 727
	say $7.192m.	

HOUSING TRUST

108. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction:

1. Why did the South Australian Housing Trust dispose of vacant land for $13.781 million during the year 1987-88, where was the land located, how was it disposed of, at what price per parcel and how did actual sales compare with valuations?

2. What were the costs incurred with the vacant land sales and why is there a loss of $163 000 on the sales worth $31.781 million?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. The South Australian Housing Trust has a responsibility to maximise the use of its assets, including vacant land, and to minimise the financial liability of retaining assets clearly identified as being surplus to requirements. Reducing the trust's land holdings to appropriate levels to cater for current and future building programs is therefore a high priority which is being vigorously pursued.

As part of this program, the trust realised $10.491 million during the 1987-88 financial year from the disposal of surplus urban fringe vacant land. The majority of these properties ($8.936 million) was made available to the South Australian Urban Land Trust at current market value as assessed by the Valuer-General. These properties were located in the council areas of Gawler, Noarlunga, Munno Para and Salisbury.

The balance of $1.555 million was received from disposals under the 3H Homes Scheme ($759 000), country sales ($308 000) and community sales together with transfers to Government authorities ($488 000). All sales were at or above the Valuer-General's valuation of the properties.

In addition, 47 industrial allotments valued at $3.29 million were sold under the trust's industrial land sales program. Sales occurred at Para Hills West, Lonsdale, Salisbury South, Elizabeth West, Mount Gambier, Port Augusta, Holden Hill, Whyalla and Windsor Gardens.

2. While all sales were at or above the Valuer-General's valuation of the properties, the trust's book value for the properties sold during 1987-88 consists of the Valuer-General's valuation at 30 June 1987, plus holding charges incurred on the land to the date of sale. In some cases this book value has marginally exceeded the sale price.

HOUSING TRUST

110. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction:

1. How many private dwellings were purchased through real estate markets by the South Australian Housing Trust in the past financial year at a cost of $12.3 million and how many will be purchased this year and at what expected cost?

2. How many dwelling units will be commenced by the trust this financial year, arranged by the trust and privately designed and constructed and how do these figures compare with the previous year?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. One hundred and fifty-two private dwellings were purchased through real estate markets by the trust during 1987-88 costing $12.3 million. It is proposed that 524 units will be purchased during 1988-89 at an estimated cost of $40.2 million. The purchases for 1988-89 may increase further in response to the success of the trust's house sales program.

2. No privately designed and constructed dwelling units will be built for the trust this financial year. One hundred and ninety-eight dwellings were built by this means last year.

SEWAGE TREATMENT

115. **Mr BECKER (Hanson)**, on notice, asked the Minister of Water Resources:

1. Is work still banned on the construction of a sludge pipe at Glenelg and is sludge being pumped onto the grounds at Glenelg North and, if so, for how long will that practice continue?

2. Has sludge been pumped onto the grounds in the past and, if so, did it leach into the Patawalonga Lake?

3. What has caused the odours emanating from the Glenelg North Sewage Treatment Works recently and what is being done to rectify the situation?

The Hon. S. M. LENEHAN: The replies are as follows:

1. Although not related to the incidence of sludge at present being pumped onto the grounds of the Glenelg Sewage Treatment Works, there is still a ban in force on the construction of a section of the sludge-to-sea pipe to bypass screens on that pipeline. However, this ban is of no consequence as the Government has no current plans to undertake this work.

Sludge is presently being pumped onto a northern section of the works buffer area as part of a normal maintenance program to empty and clean one of the six sludge digestion tanks. Emptying of this tank commenced in October 1988 and is expected to continue until early December 1988. This emptying process is normally only done once every 10 to 15 years for each tank.

2. Yes. However, it is not possible for the sludge to leach into the Patawalonga Lake as it basically consists of solid matter.

3. No discernible or unusual odours have been detected emanating from Glenelg Sewage Treatment Works during recent months. Furthermore, no odour complaints have been received from nearby residents for at least 12 months.

FINANCIAL INSTITUTIONS DUTY

126. **Mr BECKER (Hanson)**, on notice, asked the Treasurer:

1. Why is financial institutions duty charged on British pensions?

2. Are all foreign pension payments to bank accounts charged this tax and, if so, will the Government take action to waive such fees and, if not, why not?

The Hon. J.C. BANNON: When financial institutions duty was introduced, the Government made a commitment that if a way was found to exempt pension cheques from payment of the duty, then the Government would do so. Consequent upon the introduction by the Federal Government of direct credits of social security pensions and other benefits to accounts in banks and other financial institutions, regulations were introduced (with effect from 12 April 1985) to exempt pensions paid pursuant to the Social Security Act 1947 and the Repatriation Act 1920. These pension 'advices' are received by the banks and other financial institutions in magnetic tape form, thus enabling the computerised assignment of exempt codes to credit advices at the point of receipt by financial institutions. The data so conveyed relates exclusively to exempt classes of transactions.

However, initial processing of most overseas pension payments involves manual processing due to present banking system requirements and there are also difficulties associated with identifying foreign pension payments amongst other miscellaneous overseas credits. Until the banks find a way to overcome the difficulties involved in automatically identifying foreign pension payments for FID purposes an exemption for such payments cannot be made effective.

LAND TAX

130. **Mr M.J. EVANS (Elizabeth)**, on notice, asked the Treasurer: What is the estimated total income for 1988-89 for each step in the land tax scale and how many taxpayers are expected to be subject to tax in each scale assuming that the amendment Bill is enacted?

The Hon. J.C. BANNON: The estimated revenue for the 1988-89 financial year and the estimated numbers of taxpayers for each step of the tax scale (assuming that the Amendment Bill is enacted) are:

(a) Value between $80 001 and $200 00	
Number of taxpayers	12 079
Estimated Revenue	$3.5 million
(b) Value $200 001 and above	
Number of taxpayers	5 331
Estimated Revenue	$60 million

RENTAL ASSISTANCE

131. **Mr M.J. EVANS (Elizabeth)**, on notice, asked the Minister of Housing and Construction: In respect to how many privately owned dwellings rented to aged persons is rent assistance currently paid and what is the estimated cost of the assistance for 1988-89?

The Hon. T.H. HEMMINGS: Rental assistance was being paid to 330 aged persons in privately owned dwellings as at 30 June 1988. The estimated cost of the assistance for 1988-89 is $205 920.

HOUSING TRUST

140. **Mr M.J. EVANS (Elizabeth)**, on notice, asked the Minister of Housing and Construction:

1. To which CPI statistic does the Minister's commitment in relation to the maximum extent of South Australian Housing Trust rent rises relate?

2. Will the Minister give an undertaking that any rent increase for pensioners will not exceed the CPI increase granted to recipients of the age pension from the Department of Social Security?

3. Has the board of the trust resolved in a formal minute to limit rent increases as promised by the Minister and, if so, on what date and what were the terms of the resolution and, if not, does the Minister intend to give a formal direction to ensure that the trust complies with his undertaking with respect to rent increases during the life of this Parliament?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. The CPI statistic used is 'All Groups' for Adelaide as released by the Australian Bureau of Statistics. 'All Groups' meansures the quarterly change in the price of the following goods and services which account for a high proportion of expenditure by wage and salary earner households:

Food
Clothing
Housing
Household equipment and operation
Transportation
Tobacco and alcohol
Health and personal care
Recreation and education

2. Yes. Pensioners pay rent on a reduced basis which is determined in accordance with the approved rent-to-income scale. As income rises so too does the amount of rent payable. However, no one on rebated rent pays more than 25% of income in rent.

A single pensioner currently receives $120.05 per week pension and pays a reduced rent of $23.50 per week. In December 1988 the single rate will increase to $124.25 per week and at the time of the individual tenants' new review of rebate the rent will increase to $24.50 per week.

Rent increases for approximately 65% of trust tenants on reduced rents are only ever a percentage of the extra income they receive. In the case outlined above a single pensioner will still be paying less than 20% of income in rent.

3. The timing and amount of increases in Housing Trust rents are matters for Cabinet decision. The board of the trust is obliged to make recommendations to the Minister on rent increases as part of its responsibility for the effective management of the Housing Trust. The board of the trust has noted the Minister's undertaking that for the remainder of the term of this Government any future rent increases will be linked to CPI increases.

STA STATISTICS

143. **Mr M.J. EVANS (Elizabeth)**, on notice, asked the Minister of Transport:

1. What criteria does STA use to determine the standard of performance with respect to adherence to timetables for buses and trains, respectively?

2. What are the corporate goals of STA with respect to schedule performance and how does the actual performance compare?

3. What trends do the statistics with respect to train arrivals and departures reveal and are STA and the Minister satisfied with the results shown in the trends?

4. What has been the accuracy of arrival in Adelaide of the train schedule to leave Gawler at 7.32 a.m. over the past six months?

5. What trends do the loading and schedule adherence checks and the 'late running reports' reveal with respect to bus operations and are STA and the Minister satisfied with the results shown in the trends?

The Hon. G.F. KENEALLY: The replies are as follows:

1. Trains—The authority defines a late running train as one that arrives in excess of two minutes late.

Buses—The authority does not record the arrival and departure times of buses. However, regular loading and schedule adherence checks are carried out by inspectorial and load checking staff.

2. The corporate goals of the authority in respect to the schedule performance are table below:

Minimum Percentage of Service On Time Bus, Tram and Train Services

	On Time Percentage	
	Up to 3 mins late	Up to 5 mins late
	%	%
Train	95	95
Tram	90	95
Bus	80	95

On trains, trends indicate that over the past 12 months approximately 87 per cent of all suburban train services arrived and departed as scheduled.

No statistical data is recorded on the arrival and departure times of buses. However, regular schedule adherence checks are carried out by inspectorial and load checking staff. Furthermore, bus operators are requird to submit 'late running reports' when a trip does not run to timetable and the reason why. These reports are subsequently analysed and services adjusted accordingly.

3. Trends indicate that 'on time' arrivals have fallen back from 95 per cent to 87 per cent of all train services. This has occurred during the past 12 months due to delays caused by the installation of a new signalling system and associated trackside construction work. The authority is not satisfied with this result and expects a more reliable performance once the signalling system and associated trackside work is completed.

4. The 7.32 a.m. train from Gawler has an on time accuracy percentage of 85 per cent during its operation over the past six months. Over an operating period of 126 days it was recorded as running late on 19 occasions.

5. As indicated in clause (2) above, the authority utilises inspectorial staff and bus operators to monitor irregularities relating to the schedule and loading performance of buses. These details are processed and the results are analysed on timetables to ensure reliable service operation. Individual occurrences are documented, but there is no general trend. The authority is satisfied with the reporting and subsequent handling of late running and loading reports.

COAST PROTECTION BOARD

145. **Mr BECKER (Hanson)**, on notice, asked the Minister for Environment and Planning: What studies have been undertaken by the Coast Protection Board to ascertain the amount of sand contained in the second and third sandbars forming off the West Beach and Glenelg North beaches and the feasibility of pumping sand from these sandbars back on to the beach and, if no studies have been undertaken, why not, and will such action be considered and, if so, when?

The Hon. D.J. HOPGOOD: Studies undertaken by the Coastal Management Branch in the Department of Environment and Planning have ascertained that although at times two sandbars exist along the North Glenelg/West Beach beaches, only the offshore sandbar is permanent. The inshore bar forms intermittently in response to certain wave conditions. The offshore sandbar which originates from the Patawalonga breakwater has been monitored by the Coastal Management Branch since 1975. As the bar eventually attaches to the beach, adjacent to the North Glenelg Sewerage Treatment Works, pumping the sand inshore is not considered necessary.

COMMISSIONER FOR CORPORATE AFFAIRS

147. **Mr LEWIS (Murray-Mallee)**, on notice, asked the Minister of Education, representing the Minister of Corporate Affairs:

1. What is the reason for the delay in appointing a Commissioner for Corporate Affairs?

2. Is the fact that the Acting Commissioner for Corporate Affairs is in breach of a suppression order of the Administrative Appeals Tribunal influencing the Government to further delay the appointment?

The Hon. G.J. CRAFTER: The Commissioner for Corporate Affairs, Mr K.I. MacPherson, accepted an appointment to the National Companies and Securities Commission to act as a full-time member for a period from 5 October 1987 to 31 December 1988. Mr MacPherson was granted special leave without pay which was approved jointly by the Commissioner for Public Employment and the Minister of Corporate Affairs.

At a recent meeting of the Ministerial Council for Companies and Securities, it was resolved that Mr MacPherson should continue to act in this position with the National Companies and Securities Commission until 31 December 1989. Appropriate approvals have been granted in relation to an extension of Mr MacPherson's leave without pay.

During Mr MacPherson's period of absence as Commissioner for Corporate Affairs, the Minister of Corporate Affairs approved the temporary appointment of Mr S.T. Lane, Assistant Commissioner, as Acting Chief Executive Officer and Acting Commissioner for Corporate Affairs.

Under the circumstances, it is not appropriate to consider appointment a Commissioner for Corporate Affairs whilst Mr MacPherson is absent on special leave without pay. The

full and only explanation for there continuing to be an Acting Commissioner for Corporate Affairs is set out in the answer to question 1.

STRATA TITLE DISPUTES

150. **Mr PETERSON (Semaphore)**, on notice, asked the Minister of Education representing the Attorney-General: Is the Government considering or has it considered the merits of appointing a commission or tribunal to mediate and/or arbitrate in disputes involving unit holders in strata title corporations and, if so, what is the result of those deliberations and what does the Government intend to do in relation to this matter?

The Hon. G.J. CRAFTER: The Government is giving consideration to a mechanism to resolve and settle disputes between strata corporations and unit holders. As indicated in the second reading speech when the Strata Titles Act 1988 was introduced, consideration had been given to creating a Strata Titles Commissioner but no viable funding mechanism could be found. Other options being explored include expanding the role of the Residential Tenancies Tribunal.

HENLEY BEACH PRIMARY SCHOOL

151. **Mr BECKER (Hanson)**, on notice, asked the Minister of Housing and Construction: What upgrading work is to be carried out on the Henley Beach Primary School to accommodate students from Fulham and what is the projected cost of this work?

The Hon. T.H. HEMMINGS: Following a request by the Education Department, officers from SACON's Central Region have prepared a master plan to rationalise existing facilities at Henley Beach Primary School and incorporate accommodation requirements for the proposed future amalgamation with Fulham Primary School. Work necessary to facilitate amalgamation of Fulham Primary School with Henley Beach comprise modifications to staff accommodation and the Principal's office, conversion of an existing woodwork centre into an activity hall and provision of a new entrance area. A preliminary cost indication for the work related to the amalgamation is $230 000. The extent of work which will be undertaken has yet to be determined by the Education Department.