HOUSE OF ASSEMBLY

Wednesday 21 November 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

WILPENA STATION TOURIST FACILITY BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

That Standing Orders be so far suspended as to enable the sitting of the House to be continued during the conference with the Legislative Council on the Bill.

Motion carried.

PETITION: FREE STUDENT TRAVEL

A petition signed by 15 residents of South Australia requesting that the House urge the Government to extend free student travel on public transport to all students and allow private bus operators to participate in the scheme was presented by Dr Armitage.

Petition received.

PETITION: MENTAL HEALTH SERVICES

A petition signed by 891 residents of South Australia requesting that the House urge the Government to adopt the recommendations of the strategic planning authority for mental health services was presented by Dr Armitage.

Petition received.

PETITION: MOUNT LOFTY RANGES

A petition signed by 19 residents of South Australia requesting that the House urge the Government to limit the prohibitions on development in the Mount Lofty Ranges as ordered by the supplementary development plan was presented by the Hon. D.C. Wotton.

Petition received.

QUESTION TIME

The SPEAKER: Before calling for questions, I remind the House that any questions directed to the Minister of Housing and Construction will be taken by the Deputy Premier, and any questions directed to the Minister of Mines and Energy will be taken by the Minister of Transport.

PRISON OFFICER HEROIN DEATH

Mrs KOTZ (Newland): Has the Minister of Correctional Services been made aware of the circumstances surrounding the recent death of a prison officer from a heroin overdose: if he has not already done so, will he obtain a full report on the matter; and does the Minister believe that this case indicates there are drug-related problems among prison officers as well as prisoners? The Opposition has been informed that about 12 days ago a prison officer from Northfield prison died from a heroin overdose.

I have been informed that the heroin was supplied by the prison officer's girlfriend, a former Northfield prison inmate. The prison officer, who was on sick leave and receiving workers compensation payments at the time, was found dead in his car and had a recent history of drug abuse.

The Hon. FRANK BLEVINS: The short answer is 'Yes', I am aware of the case, which is very tragic. Drug abuse, of course, is not confined to prisoners: it is a problem for many in the community, and prison officers appear to be no different. As regards an inquiry, I assume that there will be an inquest and that its findings will be made public. Apart from that, I do not really have anything to say—unless the member for Newland feels that there is anything else I should say.

PORT ADELAIDE SEWAGE TREATMENT WORKS

Mr FERGUSON (Henley Beach): Will the Minister of Water Resources provide details of planned expenditure on the Port Adelaide Sewage Treatment Works over the next five years, which is to be funded from the environmental levy of 10 per cent on sewerage rates?

The Hon. S.M. LENEHAN: I thank the honourable member for his question, and thank other members who have the Port Adelaide Sewage Treatment Works either in or very close to their electorate.

Honourable members: Hear, hear!

The Hon. S.M. LENEHAN: I acknowledge the great 'hear, hear!' behind me. Mr Speaker, I think also that you have a not inconsiderable interest in this whole area and in the Government's decision to remove the sludge out of the gulf from the Port Adelaide Sewage Treatment Works. The expenditure will be associated with two specific projects: first, a total of some $9.8 million is programmed to be spent over four years, beginning this year on the disposal of sludge from both the Glenelg and the Port Adelaide Sewage Treatment Works.

Secondly, a total of $7.8 million is programmed for rehabilitation and nutrient reduction at the Port Adelaide Sewage Treatment Works, which expenditure will commence with design investigation this year and which will be spread over a period of six years. At Port Adelaide, the reduction of nutrients in the discharges to Gulf St Vincent and the Port River will lead to reduced die-off of seagrasses and less frequent toxic blooms. I believe that the honourable member will welcome this, as he has long been an advocate of a much cleaner marine environment. It is important for these two projects to be seen as part of the overall program to remove sludge from Gulf St Vincent and to improve the quality of effluent currently discharged into the marine environment.

NATIONAL CRIME AUTHORITY

Mr D.S. BAKER (Leader of the Opposition): Has the Premier read the Operation Ark report prepared by Mr Justice Stewart?

The Hon. J.C. BANNON: No, I have not. Let me explain that the Operation Ark report by Mr Justice Stewart, which has now achieved such high status, was not officially presented to the Government or officially adopted as an NCA report by the NCA as constituted. That is the fact and I think that it has been stated on a number of occasions. That report was finalised at a time when the membership of the National Crime Authority changed. The incoming authority reviewed that report before sending it on to the

Government and, in fact, rejected it for a number of reasons—reasons that have been ventilated.

I remind members of the correspondence that I think was aired between Mr Justice Stewart, the former Chairman, and Mr Faris, the Chairman at the time a report was forwarded to the Government. That report was the report that was acted on and it was the official report presented by the NCA. The other report does not have, and never has had, that status. However, despite that, the Government has published the recommendations contained in it and action has been taken on those recommendations. The reason that the Government has not officially published the report is that it is not ours to publish officially: it is up to the NCA if it wants to release it. We were given advice as to the undesirability in that regard because of certain names and so on that had been used to do it. That advice has also been referred to. So, to try to erect some kind of sinister—

Members interjecting:

The Hon. J.C. BANNON: —conspiracy around this thing is quite ridiculous. I suggest that the question should really be directed to the NCA. The NCA makes its decision and the Government can deal with the NCA only as it is constituted at the time it forwards us information. It is as simple as that. The Government would be quite happy to have received, published and taken action on the Justice Stewart report, but that was not officially presented to us as the views of the NCA. In those circumstances, we did not feel that we had any rights over that report. However, I repeat: there were certain recommendations contained in that report that were, indeed, examined and acted upon. Therefore, one could say that we have had the best of all worlds in this matter.

An honourable member interjecting:

The Hon. J.C. BANNON: The police Minister said nothing of the sort. I realise that it is out of order to respond to interjections, but the police Minister said nothing of the sort. He said exactly what I am saying now and he has discharged his duty quite properly as, indeed, have I.

Members interjecting:

The SPEAKER: Order!

GLENELG FORESHORE REDEVELOPMENT

Mr HERON (Peake): Will the Minister for Environment and Planning advise the dates for the public exhibition of the draft environmental impact statement on proposals for the redevelopment of the Glenelg foreshore and environs?

The Hon. S.M. LENEHAN: In answering this question, I acknowledge that this project is in the electorate of the member for Morphett and I understand that he is very supportive of the proposals to date. I remind the House that, since the announcement of a joint initiative by the Government and the Glenelg council in January this year, and the formation of a steering committee, many steps have been taken to establish objectives for this area. Following the release of a prospectus I can inform the House that there were four individual development proposals received by my department and by the joint steering committee. The draft environmental impact statement covering these proposals has been approved by me and I released them for public exhibition on 5 November 1990. They will remain on public exhibition, because we are seeking response from the community, from individuals and from groups in the community for a period of seven weeks, until 24 December 1990.

I take this opportunity to inform the House that I believe that the Glenelg council has behaved extremely responsibly in terms of the way in which it has handled this matter.

An honourable member interjecting:

The Hon. S.M. LENEHAN: Indeed, I pay tribute to the local member. I believe that there is a great deal of cooperation in terms of the way in which the community, the local member, the local council and the Minister are working together. I highlight the fact that the Glenelg council has circulated to all its ratepayers, under the heading 'Community Bay News', a series of information pamphlets. I am sorry that the member for Hanson feels left out of this project, but I am sure that if he wished to be involved he would be welcomed.

The steering committee, under the auspices of the council, has communicated to the citizens of Glenelg a whole range of information about the proposals, keeping them informed of every step and seeking their views at public meetings. I believe that we can perhaps put behind us the ghost of Jubilee Point, to which somebody has alluded, and move forward with what I believe will be shown to be an environmentally sustainable development and project. I thank the honourable member for his question about this matter.

NATIONAL CRIME AUTHORITY

Mr S.J. BAKER (Deputy Leader of the Opposition): Will the Premier instruct the Minister of Emergency Services to read the Stewart report on Operation Ark and then to make a full statement to the House at the beginning of the next sitting week on 4 December which deals with two issues: first, the response of the Police Commissioner to findings by Mr Justice Stewart of serious inadequacies in police investigations in seven of 14 cases of alleged corruption from the 1989 Operation Noah; and, secondly, whether, in the light of having read the report, the Minister directly responsible for the Police Force is satisfied with the police response to the findings of Mr Justice Stewart?

Yesterday, the Minister described the Stewart report as 'an internal document of an organisation that did not think that it was an appropriate document to forward to Government'—in much the same way as the Premier responded today. In fact, this report was forwarded to the Government on 30 January this year, and on 23 February the Police Commissioner established a committee of senior officers to review its findings.

On 6 November the Minister made a statement to the House during which he tabled a report that he had received from Mr Hunt dealing with the Commissioner's response to the Stewart report. However, that report did not include any explanation by the Commissioner of the serious inadequacies in police investigations identified by Mr Justice Stewart—inadequacies admitted in sworn evidence to the NCA by Commissioner Hunt and other senior officers.

The Hon. J.C. BANNON: I am not prepared to do that, because I do not believe that the Minister has any cause to take such action. I refer the honourable member to the answer that I have just given to the Leader of the Opposition, in which I made clear what the status of that report was. I should have thought that that answered the honourable member's question.

However, I might add something in relation to this document because of the way in which the Opposition is trying to create some kind of sinister atmosphere around it. The Stewart document—which was not adopted by the National Crime Authority as later constituted and which in fact was not forwarded to the South Australian Government as an official document of the NCA because the then NCA said that it did not agree with the way in which it was written and some of the statements that were made in it—despite

the fact that it dealt with these things at some considerable length, nonetheless found no corruption or illegality. No corruption or illegality was found by the Stewart Operation Ark report. I think that is worth putting clearly on the record to try to correct the misapprehension that perhaps the Deputy Leader of the Opposition is under.

COMMONWEALTH-STATE ENVIRONMENT AGREEMENT

Mr HAMILTON (Albert Park): Can the Minister for Environment and Planning advise the House of the decision taken at the recent special Premiers Conference to develop a new agreement for the environment between the Commonwealth and the States?

The Hon. S.M. LENEHAN: I know that members will be aware of some of the other fiscal and financial outcomes of the Premiers meeting and conference with the Prime Minister at the special Premiers Conference, but there was not a lot in the media about the very progressive and worthwhile agreements that were made by the Premier of South Australia with other Premiers and the Prime Minister, and I think that it is important that we highlight the impact of those decisions for the environment.

At the Premiers Conference it was agreed to develop and conclude an intergovernmental agreement on the environment. The agreement would provide a mechanism by which to facilitate a number of what I believe to be vitally important areas. The first area involves a cooperative national approach to the environment; that is indeed a position that this State has consistently taken in every Environment Ministers' conference I have attended representing South Australia. Secondly, I refer to a better definition of the roles of respective Governments; again, it is very important to delineate clearly what are the roles and responsibilities of the State Governments with respect to the Federal Government. The third area relates to a reduction in the number of disputes between the Commonwealth and the States and Territories on environmental issues; I do not think anyone would question the vital importance of that agreement. Fourthly, I refer to greater certainty of Government and business decision making; and, finally, to better environmental protection.

It seems to me that these are very worthwhile agreements to come from the special Premiers Conference. In developing the agreement the Commonwealth will be acknowledging the important role of the States in relation to the environment and the contribution which the States make in the development of national and international policies for which the Commonwealth has responsibilities. I remind the House that South Australia has taken a lead in a number of these national issues, for example, ensuring that we have a national approach to the reduction of packaging material, that we have a national approach to the whole question of standards for receiving waters and air quality, and that we adopt at every turn a national approach to those issues that directly affect the environment. I would like to congratulate the Premier of South Australia, the other Premiers and the Prime Minister on achieving what I believe is a significant step forward in terms of formulating a truly national approach to the protection of the environment.

NATIONAL CRIME AUTHORITY

Mr BECKER (Hanson): I direct my question to the Premier. Since the Attorney-General made a ministerial statement on 5 April detailing progress to date on NCA investigations in South Australia, has the Government received any further code-named reports from the authority and, in particular, one relating to certain alleged activities in the Police Prosecution Branch; if so, when did the Governemnt receive such reports, and does it intend to make them public?

The Hon. J.C. BANNON: I will have to refer that question to the Attorney, as I do not have that information.

HIGHER EDUCATION FACILITIES

Mr QUIRKE (Playford): Can the Minister of Employment and Further Education report to the House on the results of a consultant's report into the use of higher education facilities on North Terrace? I understand that the Office of Tertiary Education commissioned a report from Woods Bagot to determine the appropriate means to increase utilisation of the North Terrace higher education facilities. The education precinct of the University of Adelaide, the South Australian Institute of Technology and the South Australian College of Advanced Education have, of course, a severely limited capacity to accommodate further buildings, despite future growth in student numbers. In the light of media reports stating that safety standards at the university are a major concern, can the Minister outline the major thrust of the reports' findings? In particular, I note one report which described Adelaide University buildings as a fire trap.

The Hon. M.D. RANN: I have seen the report in the *City Messenger*, and it is certainly true that Woods Bagot has recently completed a study of all higher education facilities on North Terrace, not just those at the University of Adelaide. A grant of approximately $250 000 was awarded by the Federal Department of Employment, Education and Training for a study into a more efficient usage of the higher education precinct on North Terrace. It is very unfortunate that the *City Messenger* sought to highlight just one part of the report; in fact, it gave an extremely unbalanced report of what the consultant's report said. The study, which was about the utilisation of buildings, was wide ranging and the findings were substantial, one of the main findings being that, whilst there does not appear to be a shortfall in the area available for teaching space, there is a gross mismatch between the sizes of rooms and the requirements of specific teaching methods and actual class sizes. For example, this might mean that small classes have been programmed into rooms larger then need be, resulting unavoidably in an inefficient use of space on North Terrace.

The study also found that there is a critical requirement for additional academic staff offices and research space in terms of both area and the number of rooms. It found that utilisation could be improved by better time tabling and some extension of hours of use, because of the large periods during the year when the university buildings simply are not used at all. It also found that there was a significant shortfall of about 700 library spaces on those sites. It found that there is concern about the shortage of funds for building maintenance and rehabilitation to overcome deficiencies in compliance with safety and fire protection standards, as well as to improve the efficiency of teaching spaces.

As the House will see, the study did identify some real problems on the site and some of those, I repeat, are of concern when considering health and safety. But it would be wrong of us to think that nothing is being done to address these problems. In recent years we have seen major upgrading of fire protection in some buildings on the site such as

the Schulz Building at the college and the Brookman Building at the institute. New buildings, such as the Centenary Building at the institute, obviously comply with modern safety standards. Where there are major additions to existing buildings, such as the Ligertwood Building at the university, the opportunity is taken to upgrade safety standards.

I will certainly be discussing capital works upgrading with my Federal counterpart in the light of the findings of this study, and I will be having a meeting with university leaders to discuss the report in general, including some of the safety considerations. Indeed, members will be aware that earlier this year we secured a funding boost to the capital works allocation for higher education institutions in this State.

As a result, $37.5 million will be spent over the next two or three years to upgrade and extend higher education facilities throughout the State. This will obviously include major projects upgrading facilities on North Terrace. I will certainly continue to press the Federal Government for increased funding for capital works and renovation programs.

TOXIC WASTE

The Hon. D.C. WOTTON (Heysen): Does the Minister for Environment and Planning intend to make a submission to the review established last week to consider further the most appropriate site for the much needed high temperature incinerator for the destruction of toxic waste, and is it the Minister's intention to oppose the establishment of this facility in the Murray-Darling Basin for reasons relating to the future health of the entire Murray River system; and, if not, why not?

The Hon. S.M. LENEHAN: I thank the honourable member for his question and his obvious concern and interest in this whole area. The beginning of the honourable member's question should be dealt with first. I do not believe that there is any Government or any Environment Minister in this country who does not believe that it is vitally important that we have a high temperature incinerator. It is not acceptable to continue the collection of intractable waste and the overseas shipment of that waste—in other words, to just ship our problem off to someone else's shores.

Environment Ministers at the last ANZEC Ministers' conference certainly supported the need for a high temperature incinerator to dispose of intractable waste. At that time we did not have any information about the location of this proposal. I would like to advise the honourable member that as recently as yesterday, or the day before, the Director-General of my Department of Environment and Planning attended a Murray-Darling Basin Commission meeting. I have previously spoken with my counterparts and the honourable member's colleague, Tim Moore, from New South Wales, indicating that I wanted this matter to be a priority for the Ministers to discuss at the next ministerial meeting.

However, this matter was discussed at the preliminary meeting of commissioners as recently as yesterday. It was looked at in some detail and in line with the position I have taken on behalf of South Australia, which is that there would be no way that South Australia will be supporting this high temperature incinerator if there is any potential damage or risk to the environment, and most particularly to the Murray River.

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: The honourable member asked the question. Mr Speaker, I am happy to provide the fullest and most appropriate answer. My Director-General was party to what I understand was some hard hitting discussion at the commission level. It would not be inappropriate for me to share with the House the fact that certainly at commission level there is grave concern about the proposal. Certainly, submissions will be put on behalf of the Murray-Darling Ministerial Council and Commission opposing the proposed site of this project. I have expressed my concerns to my colleague, Tim Moore. I have also made it very clear that we should have the fullest environmental impact assessment of exactly what are the potential dangers. I have not rushed out and tried to grab a cheap headline or any other sort of headline by saying off the top of my head that I will oppose the project. I have said that I believe we must have a very detailed and in-depth environmental impact assessment.

In light of the discussions that took place earlier this week by officers representing South Australia, I will be very pleased to look at the question in terms of the appropriateness of the submission. I will certainly be making a submission, but it will be based on fact and not on emotional hype or misinformation. It is my educated opinion that the proposal will not proceed at that location.

GLENELG AND BRIGHTON COUNCILS

Mr HOLLOWAY (Mitchell): Will the Minister representing the Minister of Local Government advise whether Brighton council has refused to withdraw its application before the Local Government Advisory Commission to amalgamate with the Corporation of the City of Glenelg? In 1988 the Glenelg council proposed to the Local Government Advisory Commission that it annex parts of the cities of West Torrens, Marion and Brighton. The City of Marion counterproposed that it annex the cities of Brighton and Glenelg to form the City of Sturt, while the City of Brighton proposed that it amalgamate with Glenelg to form the City of Holdfast Bay. Two residents' proposals relating to Seaview Downs and Marino were also presented.

Brighton council conducted a referendum on 14 October 1989 offering its electors three choices: first, that Brighton council remain within its existing boundaries; secondly, that Brighton and Glenelg councils amalgamate; or thirdly, that the City of Sturt proposal by Marion council be supported. A 95.6 per cent majority of those who voted favoured the retention of Brighton's existing boundaries. Following the release of new boundary change guidelines by the Minister of Local Government, it was reported in the press that both Marion and Glenelg councils would withdraw their proposals if the other two councils did likewise. The Mayor of Glenelg was reported as saying:

> We believe we should go back to square one and begin new negotiations with our neighbour councils.

However, I understand that Brighton council has not agreed to this course of action.

The Hon. M.D. RANN: I will certainly be pleased to forward the question to my colleague in another place and bring back a reply.

AUSTUDY

Mr OSWALD (Morphett): Will the Minister of Family and Community Services initiate procedures within the Department for Family and Community Services whereby it becomes mandatory for social workers wherever they are employed to immediately notify the department of children who leave home and come under their observation, so that

parents can be promptly informed and consulted? Will he liaise with the Federal Department of Employment, Education and Training to ensure that appropriate procedures are set up whereby, before applications for Austudy are processed and approved for 'runaways' who are still attending school, every effort is made to bring about a family reunion if at all possible before the money is paid out?

A case has been brought to my attention which involves a female teenager in the southern suburbs who left home, leaving a note with her younger brother for her parents. It turned out that she had been receiving counselling at the Noarlunga Health Village for some time, unbeknown to her parents, who were no doubt the subject of considerable discussion during that counselling. The girl had been told how to leave home and how to apply for Austudy to give her some money to live off. She also received advice on where to live.

She applied for Austudy, which is not available if the applicant lives at home, and was initially knocked back. She applied again and was accepted but, on appeal from her parents, it was rejected. Her parents advised her that all they wanted was for her to return home. The daughter applied again and it was granted and again lost on appeal by her parents.

Finally, the girl approached her high school social worker/counsellor who arranged for Austudy to be reinstated. All through this saga no effort was made by any Government agencies to bring about a family reunion or attempt any mediation between the girl and her family unit but, rather, every effort appears to have been made to give the girl easy access to funds so that she could leave home and swell the ranks of this class of so-called 'homeless youth', who have left home after conflict with their parents without any effort having been made to first check the *bona fides* of the girl's reasons for conflict or wanting to leave home and without first checking with her parents.

The Hon. D.J. HOPGOOD: I will certainly have the individual case that the honourable member has brought to my attention checked very carefully. I know that I must check very carefully any individual cases that are raised in this House. So I certainly give an undertaking to all honourable members that every allegation and every comment the honourable member has made will be checked very thoroughly by me and by my office. However, having said that, I return to the gravamen of the honourable member's question which was about certain changes to the law and certain statutory directions that should be given to social workers. I must say that I am very reluctant to enter into those sort of legislative adventures. After all, social work is a profession like surgery, a physician, a veterinary surgeon, a dentist—

An honourable member interjecting:

The Hon. D.J. HOPGOOD: Yes, or pharmacy. In all of these circumstances it is understood that, subject to general legislation, which usually sets up a board for the registration of such individuals to ensure that there is proper ethical conduct, professional judgment must be left to the professionals. That is precisely how I would like to see it operate in relation to social workers, as I am sure all honourable members would concede that it should operate for medicos. We do not legislate to prescribe how medicos take out an inflamed appendix. Nor do I believe that we should legislate to give detailed instructions to social workers. But, as to the specifics of this case, I can certainly guarantee that I will investigate it very thoroughly and bring back the truth to this place.

GULF ST VINCENT PRAWN FISHERY

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Agriculture advise the House whether the Department of Fisheries and the Government in general are to blame for the downturn in prawn catches in the Gulf St Vincent as claimed by Maurice Corigliano of the Gulf St Vincent Prawn Boat Owners Association?

The Hon. LYNN ARNOLD: I have noted the reported comments of Maurice Corigliano attacking the Government, and the Department of Fisheries in particular, and suggesting that perhaps the whole problem in the Gulf St Vincent has been the fault of the Government or the department. In fact, when the issue came up for substantial consideration earlier this year the Gulf St Vincent Prawn Boat Owners Association insisted that the Government should bring Professor Parzival Copes to South Australia to do a second report into the Gulf St Vincent prawn fishery. We suggested a number of other local people who could possibly do it rather than bringing back Professor Copes, very able though he is. However, the association said that the only one they have confidence in is Professor Copes.

Professor Copes came out and was asked to report on a number of issues and to look at the issue of the department's management of this area. It is worth noting a number of the comments made by this person who was specifically asked for by the Gulf St Vincent Prawn Boat Owners Association. In his summary, for example, Professor Copes says:

> My own review of current management operations leaves me with a decidedly favourable impression of the competence, skill and dedication of the department's staff involved in the management process.

Further in the summary he states:

> I recognise a high level of competence in the staff of the Department of Fisheries and consider it essential that they retain effective authority over the design and implementation of fisheries management plans in order to meet their responsibilities.

The issue goes further as he comes to terms with the very point about the fishery management question: why is it that a prediction could be made in 1986 that the fishery would recover to 400 tonnes per annum, yet it has not done so? Maurice Corigliano's point of view is that someone has to be to blame for that. His view is that it is someone's fault that the fishery has not recovered to 400 tonnes per annum. In the section labelled 'Management, research and consultation' Professor Copes makes the following comments:

> In my experience it is a common occurrence to find fisheries managers under attack for alleged shortcomings in carrying out their duties. What needs to be appreciated is that fisheries managers face particularly severe difficulties in performing their work. By its nature, the fishery tends to be a problem industry. Some of the reasons for this may be traced to the economic difficulties of dealing with the common property condition of the fishery.

Further on, he states:

> Naturally, fisheries managers come under heaviest criticism from participants in fisheries that are in trouble. As I have said on many previous occasions, I consider South Australian fisheries, generally, to be among the better managed fisheries in the world. By exception, the Gulf St Vincent prawn fishery has been in serious trouble and still has not been restored to an adequate level of productivity. As may be expected, the managers have been blamed—and are still being blamed—by vessel operators for the troubles in Gulf St Vincent. It is my impression that both managers and vessel operators—

and the Gulf St Vincent Prawn Boat Owners Association members are vessel operators—

> initially were too optimistic regarding the time it would likely take to restore fully the fishery in Gulf St Vincent.
>
> My experience in working with DOF management scientists during my recent visit to Adelaide demonstrated that they have succeeded in carrying out well articulated research programs with direct and useful application in the fishery, despite their small number.

He states further:

> But we were also of the opinion that our review of biological work carried out in DOF gave us no reason to doubt the skill, competence and professional dedication of DOF biologists.

He does acknowledge that in the 1986 report he identified a problem, and he states:

> In my 1986 report I was asked to address the issue of mismanagement. While I judged South Australian fisheries managers generally to have a good record of achievement, I did observe at that time that at least one major error had been made in the case of the Gulf St Vincent prawn fishery. I cannot say that I have found any serious error in their management of this fishery since then, though it is evident that a good deal more research is needed for optimal management tuning of the fishery.

Those points are very pertinent, as they vindicate the work of the Department of Fisheries. The real point that must be borne in mind by Maurice Corigliano and others is not that we should find some recipient of the blame, alleging that someone is to blame for the fishery being under major stress; rather, that all parties—the managers, through the Department of Fisheries, the vessel operators, through the Gulf St Vincent Prawn Boat Owners Association—sit down together and work to have this fishery recover. We will not achieve anything by saying, 'You're to blame; therefore, you should pick up the tab for the taxpayers.'

Mr D.S. Baker interjecting:

The Hon. LYNN ARNOLD: I take it that the Leader is suggesting that perhaps the taxpayers should pick up the total cost of this? What is the solution, other than what the Government has suggested in the statement I gave before the House yesterday; that gives the opportunity for those prawn boat owners who do have evidence of real hardship to come back and have that hardship assessed by an independent auditor, in other words to put up their case or simply shut up.

STATE LIBRARY

Members interjecting:

The SPEAKER: Order! The member for Mount Gambier is out of order.

Members interjecting:

The SPEAKER: Order! The member for Henley Beach is out of order. The member for Coles.

The Hon. JENNIFER CASHMORE (Coles): Will the Premier inform the House of the arrangements the Government proposes for administration of the State Library following the Government's decision to abolish the Department of Local Government; will he explain why the State Librarian (Mr Euan Miller) is to be transferred to the position of Director of State Records and Information Services in the Department of State Services; and will he give an assurance that a criterion for any new senior appointments to the State Library will be appropriate librarian qualifications?

The Hon. J.C. BANNON: I do not have—

An honourable member interjecting:

The Hon. J.C. BANNON: I do not understand that interjection because it is wrong, as far as I am aware.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: That is correct. Certainly under the changes to the Department of Local Government and the restructuring that is going on, we are obviously relocating responsibility for the State Library in a broader department. Of course, in doing that, we recognise the extremely successful libraries program, which has been administered largely by local government in association with the State Government. Incidentally, we are obviously maintaining our involvement in the overall State library system, that is, the provision of library services in local community areas.

Nonetheless, this should increasingly be seen as a local government responsibility, whilst the State concentrates its resources and activities on the central reference library function. It is a logical move that has been discussed on many occasions and I think that it will provide some considerable benefits in terms of the library. All I can say to the honourable member is that it will certainly ensure that the library continues to be administered at the highest level of qualification and expertise. However, there are obviously those professional functions that the library carries out and there are other administrative functions in the broader departmental grouping that do not require particular librarian qualifications as such. Obviously, those arrangements will be determined as restructuring takes place.

SMOKE DETECTORS

Mr HAMILTON (Albert Park): Will the Deputy Premier, in his twin capacity as Minister for the Aged and Minister of Family and Community Services, consult with his ministerial colleagues, as appropriate, to take up a suggestion that smoke alarm detectors be installed in all newly built homes and that existing home owners be actively encouraged to install home smoke detection devices? I have been approached by an elderly Seaton constituent who stated that the installation of such devices has the potential to reduce considerably the tragic loss of life, particularly amongst young children and the elderly, because of house fires. Finally, my constituent stated that such a proposal, if implemented, has the potential to stave off further increases in household insurance premiums.

The Hon. D.J. HOPGOOD: I thank the honourable member for the suggestion. This is certainly one of the matters that comes up from time to time on the aged line when people ring the Commissioner's office with requests for assistance and information on home security and safety devices. Of course, there is the question whether it should be mandatory to provide them in new dwellings and that would have to be taken up by, I guess, the Minister of Local Government as the Minister responsible for the Building Act. I really do not see it as an environmental question and, therefore, an issue on which it would be appropriate to amend the Planning Act.

It could certainly be considered under the Building Act, although, again, I would have to rely on my colleagues for advice as to whether it is essential that it be mandatory. At this stage, all I can say is that I am prepared to take it up as a very useful and sensible suggestion from the honourable member. It certainly could be given further publicity and further information could be made available to people who wish to install their own devices. I would have to refer it to the relevant Minister to determine whether—as is the case with dual-flush toilets—it should be mandatory for new homes.

CLEANING OF STA TRAINS

Mr MATTHEW (Bright): Will the Minister of Transport investigate the reduction of cleaning shifts available for the cleaning of STA trains? In the past few days four complaints have been lodged with my office from train commuters, two of whom have had their clothing soiled by dirty seats on the trains. A further two commuters, in separate inci-

dents, were unfortunate enough to get paint on their clothes from train seats. On making inquiries, I have been informed that approximately two months ago the number of shifts worked by STA train cleaners was reduced from 11 per fortnight to 10 per fortnight.

I am advised that this reduction in cleaning time has meant that insufficient time is available to remove graffiti, as well as effectively clean train carriages. As a consequence, dusting of seats and mopping of floors is often eliminated from the cleaning program. I am further advised that during the day it is not possible to hold railway cars for cleaning and graffiti removal prior to placing them back into service, as is done, for example, in New South Wales, because in South Australia there are simply not enough railway cars to allow this to occur: apparently, trains can be held for only a few hours instead of up to a day to be cleaned properly.

The Hon. FRANK BLEVINS: Again, with his question the member for Bright seems to have given a very full answer and a very good description of the problems that we are having in trying to—

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I thank the member for Bright for the information. However, I will see whether there is anything that has been missed in the explanation that can serve as an answer and get back to the honourable member.

CONCERTS

The Hon. J.P. TRAINER (Walsh): I direct my question to the Minister for Environment and Planning in her capacity as Minister representing the Minister for the Arts and the Minister of Consumer Affairs in another place. In relation to the question that I asked on 7 November about concert patrons (such as those at the Grand Prix concert by Cher) being made aware, in advance of purchasing their tickets, that parts of a live concert may actually be mimed, will the Minister ask her colleagues the Minister for the Arts and the Minister of Consumer Affairs to research further developments in the USA in this field that may arise from the Milli Vanilli scandal?

Members interjecting:

The Hon. J.P. TRAINER: Members opposite do not seem to realise how important it is.

Members interjecting:

The SPEAKER: Order! The Leader is out of order. The member for Walsh.

The Hon. J.P. TRAINER: I should like briefly to quote from an article in today's *Advertser* which refers to a matter of concern to a lot of young people, entitled, 'Pop duo may lose more than Grammy'. The article, datelined Los Angeles, states:

> The Milli Vanilli band, stripped of its Grammy award, now faces a lawsuit that could force it to pay back money earned from records and concerts. An Oakland woman who bought her son a Milli Vanilli tape has filed a class action lawsuit seeking a refund, in light of the revelation that the duo didn't sing a note on the recording... The woman said she wanted everyone to get their money back. 'I don't want the producer in Germany to profit from what he did to these kids.' The lip-sync controversy erupted last week, when Milli Vanilli's German producer, Frank Farian, disclosed that others actually sang on the record credited to Pilatus and Morvan. The duo also lip-synced their way through live performances, including one at the Grammy Awards show.

The Hon. S.M. LENEHAN: I am actually answering this question on behalf of my colleagues in another place, the Minister for the Arts and the Minister of Consumer Affairs. In respect of the first part of the question, I do not have any specific information about the question of miming that took place with the Cher concert. Indeed, I can assure members that I am not miming this answer; it is coming straight off the top of my head. And doesn't it come off so well! That is what I would like to suggest.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: I thank the member for Hanson for his compliment. I do not pretend to know the music of Milli Vanilli. In fact, I have to confess to the House that I had never heard of Milli Vanilli until this amazing saga. Perhaps that says something about my age or my taste in music.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: Having indulged in a bit of levity, Mr Speaker, I will come back to the serious nature of the honourable member's question. I shall be delighted to convey the honourable member's concern to my two colleagues in another place, because I guess there are some legal implications. Seriously, although I imagine this will not be the musical taste of anyone in this House, a lot of young people in our community pay quite a deal of their hard-earned money to buy CDs, records and cassettes.

It is important that they are actually treated fairly and, if they believe they are buying a product, I think every member of this House would agree that they should be entitled to buy what it is they believe they are buying. If they are being duped by miming or complete dishonesty in terms of people not singing a note, it is a matter that we should be prepared to take a little seriously. While it may not impact on us directly, there is a constituent out there who takes this matter very seriously.

TEACHER NUMBERS

Mr BRINDAL (Hayward): Does the Minister of Education agree with—and if not, will he immediately withdraw—a direction to the principals from the Director-General of Education that the Government's view on teacher cuts be distributed by students to all parents? In August this year the Director-General of Education issued a directive to school principals which said, in part, that it was 'thoroughly unprofessional and improper for the unions to use students to proselytise a particular point of view' On that occasion, the Government and the department strongly objected to the teachers using students to take home messages to their parents on a political/educational issue. However, last Thursday the Director-General issued a directive to all principals that the Government's view on these teacher cuts be distributed via students to all parents in the form of a letter signed by the Minister. I can find no precedent for that directive; it has been strongly opposed by many principals, as the Minister's letter is misleading in a number of important respects such as—

The SPEAKER: Order! The honourable member will not debate the question.

Mr Brindal: I refer in particular, Sir, to further improvements in the quality of education in our schools, as highlighted in the letter, and to cuts in teacher numbers.

The SPEAKER: Order! Before calling on the Minister, I ask that all members observe Standing Orders when asking questions. The honourable Minister of Education.

The Hon. G.J. CRAFTER: In fact, I answered this question yesterday, but I am pleased to repeat my answer. I think the honourable member might take advice from his

colleague the member for Mount Gambier, a former Minister of Education.

Members interjecting:

The SPEAKER: Order! The member for Mount Gambier is out of order.

Members interjecting:

The SPEAKER: Order! The member for Heysen is out of order.

The Hon. G.J. CRAFTER: I suggest that the member for Mount Gambier faced exactly the same situation with respect to the dissemination of information, and, if a situation arises where a duly elected Government—that is, any Government—cannot communicate to electors, to taxpayers, important information about policy decisions that have been taken by that Government and that is being blocked by public servants, as teachers are in that broad sense, at the direction of a union, that is a very grave situation indeed. That is the situation that we unfortunately face, albeit in a small number of schools, but certainly in some schools. The union, on the other hand, is very freely using the young people in our schools to take home propaganda which is blatantly misleading and which, as I said yesterday, in many cases is often untrue.

The parents of students in our schools have a right to receive information. I understand that nothing that is put out by any Government will always be agreed to 100 per cent; interpretations will be placed on such material, but there is an absolute right for that information to go out and be received by parents. If it is the desire of the union or, indeed, the Opposition to frustrate that process and stop that flow of information going out to parents, that raises a very serious question indeed as to why anyone would not want that information to be received by parents. That is also a very clear insult to the intelligence of parents in our community; they have a right to make up their own mind about that information and to determine the facts themselves about these issues.

Members interjecting:

The SPEAKER: Order! The member for Bright is out of order.

The Hon. G.J. CRAFTER: However, unfortunately, only one view is being heard. I presume the Opposition does not support that situation; the Government certainly believes that a right exists for parents to receive the information. Students take home every week official notices designed to provide information to their parents and indeed to themselves on a wide variety of issues. This is a communication from the Minister of Education to parents. Parents have a very real right to receive that information. The thwarting of that process is malevolent, devious and clearly an insult to the intelligence of the parents of students in our schools. The union sent out a circular earlier this week to schools and its members stating that there was to be a campaign involving the refusal to distribute Government Education Department information, that is, whatever the information was they were going to prohibit it from being distributed. That is a very serious breach of responsibility in the course of duty of those officers.

Secondly, they said that it was their duty to disseminate union information. We know, as I have already described to the House, how wrong and biased much of that information is. Of greater concern than that is the strategy described in that union document, namely, that members of the union have been asked to focus public debate on the negative effects on the quality of education. A campaign is to be conducted by the union to point out any bad elements of our education system that it believes to be so and to propagate such in the community. There is no more destructive attempt to degrade the work of teachers in school communities and indeed the standard and status of our State school system than this action. It is simply shooting themselves in the feet simultaneously. It is a great tragedy for all that has been achieved in our State schools over many years.

We have a very fine education system and a very good teaching profession and we want to maintain them. We have had to go through some difficult decision making processes. We have made those difficult decisions, but we did so from a position of strength in the education system in this State, and we will continue to provide a good quality of education to students in our schools. I repeat that parents who are not getting information about what is occurring in their schools—that is, the subjects to be offered next year, staffing arrangements or the like—should contact their school principal or the area offices of the Education Department where designated officers will be available to discuss these matters with them.

CASE MIX

Mrs HUTCHISON (Stuart): Will the Minister of Health advise what is meant by the term 'case mix"? Is it widely used in other States as a basis for funding health units? Does the Minister favour it and, if so, what work is being done on this method with a view to introducing it in this State?

The Hon. D.J. HOPGOOD: Yes, some work is being done on case mix. The honourable member would be aware of the term 'diagnostically related groups'. Case mix is a wider approach to that way of funding health units because it combines a DRG approach with looking at the demographic and social composition of the catchment area of a particular health unit. To put it in context, there is a tendency in Government for any service to be funded on an historical basis, whether it be in health or education. A particular unit providing a service expects in the following year to get roughly what it got the year before plus indexation and something over that for increased activity. This often entrenches decisions made many years before which may no longer accord with reality. For example, it may not accord with the complexity of the procedures offered at a particular health unit.

If, for example, Mr Speaker, you and I went into different health units on the same day and I emerged from my health unit with plaster on my ankle and you, Sir, emerged God forbid, with a pacemaker, we could assume that the cost to the taxpayer that you represent is rather more intense than the cost that I represent, but that may not be reflected in the actual budgets of the two health units.

Of course, in that example it does not matter too much because the swings and roundabouts will probably even up, but it can be demonstrated that there are health units that are involved in rather more complex procedures than others are and that that is not necessarily reflected in their funding. As a balance to that, or something that sometimes compounds the problem, there are problems about the catchment of various areas. A hospital or health unit may be in a lower income area where the sorts of problems that present themselves are rather different than in another area, but that in itself is further confounded by the fact that there is a good deal of overlap of catchment areas. So far as the Royal Adelaide Hospital is concerned, we can argue that Mount Gambier is as much in the catchment area of the Royal Adelaide Hospital as is Coober Pedy, because there are certain procedures that are available only at the Royal

Adelaide Hospital for people in those areas, just as they are available only to people in Enfield, Henley Beach or wherever else it might be.

Yesterday there was a seminar which was jointly convened by the Health Commission, SASMOA and the Nursing Federation. The response to that was so good that there will be a further seminar because it was not possible to accommodate all of the people who wished to be involved. It attempted to set out the general philosophy of case mix and diagnostically related groups. It indicated the sort of work that is currently occurring between the South Australian Health Commission, some of its units and the Commonwealth department.

It made no bones about some of the drawbacks of this approach, particularly the argument that often exists between administrators who want to keep the DRG thing as simple as possible and perhaps limit the analysis to 500 groups that they put on their spreadsheet, and the clinicians who say that they can deal with 2 000 groups without any trouble at all. So can the computer. The question is whether the administrators can do so. We are interested in that approach and we are keeping a close watch on it. We are cooperating with the Commonwealth in the matter.

Most of the other States are now interested. We are learning from overseas experience in this matter, which does not always mirror our own structure in the health system, but I would warn members that obviously there will be some problems in any movement from what we might call historically based funding to case mix, because inevitably there will be winners and losers. The chances are that the losers will complain and the winners will probably be happy in a quiet way to accept the money and get on with the job.

WORKERS REHABILITATION AND COMPENSATION ACT AMENDMENT BILL (No. 2)

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. R.J. GREGORY: 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 addresses a range of significant issues aimed at tightening the administration of the WorkCover scheme, clarifying the interpretation of the Act and restoring or reinforcing the original intent of the legislation. The early return to work of injured workers is a major focus of the WorkCover scheme and the recent review of WorkCover's rehabilitation operations has highlighted that the involvement of the employer, throughout the period of the worker's incapacity, is vital if an early return to work is to be achieved.

In recognition of the importance of the employer's role in the management of claims, this Bill includes a provision providing a right for the employer to request the corporation to review the amount of weekly payments being made to a worker where the employer believes that reasonable grounds exist for the discontinuance or reduction of weekly payments. The corporation must undertake such a review and must advise the employer of the outcome. The employer will have a right of review to a review officer if the corporation either fails to conduct the review or if the employer is dissatisfied with the outcome of the review.

Under the current Act, employers can require the corporation to have a worker examined by a recognised medical expert nominated by the corporation. This Bill introduces a right of review to a review officer where the employer believes there has been undue delay in responding to such a request. The review officer may give directions to the corporation to expedite the examination and the corporation must comply with such direction. It is anticipated that these changes will provide for the more effective involvement of employers in the management of claims and contribute to the early return to work of their injured workers.

Another important issue addressed in this Bill is that of fraud. At present any prosecution in relation to an offence under the Act must be commenced within six months of the alleged offence having been committed. This is quite an unrealistic time frame as WorkCover may, for example, only become aware of an offence months after it was committed. Furthermore, where an alleged offence is suspected, the investigation necessary to establish grounds for prosecution can be very time consuming. This Bill proposes a period of three years from the date of the alleged offence during which time a prosecution must be commenced. This will allow WorkCover's fraud department to be more effective in the prosecution of such offences.

The powers of inspectors or authorised officers for the purpose of fraud investigation, levy audit, claims investigations and other associated functions of the corporation are to be enhanced under this Bill and will match the powers that inspectors have under the Occupational Health, Safety and Welfare Act. The issue of overcharging and overservicing is a matter of major concern to WorkCover. The concern in this area relates to all service providers including rehabilitation as well as medical and related providers.

This Bill accordingly contains provisions which will enable the corporation to reduce or disallow a payment for a service that is provided pursuant to section 32 of the Act where the corporation considers the amount to be excessive or that the service provided was, in the circumstances of the case, inappropriate or unnecessary. To ensure the worker is not disadvantaged where such reduction or disallowance by the corporation is made, the Bill provides that the worker will not be liable to the provider for the disallowed charge or for more than the reduced charge.

However, where such disallowance or reduction of charges is made, the provider will have a right of review to a review officer if the provider believes the corporation's decision is in error. This amendment is significant as it is firmly believed by the Government that WorkCover must have the power to control and challenge effectively what is a significant component of its costs. To preserve the original intent of the Act an amendment is contained in this Bill which will better define how overtime is to be taken account of when determining a worker's average weekly earnings.

Under section 3 of the current Act, overtime is excluded from the calculation of the worker's average weekly earnings, except overtime that is worked 'in accordance with a regular and established pattern'. The Supreme Court, in a test case on this section of the Act, ruled that it was only necessary to show that overtime had been worked on a regular and established basis and not that the pattern of actual hours worked had to be regular and established.

This Bill seeks to restore the original intention of the Act to exclude overtime unless the hours of overtime worked are highly predictable, that is, the hours of overtime are worked on a regular and established basis and are substan-

tially uniform in amount. A further condition to be included is that the worker would have continued to work the overtime if he or she had not been disabled.

This again is to reinforce the notion that only overtime which forms an ongoing and predictable requirement of the job is to be included. A further related amendment in this Bill will allow the corporation to reduce weekly payments where the worker would not have continued to work overtime or the pattern of overtime would have changed so that the amount of overtime would have reduced had the worker not been disabled. This Bill contains a further provision to tighten up the mechanisms to adjust the payment of weekly benefits by putting beyond doubt the corporation's ability to correct clerical or arithmetical errors.

The Bill also contains a provision that will enable the corporation to recover amounts overpaid, but subject to regulations which will prescribe the conditions under which such recoveries can be made and in accord with the guidelines on the recovery of wage overpayments in the public sector. This Bill also contains a number of provisions relating to exempt employers.

It is intended that maritime employers who have recognised protection and indemnity association insurance (which also covers their workers compensation liabilities) will be able to apply to become exempt employers in respect of those workers covered by their P & I policies. Such exempt maritime employers will be subject to the same responsibilities as other exempt employers. This provision replaces the existing section 104 which was originally intended to provide for such exemptions, but was found to be incapable of practical application.

This Bill also proposes that the renewal period for all private exempt employers will be up to a maximum of three years rather than the fixed three year term provided for under the current Act and will thus allow the corporation to renew the exempt employer's exemption for a period of less than three years if the employer's performance is unsatisfactory. Currently the corporation is faced with the limited choice of either renewal or revoking an exemption. The ability to set shorter terms enables a middle course to be taken that puts a defaulting exempt employer on notice.

Under the current Act levy remissions for exempt employers are currently solely based on the provision by them of rehabilitation facilities and services that meet WorkCover's standards. It is proposed that the assessment of eligibility for a levy remission now take into account the exempt employer's record of claims administration and occupational health and safety and accident prevention programs as well as the provision of proper rehabilitation facilities.

The obligations and powers of the WorkCover Corporation to take over the liabilities of an exempt employer, should such an employer cease to be exempt, are to be clarified. The proposal contained in this Bill will allow the corporation the flexibility to allow an exempt employer to continue to manage claims related to the period of exemption. That is, to 'run-out' those claims where it is considered appropriate to do so. Several changes, generally of an administrative nature, are proposed in relation to registration of employers and the payment of levies. First, it is proposed that a minimum levy be established by regulation, initially proposed to be $50.00.

This will be payable by all registered employers, whether or not they have employed workers during the year. The corporation currently has in excess of 5 000 registered employers who stated in their annual declaration that they did not employ during the past year. Some are registered 'just in case' they need to employ at short notice during the year. Others registered at the commencement of the scheme in 1987 when there was some confusion regarding who should register and have not cancelled that registration. The basic minimum administrative cost of servicing a non-employing registrant is the same as for an employer so the proposed minimum levy will contribute to the administrative overheads and encourage those non-employing registrants to review their need for registration.

Coupled with the above, and to remove the concern of those who register just in case they need to employ at short notice, an amendment is contained in this Bill that provides that no offence is committed in regard to registration provided an employer registers within 14 days of commencing to employ. Currently there is no period of grace provided for under the Act.

A further amendment relating to the power for the corporation to set expiation fees to deal with minor offences under the Act will allow the corporation to dispense with minor offences such as a late registration without the expensive process of prosecutions through the courts. It is proposed to change the factors that can be taken into account in setting a bonus or penalty on levy payments in order to give the corporation greater flexibility in setting a system that fairly rewards good performance and penalises poor performance.

Concern has previously been expressed in Parliament about the minority of employers (approximately 7%) who contribute approximately 34% of the levy yet account for a disproportionately high percentage (94%) of the corporation's costs. To control these costs this Bill includes a provision which would enable the corporation to set conditions which must be met by those employers whose claims records are undermining the viability of the scheme. Such conditions may, for example, include a requirement that a hazard audit be conducted, or specific training programs be commenced within given time frames or that some other prevention program, or rehabilitation strategy be put in place.

As it is not reasonable that such employers should expect the protection of ongoing insurance cover if they fail to take reasonable preventative or rehabilitative action, this Bill also provides for the payment of supplementary levies should the conditions set by the corporation not be complied with. A right of review is provided for should an employer consider such conditions to be unreasonable.

This Bill also contains a provision for the regulations to exclude specified classes of workers wholly or partially from the application of this Act where such regulation is recommended by the unanimous resolution of the WorkCover board. Although it is expected that this provision will be applied infrequently, it will assist in clarifying coverage in those grey areas where the application of common law tests relating to a contract of service do not provide clear answers. The power exists under the current Act to prescribe or 'deem-in' work where coverage is unclear, but there is no current power to clarify by 'deeming-out', even if the parties affected agree that this is the most appropriate action.

In the dispute resolution area the following changes are proposed. Medical review panels are to be renamed medical advisory panels and their function changed to an advisory role rather than an appeal tribunal. It is considered more appropriate to confine the adversarial process to review and to the tribunal and to use the medical panels as an advisory body to those appeal authorities. Review officers and the tribunal would be obliged to take into account the panel's advice, but not absolutely bound to accept it. However, a heavy onus would rest on the appeal authority to give good reasons why the advice of a medical panel should not be adopted. Consistent with this proposed change a worker will

not be allowed to be represented before a medical panel but may be accompanied for advice and support.

It is proposed to vary the powers of review officers so as to enable them to refuse to hear oral evidence if satisfied that the evidence would not be relevant and to require evidence or argument to be presented in writing. Clearly such powers would need to be exercised with discretion but in appropriate cases it may assist in expediting cases by keeping the evidence relevant and to the point.

The entitlement to reimbursement for the costs of representation by a legal practitioner or representative of a registered association is to be varied to provide for representation at the first level of the dispute resolution process being the 'conciliation' meeting or discussion. This Bill also contains a provision to grant the corporation the ability to intervene in any proceedings arising under the Act and in any proceedings before a court regarding the interpretation of the Act or affecting the corporation's interest. Other amendments of a minor administrative or general nature, or consequential on the above major issues are outlined in the detailed explanation of each clause. I commend the Bill to the House.

Clauses 1 and 2 are formal.

Clause 3 makes a number of unrelated amendments to the definition section. An 'orphan child' is defined to include a child of whom one parent is dead and who has no reasonable prospect of being supported by the surviving parent. The definition of 'review authority' is amended to exclude medical advisory panels. New subsections (7) and (8) are inserted enabling regulations to be made excluding certain classes of workers from the application of the Act. Such a regulation can only be made where the board, by unanimous resolution, recommends it.

Clause 4 amends the definition of average weekly earnings as it applies to overtime. If a disabled worker is to be entitled to weekly payments reflecting overtime, the overtime must have been worked in accordance with a regular and established pattern, the pattern must be substantially uniform as to the number of hours worked, and there must be a prospect that the overtime would have continued to be available if the worker had not been disabled.

Clause 5 changes the name of the corporation's principal executive officer from General Manager to Chief Executive Officer.

Clause 6 amends section 32. The corporation is empowered to disallow or reduce charges for medical services. New subsection (2) provides for payment of a travelling allowance where a worker travels in a private vehicle for the purpose of obtaining medical attention.

Clause 7 amends section 36. The amendments deal with the circumstances in which notice of a proposed discontinuance or reduction of weekly payments is to be given and when it is to take effect. It provides for recovery of overpayment of weekly payments in certain circumstances. It allows an employer to initiate a review of a worker's entitlement to weekly payments.

Clause 8 amends section 38. The period that must intervene between periodic reviews on the application of a worker is reduced from six to three months.

Clause 9 amends section 44. The entitlement of orphan children is somewhat improved.

Clause 10 amends section 50. An element of discretion is introduced into the provisions under which the corporation is to take over the liabilities of a formerly exempt employer.

Clause 11 amends section 52. The provisions dealing with failure to give the statutory notice of disability, or defects in such a notice, are slightly amended.

Clause 12 inserts new subsection (3) in section 59. This new subsection provides that an employer is not guilty of an offence by reason of non-registration if the employer applies for registration within 14 days after the obligation to be registered arises.

Clause 13 deals with exempt employers. The amendments allow for variable terms of exemption of up to three years. The benefit of exempt status will be extended to 'indemnified maritime employers' i.e., employers who have the benefit of an indemnity granted by a member of the International Group of Protection and Indemnity Associations.

Clause 14 deals with the delegation to an exempt employer. Provision is made for the delegation to continue after the cessation of the exemption. New subsection (3a) enables the corporation to control the exercise by an exempt employer of the discretion relating to the lump sum payable to an orphan child.

Clause 15 provides for a minimum levy.

Clause 16 restates the conditions under which remissions of levy may be granted, or supplementary levies imposed, by the corporation.

Clause 17 deals with remissions of levy to exempt employers.

Clause 18 empowers the corporation to grant relief against the imposition of penalty interest for late payment of levy.

Clause 19 deals with review of the corporation's decisions in relation to levy.

Clause 20 changes the office of Registrar of Appeal Authorities to Registrar of the Tribunal. The change is consequential upon the proposal to convert the present medical review panels into advisory panels.

Clauses 21 to 29 deal principally with the conversion of medical review panels to advisory panels. A medical advisory panel is required to reduce its advice to writing and supply the parties with copies.

Clause 30 gives a review officer a discretion to reject irrelevant or repetitive evidence and to decide the form in which evidence should be presented.

Clause 31 is consequential on earlier amendments.

Clause 32 provides that equal representation is not to be allowed before a medical advisory panel.

Clause 33 deals with the award of costs in review proceedings.

Clause 34 is consequential.

Clause 35 provides for the reference of matters to medical review panels.

Clause 36 is consequential on earlier amendments and makes certain decisions of the corporation reviewable.

Clauses 37, 38 and 39 are consequential.

Clause 40 provides for ministerial review of decisions related to exempt employers.

Clause 41 is a consequential amendment.

Clause 42 provides that the insurance of employers under section 105 extends not only to employers but also to persons working under approved rehabilitation programs.

Clause 43 empowers a review officer to deal with unreasonable delay on the part of the corporation.

Clause 44 brings the powers of entry and inspection into substantial conformity with similar powers under the Occupational Heath Safety and Welfare Act.

Clause 45 consolidates and slightly expands criminal liability for dishonest claims.

Clause 46 provides that prosecutions may be brought up to three years after the date of commission of the offence.

Clause 47 enables the corporation to allow for expiation of offences.

Clause 48 empowers the corporation to intervene in proceedings in which its interests may be directly or indirectly affected or in which the interpretation of the Act is in issue.

Mr OSWALD secured the adjournment of the debate.

BOATING ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Marine) obtained leave and introduced a Bill for an Act to amend the Boating Act 1974. Read a first time.

The Hon. R.J. GREGORY: 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

The Boating Act is an Act designed to promote safety in recreational boating. The Act contains various safety provisions including registration of motor boats, licensing of motor boat operators and breath testing of operators suspected of being affected by alcohol. First, the Bill provides for the issue of temporary motor boat registrations by selected boat dealers. The majority of the 1 500 or so new boats sold each year are delivered by boat dealers and in such cases it is usual for the dealer to initially register the motor boat on behalf of the owner. New motor boats are often sold at times when the department's offices are not open for business (for example, Saturday mornings) presenting a problem if the owner wishes to use the motor boat immediately.

The Bill provides for the issue of a temporary motor boat registration by the boat dealer concerned so that the boat may be legally operated for the few days between sale and lodgment of the required application for registration. The Bill also corrects a minor drafting error evident in the alcohol breath testing provisions of the Act. Apparatus for conducting breath testing must be of a type approved by the Governor, whereas section 30a of the Act incorrectly refers to approval by the Minister of Transport. Lastly, the Bill specifies a penalty for failure to apply for transfer of registration within the required 14 days of sale or disposal. No penalty is currently specified within the Act.

Clause 1 is formal.

Clause 2 provides the power for the Director to delegate to motor boat sellers the power to issue temporary permits and registration numbers to purchasers thus enabling them to operate their boats pending registration under the Act.

Clause 3 provides a division 9 fine as the penalty for failure of a transferee to apply for registration of his or her newly acquired motor boat within 14 days of transfer.

Clause 4 substitutes the correct reference to the Governor as the person who approves alcotest apparatus under the Road Traffic Act.

Clause 5 deletes an incorrect reference to a section in the Road Traffic Act.

Mr MEIER secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2036.)

The Hon. R.J. GREGORY (Minister of Labour): Yesterday we heard the contributions of members opposite regarding this Bill. Of all those contributions, only two contained substance—the contributions of the member for Bragg and the member for Adelaide. A number of matters were raised that need to be dealt with. The contribution of a number of members opposite was based on an assumption that the rural industry is suffering a decline and facing economic difficulties and that, because of that, safety should not be a matter for consideration.

I was amazed to hear the confessions of members opposite who claimed that they have worked with people whilst they were intoxicated, who claimed that they have worked with equipment which had been repaired illegally and which was illegally operated because guards were not fitted and who confessed to working in an inappropriate manner on the job. I was astounded to hear that from responsible members who claim to represent the people of South Australia. I have one piece of advice for any worker who is working with anybody who might be intoxicated: for their own safety and for the safety of the intoxicated person, I advise that they refuse to work with that person.

I first did that when I was an 18-year-old apprentice at the railways. I was directed to work with a tradesman early in the morning who was still intoxicated from the night before and I flatly refused to do it. My will prevailed in this matter. I have worked with people who had a drinking problem and, as the member for Davenport said, we do not work with such people: we make the appropriate arrangements for them to seek medical attention because they suffer from an illness. Some people in Australia today (or at the time the member for Davenport was speaking about) believe that we should just put up with it. Well, we do not. The best thing we could do for an intoxicated person would be to seek medical attention for that person; the safest course would have been for the member for Davenport to seek such attention.

One of the principal reasons why there is a need to enunciate the occupational health, safety and welfare policy of those who employ small numbers of people, no matter how diverse their activities might be, is so that they can concentrate on the hazards in the industry in which they work. I make no bones about that. I know that the most dangerous place to work in South Australia today is not in a large factory or in a shop: it is on a farm. The most dangerous pieces of machinery to work with are not presses, drills or chainsaws but tractors and/or the machinery attached to them. Forty seven per cent of accidents involving machinery are caused by tractors or the equipment attached to them. Unfortunately, most of those injuries occur in the rural industry, in many cases on owner-operated properties and where the workers are only casual workers. That is all the more reason why the property owner should have a good, well thought out, balanced occupational health, safety and welfare policy.

Mr D.S. Baker interjecting:

The Hon. R.J. GREGORY: Well, the member for Victoria, who was not here yesterday, is now commenting as though he was; he demonstrates once again his lack of knowledge in this area by trying to be a smart alec. I make a point about people from the area in which he lives who claim to know everything. I remember the 1983—

Mr D.S. Baker interjecting:

The Hon. R.J. GREGORY: I am talking about the 1983—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: I digress for a moment. One of the things I was taught during my apprenticeship is that

the more you learn, the more you realise you know very little at all. The Leader of the Opposition is demonstrating that ignorance. He knows very little if he can make that sort of comment.

The SPEAKER: Order! The Minister will come back to the Bill.

The Hon. R.J. GREGORY: I recall that in 1983 on the morning after the disastrous bushfires I was travelling along the road from Nangwarry to Mount Burr, and the fire was burning through what was known as the Penola forest. On the Nangwarry side of the Penola forest, we came across a group of residents, stopped our vehicle and talked to them. I was chatting to a chap who was leaning on a fence, dressed in a pair of King Gee shorts, singlet and thongs.

I asked, 'What are you doing?' and he said, 'I'm waiting for the fire to come out so that we can help to put it out.' He was dressed like that and waiting for the fire to come out, so that he could help to put out the fire, yet a week later, a then member of the Legislative Council (Hon. Martin Cameron) told me that there was no real need to train country people for firefighting, because they knew how to do it. If ever the need for training was demonstrated, that was it.

Foresters advised me at the time that if these people had been trained they could have been fighting the fire and it might have saved the State a few million dollars and many jobs. There is no more ignorant person than a person who thinks he knows everything. I am not claiming to know everything in this area, but I know one or two things for sure. People need to be trained and people need proper policies.

Not last calendar year but the year before, of the 20-odd deaths in South Australia, 25 per cent were on the farms. Of those five, two were children under the age of five. Not only are the farmers killing themselves, they are killing their children. That is a disgraceful—

The Hon. Ted Chapman interjecting:

The Hon. R.J. GREGORY: The member for Alexandra might object, but let us go through it. One was a five-year old boy at Virginia who fell off the back of a tractor and was scalped and trepanned on the head. When the police arrived, they found his grandmother holding him, with no clothes on, and he was obviously dead. I feel for that grandmother, because I am now a grandfather, and I would have hated my wife to be in that position, but the child was sitting on the back of the tractor, which he should never have been doing. That is one of the saddest things that could possibly happen.

The other case was in the South-East, where a child fell off the back of a tractor. I am not sure whether the mother or the father was driving the tractor, but they watched the wheels of the trailer go over and kill the child. Those are two instances—

The Hon. TED CHAPMAN: On a point of order, I implore you, Mr Speaker, to ask the Minister to withdraw from that sort of behaviour in the House.

The SPEAKER: What is the point of order?

The Hon. TED CHAPMAN: It is that, in a most unparliamentary style and most uncalled for way, the Minister is reflecting on the community in his description, when he says that farmers are killing their kids.

The SPEAKER: The honourable member has made his point.

The Hon. TED CHAPMAN: I object to that. I happened to lose my eldest on the farm in an accident at one stage, and I object to that sort of behaviour.

The SPEAKER: Order!

The Hon. TED CHAPMAN: It is not necessary in this House or anywhere else.

The SPEAKER: Order! The honourable member will resume his seat. Obviously, there are members who are going to take offence—

The Hon. Ted Chapman interjecting:

The SPEAKER: Order! I ask the Minister to—

The Hon. R.J. GREGORY: I am very sorry if the member for Alexandra has lost a child in that way; I would feel the same way he does.

The Hon. Ted Chapman interjecting:

The Hon. R.J. GREGORY: If the member for Alexandra objects to the way I am carrying on, he should realise that I am carrying on because of his persistent interjections that farmers know what there is to know about safety and do not need our safety policies. All I know is that, if they had the safety policies, we would not have this high rate of accidents on farms.

As I said earlier, it is happening with many people who are owner-operators and with people who occasionally employ other people. It is important that we have these policies, as we need to reduce the number of accidents, and we need to do it very seriously. The Government is taking a serious view of it. In January of last year, I met with officers of the United Farmers and Stockowners Association and went through my concerns. I spoke at their annual general meeting on the very same issue.

We have discussed the matter with them and in the near future will conduct a program by which we hope to see the number of accidents reduced. I want to see that happen. I know what happens if people are severely injured on farms: it usually means, if the male in the family is injured, that there is a complete collapse of the family unit because the wife in many instances cannot carry on doing the work, the kids have left or are not old enough, and the whole lifestyle of that family is altered. We are putting forward this legislation so that these things do not happen. I am convinced that, if this policy proposal works, particularly for those organisations with fewer than five people, we will see a marked reduction in the number of accidents.

The method of cost was raised by a number of speakers last night. Economists work out that accidents in South Australia cost about $600 million per annum, so if we could shave even 10 per cent off the number of accidents, we could shave $60 million off the cost to business in South Australia. An enormous amount of money would be put into our economy. Certainly, it would be a lot more than the time and effort involved in sitting down, thinking about occupational health and safety policies for organisations, no matter how small.

Let us deal with delis. The three danger areas in delis are slicing (of the fingers of people who work there), back injuries (with people lifting) and, I am advised, fire (because of the way materials are stacked up and clog the exits). A fire would cause the biggest hazard. If we had a proper policy, those instances would be reduced. It is very important to do that, as this is an area in which many small accidents cost a lot of money. I refuse to accept that people who operate delis cannot put a bit of thought into their occupational health and safety operations.

People have been complaining about the high cost of workers compensation, but there is a very good reason for that high cost: there is a high injury rate. If the rate comes down and people apply their minds to the problem and work it out, we would see those costs come down significantly. That is another very important reason why we should implement this legislation.

There was some criticism of architects being required to design safety measures into the buildings they design. When I first came across this problem I asked what needed to be done and, of course, it was pointed out to me that, quite often, the architectural design of a high rise building provides glass walls all the way around. When someone asks, 'How are we going to clean this building? What facilities have been provided for the cleaning of this building? What facilities have been built into the design so that the building can be cleaned safely?' the architect says, 'None'. Most of us have been in townhouses, which have a stairwell and a light hanging from a piece of cord.

Have members ever thought about how to change the globe when it needs changing? Have they ever thought about getting a ladder in there? Architects do not think about it but, if people do not have the right piece of equipment to change the bulb, they could easily fall. Members should try to put a ladder in a stairwell and see how they get on. We just cannot do it properly. Many things happen in buildings to render maintenance of the buildings impossible unless it is done in a dangerous way. I am advised that a portion of one building on Main North Road has not been painted because it cannot be done safely and people refuse to do it.

When they design buildings, the architects should be made to look at the safe maintenance aspect. I do not see that as being a very difficult task. In the corner of every drawing we reused at Holden, whether it involved for a die, a fixture, a jig, or anything else made in the toolroom, there appeared in large print, signed by one of the drafts people, a notice stating 'This design has been checked for safety'. That applied to everything they did, and, if one of the appropriate officers in the drafting office had not put his signature to it, the tool was not built until that check had been made. If Holden's could do that 20 or 30 years ago, what is wrong with architects doing it today? What is wrong with architects ensuring that the buildings in which people work are safe? I would say there is nothing wrong with that. Any extra costs involved initially would be more than offset later on as a result of the ease of maintenance. I think that some of the things now being done on buildings would not be done at all and, therefore, the cost of maintenance would be a lot less.

One of the comments made by the member for Davenport referred to earth-moving equipment and tree felling. I do not know how long it is since the honourable member has been involved in tree felling and the use of earth-moving equipment. I do know that on one occasion in the South-East the workers compensation rate for those involved in felling trees was 35 per cent. After safety training, that rate for selected tree fellers fell to 17 per cent and continued to fall. In fact, it indicated that the trained tree feller was felling trees more efficiently and more safely than the untrained person. The timber industry in the South East put in an enormous amount of effort to train people, because they could save an enormous of money in that area.

It is usually a back injury that causes the problems. Most of us who are over the age of 50 and who have done manual work do have something wrong with our back and must live with a back injury that is with us for the rest of our life. Training aimed at preventing that back injury can mean a worker does not have to suffer that affliction for the rest of his or her life, and this represents an ongoing saving. I have seen Canadian safety films about the proper use of earth-moving equipment, indicating what workers ought to do and how such equipment should be used properly, involving the correct use of roll bars and safety belts.

For the life of me I cannot understand how some people think that they know how to use a piece of earth-moving equipment they may be required to operate. In many cases that equipment costs over $1 million. We do not give an inexperienced person $1 million and send him on to the stock exchange to invest that money: the people concerned would ensure that that was done by an experienced, trained person. The same applies to operating plant and equipment. I know that in the earth-moving industry trained people perform the work accurately and efficiently. When digging ditches, if the untrained person were to dig a couple of inches wider and a few feet deeper than necessary over a distance of several kilometres an enormous amount of earth would not need to have been dug. That involves an enormous cost and the purchase of an enormous amount of filling. It is every important that there be proper training in this area.

If people are trained to do the work properly, the work is done more efficiently and with less likelihood of injury occurring. One only has to recall the rollover of a tractor at the Lindsay Park stud, where the rollover bars for the tractor being used were lying in a shed and had been lying there for several years. They should never have been there; they should have been on the tractor. In all probability, the young man involved would have been alive today if those roll bars had been on the tractor. Perhaps if he had been trained properly in the use of that tractor he would never had the accident or have needed the roll bars anyway.

It is an assumption in our part that we know how to do things and that we do not need these safety measures. However, there is nothing brave about ignoring safe working conditions. A person who does that is being foolhardy. One of the more interesting things that I heard from the member for Adelaide was his reference to gloves with metal tips to stop the operator's fingers from being crushed in a press. I know a little about presses, although not a lot, but I do know that they are designed to deform metal into various shapes. They operate on the basis of either a die on the bottom remaining stationary while a die on top comes down to deform the metal or the die on top remaining stationary the die on the bottom moves up.

The machines have a number of moving parts which are all designed to move an appropriate distance. If one puts something else in the machine that is thick enough so that when one has one's fingers in it they do not get squashed, one would have to be putting in solid metal. What would happen is that either the die would be destroyed or the press crankshaft would be twisted. Of course, one's fingers should not be in there in the first place.

I well recall going to a factory to inspect a press that was operating without the guard being down. A member of the union I represented at the time had lost part of a finger when the press had cycled and the guard had not been down. Two or three days after the accident occurred I visited the factory and when being shown the machine, I asked the foreman to switch it on. He did so, and when I put my foot on the pedal to operate it, it cycled. The guard was up, and they still had not bothered to connect the guard to the fly wheel, where there was a lock that would stop the machine from operating if the guard was up. That press had been operated since the accident. That was a few years ago, and the attitude was very blase. That involved a factory where an accident should never have happened.

I find it very difficult to accept from members opposite the notion there should be safety in factories but that once we move out of the factory and into a small area, particularly a rural area, we should not have safety rules, or that we should adopt a weaker approach to this matter. People's lives and welfare are important, whether they work in a factory, an office or on the farm. Everyone should be treated

in exactly the same way, and people should have a responsibility to themselves and to the people who work for them. A person who lost a limb, or who has been severely injured in some other way, or cannot work for two or three weeks because of an injury—and this applies particularly to a person working in a small enterprise—is no good to his or her family. In many of these instances the whole business collapses.

If people take as much time to consider occupational health and safety matters as they take to consider financial and management matters and some of the other things that they consider important, they may make a lot more money and do so a lot more easily and efficiently. In all the time I have spent visiting workplaces in South Australia and the Eastern States, one or two things have become very apparent; that is, the place that has a low incidence of injury and a good safety record seems to be tidier to have more money to spend and to be making bigger profits. Those places also seem to have fewer industrial disputes. However, if one goes to a place where there is rubbish lying around and there is hostility towards management, one will find in many instances that there is a fairly poor approach to occupational health and safety.

It seems that good policies in relation to occupational health and safety and good management techniques go hand in hand with profitability because it is estimated that replacing a worker costs a minimum of $6 000. Every time there is a turnover of a worker in South Australia, the cost is about $6 000. If one thinks about that for a moment, one realises that primarily it involves productivity. There may also be a component in that for training and the time it takes for this. If there is no turnover, or if the turnover is reduced, that can involve a saving of $6,000, and in a small business that is a enormous amount of money. Again, that is why we want these small places to look significantly at their occupational health and safety requirements.

A question was raised about accommodation. In many jobs in which workers participate in South Australia on-site camping is involved. The camps are a bit different from the ones that I first experienced, when they had tin sheds on bits of land. Now they are quite comfortable huts which are air-conditioned and the eating facilities are reasonable and in some cases quite good. However, in essence, it is an extended work site. The Government's view is that such facilities should also come under the Occupational Health, Safety and Welfare Act so that they are all properly treated. That is because in many instances they are part of the job's working conditions. In many of these jobs the workers are required to live on the premises. Therefore, if they are required to live there, they should come under the Act. I see nothing wrong with that.

Nobody will say that, because a worker is living on the premises or on a camp adjacent to the work site, the occupational health and safety standards cease to exist as soon as he walks over a boundary, and that there can be any ramshackle affair there. People will not seriously suggest that the occupational health, safety and welfare requirement stops there and another requirement starts. Are we suggesting that? The costs are not great. Indeed, they should not be any greater. All people have to do is ensure that things there are safe, unlike what happened at the Lindsay Park Stud where a worker died because somebody forgot to block off a gas line when they removed an appliance. They should have got in an appropriate person to ensure that the gas line had been blocked off. Otherwise, the person would not have died.

I outlined in the House the other day some poor standards of workmanship in the fitting of LPG units to motor vehicles. The luckiest people alive in South Australia today are the two people who do not smoke and who owned those motor cars. If they had smoked, they could have been incinerated in their motor vehicles. We are doing all that we can in that area. We need these regulations so that workers are protected.

In many areas we have employers who excel in ensuring that their employees work in a safe, wholesome and healthy environment, we have a few who actively do not provide those facilities, and we have a lot who, through lack of knowledge, or access to knowledge, are unaware that in many instances they are providing an unsafe workplace. The intention of this Bill is to ensure that those people have available to them a number of organisations. I am quite sure that the United Farmers and Stockowners occupational health, safety and welfare committee will be only too willing to help any farmer who wants assistance in this area to draw up a policy. I am confident that any small business person who is a member of any of the appropriate associations would be able to get assistance from those associations in drawing up an appropriate occupational health, safety and welfare policy. I am quite sure that any member of the Chamber of Commerce and Industry or the South Australian Employers Federation who approached those organisations and asked for assistance in that area would receive it. In much the same way, workers can approach their unions and obtain assistance in this area.

It seems incongruous that a very high number of unionists—workers—have been trained in occupational, health, safety and welfare matters compared with the low numbers of supervisors who have been trained. We must remember that it is the supervisors who give make the directions; they direct or ask workers to do things. It is the supervisor who sometimes insists that people work on unguarded machinery. They need to be trained to know whether these things are safe so that they can make assessments.

I want to deal now with a matter about which the member for Adelaide made great play. I should imagine it was during the university vacation when he worked for an organisation spraying bitumen on the road. He referred in great detail to the fact that everybody ignored the company's instructions on wearing the appropriate safety equipment. No-one in his right mind who deals with occupational health, safety and welfare matters will say that only one side is to blame and the other is not. There has to be a degree of acceptance in this. I want members opposite to understand that the employers make the decisions about employing; they make the decisions about the type of work to be done; and they insist on giving the instructions to people to do the work. They also have a responsibility for insisting that the work be done safely.

I assure the House that if the unions of which I know are confronted by people who persistently and consistently insist on working in an unsafe manner, they will use all the force and pressure at their disposal to ensure that their members work in a safe manner. There may be disputes from time to time about the definition of 'safe working manner', because some employers tend to get over exuberant and go overboard as regards what constitutes a safe working manner. But what can come out of that is an appropriate approach to occupational health, safety and welfare and getting jobs done safely.

I would not support workers who refused to use and wear the appropriate safety equipment. Last year the Government commenced a campaign of insisting that 12 000 people who work outside should wear hats to protect them from the effects of sunburn and long-term cancer. There was a trialling of certain hats. Some were found to be unsuitable;

others were more fashionable and preferred by workers. They are cheap and they will be supplied again this year. The real difficulty that we shall have is in getting people in the construction area to stop wearing shorts, a hat and socks and boots in extremely hot weather. We shall have to insist that they wear shirts and long trousers, because we cannot allow people to work as they have done knowing that their chance of finishing up with skin cancer is a certainty. We have to show people that they need to wear all this clothing so that, when they get to my age or that of some members opposite, they will not be making annual visits to the skin specialist to have growths removed which, if left, would turn cancerous. Many of us have friends who have large round scars on their heads showing where skin cancers have been removed. We need to start doing that now so that people are not caught again. That is part of a safety policy.

My knowledge and understanding of how this works is that we have to involve all the people at the work site. If one of the parties is not involved in it, just forget about it; it will not work. We can have a safety policy five times as thick as this folder, it can be full of the best and most excellent policies in the world, but it is only worth what can be got for it at a scrap paper place if it is not implemented and agreed to by all the people involved. It is not something that we can dump on the table and say that tomorrow it will work. It has to be worked at; an ethos has to be established to ensure that people want to work that way, and people will then do it. I am confident that if people approach safety on the basis of a partnership and all the people in the workplace are involved, it will work; but it will not work if the boss walks down and says, 'Hey, you've all got to do this,' and then walks off and does the exact opposite. It just will not work if it becomes a dictatorial thing.

There are frustrating times involved in ensuring safety when people might not be doing the right thing, but we always have access to inspectors from the Department of Labour who can rectify those anomalies when they occur. They are there to give advice. I am sure that the registered associations, whether employer or employee associations, can also give the appropriate advice. I advise Opposition members that the registered organisations in this State which have done the most training in occupational health, safety and welfare are the unions. In many instances the employers seek the advice of the unions in certain matters because they know. I know that the employer organisations have training facilities for supervisors, and this legislation will ensure that many more supervisors are trained, because that is the area where training needs to be given.

The front line supervisors who have immediate contact with the workers will have to be trained so that they know exactly what they are doing and how to handle this matter. The Bill is designed to ensure that the accident level in industry is reduced and that the number of people injured in South Australia and those with residual injuries is reduced. It is also designed to ensure that, when people in South Australia finish their working life, it will be without residual injury.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.J. BAKER: Will the Minister inform the Committee when the legislation will be proclaimed?

The Hon. R.J. GREGORY: The Governor will do that at the appropriate time.

Clause passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: We note, for example, that the definition of 'workplace' includes an expanded definition encompassing self-employed persons. Will the Minister advise the Committee of exactly what he means by 'self-employed persons'?

The Hon. R.J. GREGORY: I do not have the Oxford English Dictionary with me, but it is a contractor who is self-employed. I spoke at some length in response to the second reading debate and referred to farmers, many of whom are self-employed. Accidents, even deaths, happen on farms and people need to respond to the regulations. We need to have access to that area so that we can do something about it.

Mr S.J. BAKER: Most farmers do employ someone at some stage and, therefore, cannot be classified as self-employed. Many farmers come under the definition of 'employee' because of the corporate arrangements made on farms, as the Minister would well know. Does the definition include those people who work at home at a desk with their own private contracting business, those who organise investments and so on? Will the Minister explain whether this expanded definition includes such people?

The Hon. R.J. GREGORY: My advice is that in the domestic area people can obtain an exemption but, if they work from home and make their living from home, it would apply.

Mr S.J. BAKER: Does that mean that the definition really allows somebody to enter anybody's home and interfere in a personal way with the way that that person conducts business, even though it has nothing to do with safety? That is what we are confirming with this expanded definition. If the Minister does not have the wit to concentrate on the issues that he wishes to address rather than the whole of the work force, irrespective of whether or not there is a risk, the Opposition will oppose the clause.

Mr BECKER: I refer to the definition of 'workplace' as follows:

> Workplace means any place (including any aircraft, ship or vehicle) where an employee or self-employed person works and includes any place where such a person goes while at work.

Does this new definition apply to persons employed at Adelaide Airport?

The Hon. R.J. GREGORY: As the member for Hanson knows, it does not apply because at the moment it comes under the force of the Commonwealth and, until the Commonwealth accepts that occupational health and safety ought to be a State matter dealt with solely by the State, that situation will remain.

Mr BECKER: I do not follow, because we are supposed to be bringing in the best legislation in the country to protect South Australian workers. South Australian companies employ people at Adelaide Airport, to work on buildings and equipment, so I would expect these people to be covered. The legislation should cover all South Australians, yet we come across these anomalies. What happens in respect of a foreign ship visiting Port Adelaide with South Australian workers being required to go onto the ship? Can we, through this legislation and definition, control the conditions under which they work?

The Hon. R.J. GREGORY: I can understand the confusion and concern of the member for Hanson, as I share his concern. At one time I wandered onto a dredge docked in the Port River. A huge driving gear wheel was unguarded and I had been asked to inspect it by a member of the organisation for which I worked. He was concerned about his safety. I looked at this death trap but there was nothing we could do about it. Certain areas on the waterfront seem to be a no person's land, and this amendment is an attempt to overcome that. As the honourable member would know,

Commonwealth legislation overrides State legislation. Commonwealth-owned property is exempt from State law.

We have been attempting, through Ministers of Labour conferences, to have the Commonwealth accept that there ought to be a proper division between Federal and State activity and that occupational health and safety should come under the State as the Commonwealth has no expertise in that area and has nobody in South Australia capable of investigating occupational health and safety matters that may arise in connection with the Commonwealth. The Commonwealth might have people employed within its departments, but there is no legislation or inspectors as we have. Our inspectors cannot operate on Commonwealth land. We are negotiating with the Commonwealth so that that can happen in the future.

I do not know when we will reach agreement on that, but it cannot be soon enough because I am of the view that everybody who works in this State should work under the one occupational health and safety standard. We need to remove from one Federal award the provision that stops our State Act applying at three large facilities in this State so that the standards can be improved. The advice from one organisation is that, since the department's inspectors ceased inspecting the establishment, it has felt a slackening in this approach to safety. It has asked us for assistance. We will oblige the organisation by having our inspectors consult with it and give advice. It is an important issue that we want to fix up, and I am doing my best, at ministerial conference level, to achieve that.

Mr BECKER: I am pleased to hear that because, with the advent of such developments as Export Park, to which I do not object as in time it will prove to be a worthwhile venture, companies will move into the buildings in that area. Not only will they use them as warehouses but they could also establish them as small manufacturing or packaging bases, or whatever. So, a company that wanted to bypass the State laws at the moment could move into Export Park and totally ignore this legislation, and that is what worries me.

Shipping is a different argument again. We do not seem to have much control over some of the work practices on the ships that visit this port of ours; and then we have the conflict with Australian National. So I hope the Minister will continue to use all the good offices he can, with his colleagues from the other States, to try to have this State authorised by the Federal Government, or assisted through Commonwealth industrial legislation, to control work practices in every location within the State.

Mr BLACKER: I wish to take up the point mentioned by the member for Mitcham in relation to the clarification of the term 'self-employed' and, if I heard the Minister correctly, I think he said it related to a person whilst earning an income. In my interpretation correct or is it wider than that? Does a person who paints his own family kitchen, for argument's sake, necessarily come under this provision? On the other hand, if he was outside, painting a shed on a farm, obviously, he would be bound by this, although both jobs are much the same.

The Hon. R.J. GREGORY: I thank the member for Flinders for his question. I know his father-in-law. If his father-in-law was painting his kitchen and the outside of his house, this legislation would not apply. If, however, the member for Flinders was painting a shed on his property, the legislation would apply and he would have to observe the appropriate safety standards. The other matter is that people do visit one's premises, as they do to the premises of other people operating a business, and if one does not operate that business safely it could endanger other people's lives. We do not want to endanger other people's lives by our own careless approach to the preservation of our life. When people are working they have obligations not only to themselves and their family but also to other people who may visit their premises.

Clause passed.

Clause 4—'Membership of the commission.'

Mr S.J. BAKER: Why does the South Australian Chamber of Mines and Energy have a representative on the commission?

The Hon. R.J. GREGORY: Because the Government thinks it is appropriate.

Mr S.J. BAKER: This will be a very hard Committee if the Minister cannot be a bit more forthcoming, and I do not wish to use up all three of my questions on the basis of yes/no answers from the Minister. Can the Minister inform the Committee why a representative from the Chamber of Mines and Energy is to be placed on the commission? The Minister is well aware of the debate on this matter and of what was covered in the debate. He knows it is a matter of controversy; he knows that no other organisation is specifically referred to in respect of membership of the commission. However, the Minister has seen fit to take this extraordinary step, first, of nominating someone who is effectively representing that organisation in another area of occupational safety in relation to mining, and, secondly, just as importantly, in the fact that he has taken the unprecedented step of actually nominating this person when in fact the commission itself lacks definition as to which organisations are represented on it. So, on both counts, this is very unusual. Can the Minister please inform the committee so that at least we have some explanation?

The Hon. R.J. GREGORY: I have said earlier that it is because the Government thinks it is appropriate, and we have done that.

Mr S.J. BAKER: Well, there is not much more that can be said. The Minister appears to be wanting to include the mining industry under his level of incompetence and I can understand that he would wish to spread his influence further than it spreads at the moment. However, we do not believe that it is appropriate that mining comes under the provision of this legislation at all. It is not appropriate; there is no good reason why the South Australian Chamber of Mines and Energy should be represented. The organisations are opposed to it; the other organisations were not consulted; the Minister in his very consultative mode—and I notice he has placed a great deal of stress on consultation and on about how much consulting he does—did not consult with the other organisations about whether they were happy about the Chamber of Mines and Energy being represented on the commission when they had not been mentioned in dispatches on the commission. So, for all those reasons, and I know the Mininster either will not respond or is incapable of responding, we will oppose the clause and divide on it.

The Hon. R.J. GREGORY: As the member for Mitcham seems to be wanting to trade insults, and he has had a very fair slice of that, I think I will have a go back at him. He has just demonstrated his amazing ignorance on the matter of occupational health and safety. What he does not know, or what he chooses to ignore in addressing this matter in the Chamber, is that, along with the Mines and Works Inspection Act, the Occupational Health, Safety and Welfare Act is applied by mines inspectors.

I remind the member for Mitcham that mining is one of the most dangerous areas of work that people can undertake. It is more dangerous than any other activity, and that is one of the reasons for including a representative of the

chamber on the commission. The other reason is that the Government feels it is an appropriate thing to do. The member for Mitcham ought to appreciate that we are dealing with a very risky and dangerous business when it comes to mining. If he is sitting here and saying that occupational health and safety has no place in one of the most dangerous and risky businesses in South Australia—and, indeed, the world—I wonder why he is bothering to speak on the rest of the Bill.

The Committee divided on the clause:

Ayes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Ms Lenehan, Messrs McKee, Peterson, Quirke, Rann and Trainer.

Noes (21)—Messrs Allison, Armitage, P.B. Arnold, S.J. Baker (teller), Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy and Gunn, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Pairs—Ayes—Messrs Klunder and Mayes. Noes—Messrs D.S. Baker and Ingerson.

The CHAIRMAN: There are 21 Ayes and 21 Noes. I give my casting vote for the Ayes. The question is therefore resolved in the affirmative and the clause stands as printed.

Clause thus passed.

Clause 5 passed.

Clause 6—'Duties of employers.'

Mr S.J. BAKER: To whom is paragraph *(g)* directed?

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

ensure that any manager or supervisor is provided with such information. . .

The manager at the top of the tree has to ensure that that happens. That manager has the ultimate responsibility. If we go back to the corporate structure and determine the person who is appointed to do those things, that is the person who has the ultimate responsibility and who has to make sure that that happens. Elsewhere in the Bill, if the directors of a company do not appoint a responsible officer for occupational health and safety matters, they themselves assume the responsibility of the authorised officer. It would seem to me that that is how the provision works.

The principal reason for the paragraph is to ensure that front line supervisors are equipped to advise and instruct adequately the people they supervise about appropriate and safe working matters. It refers not only to technical ability to do the work but to the equipment used. I am sure that the honourable member appreciates that every year thousands of new chemicals are introduced in industry. Many of these chemicals can be dangerous if they are used inappropriately. In some cases the techniques for their use can be dangerous and, before a company uses these products, it needs to be satisfied that it has a safe way of working with them.

For example, if someone is decanting systemic poisons from a large drum to a small container, the supervisor must ensure that the people who are decanting do not come into skin contact with that poison. Some people might say that everyone would know that, but often workers doing the decanting do not always know that and the supervisors do not always ensure that the workers are trained to decant safely to ensure that such accidents do not happen. If there is contact, the workers must know that they should wash themselves immediately. That is a simple example. Responsibility has to be taken to ensure that there are appropriate techniques and that there is information about the chemicals, substances and equipment being used, so that safety procedures are appropriate to provide safe working conditions.

Mr S.J. BAKER: My question might seem strange, but I will explain why I asked it. Clause 19 deals with duties of employers. In the case of the AMP Society the employers are the shareholders, as also applies in large public corporations.

Mr Ferguson: What about the board?

Mr S.J. BAKER: It has designated responsibility from the shareholders. This is a serious question, as it places a great deal of onus on someone in a company who is responsible for ensuring that managers obtain the information. The Minister can laugh, but I do not believe that the clause is funny at all, because it is not within the capactiy of any one person to have a full grasp or the range of information that is or could be available on the work that that person might be required to carry out. It is absolutely impossible.

I want to find out from the Minister who is the employer, because that employer has to feed information to all the managers. It is a matter of who has the information, who can supply it and whether it is adequate. It is an interesting clause. How will the courts interpret responsibility in the case of a chief administrative officer or a managing director in respect of the duty and responsibility of ensuring that 10 steps down the line the supervisor who is running, say, the car delivery work force has been provided with all the required information?

We have previously been through the argument about who is the responsible officer. I was interested to note that the Minister did not respond to my question. It is important that if we are to make rules, people are capable of performing. I understand what the Minister is trying to achieve, but I do not believe that he will achieve it through this paragraph. It might have to come back for further consideration, or words might have to be added, for example, 'as far as is practicable'.

Mr Ferguson: What a let-out—

Mr S.J. BAKER: The member for Henley Beach can say, 'What a let-out', but the member for Henley Beach understands that in this area the level of information across industries is extraordinary diverse. Very large firms have the capacity to have a wide range of information available at their disposal, including information from their counterparts in other countries. Allied firms which have only a home base in South Australia and which provide for the domestic market do not have that same capacity and cannot obtain any of that information. The Minister and all members know that.

The Minister should not ridicule the question, because there is a huge difference in the capacity of firms to be able to meet the directive under the Bill. The Minister can chuckle. Unless we are to get experts from overseas, for example, from ICI, to help a small local firm that manufactures paint in the backyard, the backyard operator will not be able to perform at the same level as the ICIs of the world. The large companies have a wide range of information available to them on many subjects and such enhanced safety information should be disseminated throughout the work force. What is involved in monitoring the working conditions of any workplace under the management and control of the employer? What does the Minister expect of managerial staff?

The Hon. R.J. GREGORY: I will respond to some of the allusions of the member for Mitcham. The source of my mirth was his reference to the shareholders actually being the decision makers in a company. I could not believe that somebody in this place would claim that the shareholders actually have a decision making role in the direction and

operation of a company; they do not. If members look at the articles of incorporation of that organisation, they would find out who makes all the decisions, and it is not the shareholders. The day to day management of the company is in the hands of the members of a board elected by the shareholders: they have the responsibility; they engage the managing director or manager of the enterprise; they give him or her certain rights in respect to the management of that company and they are responsible for the affairs of the company at that level.

The honourable member then asked how someone at managerial level ensures that a person 10 levels down is doing their job. It seems that occupational health and safety is different from every other activity of a company. I would have thought that the managing director or manager of a company, in delegating authority to certain people, would authorise those people to do things for the good of the company and occupational health and safety matters would be delegated in such a way as to ensure that. Is the honourable member suggesting that, in the operation of a company, a managing director must somehow know everything that happens to every supervisor in his organisation. This clause does not mean that. If he is suggesting—

Mr Gunn interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: If the honourable member is suggesting that they should, he should also recognise that there are not enough people with intellect in Australia, indeed in the world, to do that. That is why companies have structures and delegate authority, and this clause will ensure that authority is delegated appropriately in order that the occupational health, safety and welfare of their employees is taken into consideration. As with everything else they do, they must also do that; that is what must be done. It is part of their work because, if they do not do that, they may not have a company that is working efficiently.

In respect to the other matter, the Act already provides a responsibility for people to ensure that the working conditions in any work place remain safe.

The Hon. H. ALLISON: In respect of new paragraph (h) of section 19 (3), to which the Minister has just addressed himself, to what extent would the Minister's reply be binding upon him as Minister of Marine—or the Crown—in relation to the Port MacDonnell ship storage where the native skills of the fishermen have largely prevented accidents at that ship storage but where the facility is owned by the Department of Marine and was the subject of a separate motion which I put to the House in private members' time. The Minister seems to be quite adamant that there is a great deal of responsibility on designers and owners of facilities to ensure that safety is at an absolute premium. Yet, I would suggest that in the South-East the Minister is presiding over one of the worst harbor facilities. Will the Minister absolve the Government from any responsibility in cases such as this?

The Hon. R.J. GREGORY: The Minister does not preside over anything in the Port MacDonnell shipyard, because all the people who work there are either self-employed or are employed by the ship owners. If they were to employ people to work in an unsafe manner on the ships, the inspectors from the Mount Gambier office of the Department of Labour would be on the scene. If the honourable member is suggesting that the Department of Marine and Harbors employs all the fishermen in Port MacDonnell who happen to use that yard, he may have a riot on his hands. First, I do not think that the people would want to be employed by the department; and, secondly, do not think that the department would want to employ them, as we would have no work for them. We are not going to conduct their fishing operations for them.

Mr S.J. BAKER: In relation to paragraph (i), relating to a new entry into those areas of responsibility by the employer, with what examples was the Minister provided when he initiated this paragaraph? During the second reading explanation I did not hear what motivated the Minister.

The Hon. R.J. GREGORY: The Deputy Leader will recall the death of a stablehand at Lindsay Park stud. During the investigation into that matter, it was found that there was no appropriate authority to ensure that, where someone's accommodation was associated with his work, occupational health and safety standards applied. There are many instances in South Australia of people who go to work and who are required to stay, eat and sleep at work. One such example is fire stations. It is not uncommon for firemen on night shift to sleep in the bunks of the provider. It is not uncommon for people working in construction camps around this State to be required and, in many instances to want, to live on site.

It seems to me perfectly reasonable that when this happens the accommodation needs to be maintained in a safe and healthy condition. I hope that the Deputy Leader is not actually saying that they should not. I see by his reaction that he thinks that those places should be maintained in a safe and healthy condition, and I thank him very much for that support.

Clause passed.

Clause 7—'Employers' statements for health and safety at work.'

Mr S.J. BAKER: As the Minister would be aware, this clause causes the Opposition a great deal of dissatisfaction. The amending clause put forward by the Minister means that we no longer have a prescribed class of employer responsible for preparing and maintaining policies in relation to occupational health, safety and welfare at the workplace. This really means that the Minister is saying that any person who could possibly employ another person must prepare and maintain policies relating to the welfare of the employee.

The sheer impracticality of that is quite stunning. I understand that the Minister is trying to say that if people work in an industry where there may be hazards, not only should the employees know about them but the employees should be informed irrespective of the size of the business. That is not what this clause does. This clause requires every employer, no matter how large or small, to prepare and maintain a full safety policy. Has the Minister ever thought that through? It is physically impossible. It is probably mentally impossible for a large number of people in the work force today.

Having discussed matters such as this with Governments overseas, I feel that this must be the most unique piece of legislation in Australia or overseas. We are saying that anyone who employs any person must of his or her own accord prepare a safety policy. What does that safety policy involve? If a person is serving in a deli, what should that safety policy involve? How does a person describe the range of possible events which can take place in a deli and which can affect an employee, and should that policy include possible hold-ups?

Should it include a broom being left out? I am trying to think of everyday occurrences in a business such as a deli, which is the lowest common denominator. Does a deli owner sit down and write a policy including every possible eventuality, so that the employee—who will never have time to read it, even if the employer has time to write it,

which is pretty doubtful—can operate according to this legislation?

If the Minister were worried about certain industries, under this legislation he could prescribe the class to ensure the writing of a policy or adhering to a policy that had been preordained (such as the manual handling policy the Minister mucked up on the way through because he had an extra clause that was not in the agreed script). It is appropriate for people to comply with broad band policies with a strong safety component. If the Minister is saying that every small employer must somehow come up with a policy to meet this initiative, we have reached a sorry state. In fact, 50 per cent of the people we are talking about would not have the capacity to come up with such a policy. The Opposition opposes the clause.

The Hon. R.J. GREGORY: During his contribution, the Deputy Leader started to demonstrate how someone could begin to assemble a safety policy, when he imagined himself in a deli and said, 'Put all the brooms away so you don't trip over them.' That is the commencement. Members might think that that is fairly simple, but let us go through what can happen in a delicatessen. During the Deputy Leader's contribution last night, he made great play with what could possibly happen in the corner delicatessen.

The honourable member may not have been in the House when I was making my second reading reply, but I listed the number of injuries that could happen in those places. One was slicing. There are appropriate ways of using slicers and, apparently, the injuries that occur from the use of the slicing machine are quite serious and quite frequent. People suffer severe strain injuries from lifting, stretching and doing other things. People can slip on floors.

One aspect that is very difficult to deal with is the danger of fire. I have been in some delicatessens (which I will not identify) where people have great difficulty walking past all the goods to reach the counter. If someone inadvertently set some of that gear alight, you could have quite a serious fire and you might not be able to get out of the shop. One reason for our policy is for people to think about their own activities. Last night the member for Adelaide referred to his surgery, I think, when he said that he employed three people and had a very safe work record, of which he was proud. I am very pleased that he has done that. I do not think that it would be very difficult for him or for anyone else to write up a policy to ensure the safety of employees. I do not think it is any more onerous to do that for a delicatessen than for any other business.

As I said during my second reading explanation, all sorts of registered associations of employers are only too willing to provide assistance. In the case of very simple businesses that might consist only of a couple of desks, a typewriter and a few other pieces, the policy would be very simple, and it would demonstrate their commitment. The amazing thing is what people can do when they put their minds to these matters. The mere fact of employers accepting their obligation in this area will automatically create a safer workplace. The Deputy Leader of the Opposition, in saying that it is impossible, is giving up and saying, 'Let's not bother about the possibility of injury to people who work in small areas of employment.' That contribution denigrates people, because anyone who starts a small business without a business plan is in trouble straightaway.

What is the difference between having a business plan and a safety plan? I would suggest that it is another half a days effort when one is starting a business to set that down and think about it. My advice is that all the small businesses that fail do so principally because those people have no concept of how to manage their business; they undercapitalise from the beginning and are unable to manage the financial side of it. If one puts those factors together, one realises why we get small business failures. What is wrong with asking those people, when they are setting up their business, as well as considering their business plan and determining how they will manage their money, to plan for safety as well? I suggest that there is nothing wrong with that, because they get all the help in the world to do it.

Mr S.J. BAKER: That explanation is not satisfactory in any shape or form. I do not know of one area, although the Minister may, where there is a *carte blanche* policy that an employer, as soon as he employs one person, must write a whole policy on how that person will be kept safe. I do not know of any jurisdiction in the world that has that requirement, and I have studied a fair number of them. I cannot believe that the Minister really understands what he is saying. Has he actually talked with his deli owner lately? Has he actually talked to some of these small factory owners? As the Minister would well know, some of them cannot even write—they have accountants to look after them. We will leave aside whether or not people can write, because that can be overcome by employing someone to write for them.

I talk to deli owners, shop owners, accountants and others and I have conversations about the state of business and am told that it is terrible. I ask people how many hours they are working and they tell me that they work somewhere between 80 to 100 hours a week. They say that the family is breaking up, the bank manager is at the door, their life is absolutely terrible and they do not know whether they will survive another day. Yet, the Minister gaily says that whether or not there is a risk, the Government wants those people to spend time writing a policy. I do not know of any other jurisdiction where that applies, and that certainly was the case the last time I checked it. I spoke to people at the United Nations, and in the United States, about the sort of policies that the organisation is pursuing and that is not on their agenda. I do not know from where this fanciful piece of rubbish came or whether it is just part of the South Australian scene. We are talking about countries that are very successful; whose safety policies and records are far in advance of anything we have here. That is something for which we should be aiming.

The Minister talks about the farming community. Other countries try to help the farming community rather than saying to them, 'Sit down and write a policy—it might help you.' If one goes to every country and asks the same question, 'What are your at-risk industries?' they will say, 'Forty per cent of serious accidents happen in farming, forestry and fishing.' We keep coming up against these figures. That does not mean to say that they cannot do anything about it, because their accident rates are far better than ours. At least they approach it in a very constructive fashion, not in the way it is approached here; that is, requiring a farmer to itemise the possibility of anything that could happen on a farm. What happens if they miss something? What is an adequate policy? This is so open-ended. Does that give an inspector the right to look over a policy and say, 'You have not written more than two pages on this policy and you have failed to meet the requirements of the Act, and that will be a division 7 fine'?

I do not want to belittle this legislation, but it is unworkable. It does not address the problem. If the Minister wants to address the problem, if the Minister says that our statistics show these are the people at risk—these are the areas with which we have to deal—I would say, 'Congratulations, Minister; you know what you are doing; you know what you are on about and you are going to cover the areas in

most need of help. We have a comprehensive policy that will work.' It would be nothing like the rubbish we have before us. Obviously I will not change the Minister's mind and I oppose this clause.

Mr FERGUSON: I am forced to enter this debate because of the contribution from the member for Mitcham. No-one has assisted small business more than has this side of the House by way of legislation. We were the people who introduced the Small Business Corporation; we were the people who provided legislation in relation to tenants; we assisted small business with shopping hours; and I have no doubt that as time goes by, particularly through this legislation, we will continue to assist small business. This task of widening the previous scope is huge, but I am sure that the inspectors, if and when they have the time and get around to small business, will be sympathetic to that sector because this Government has always been sympathetic to small business.

I hope that this legislation will assist those organisations looking after small business. I hope that this will encourage small business people to join the head organisations that look after their affairs, and if we are successful in that endeavour, I do not see any reason why small business people should not be able to go to the organisation that represents them and put to it the fact that they must make out a safety docket and that they need help. What is wrong with that? If that is successful in reducing the number of accidents in this State—and I am sure that it will go some way along the track towards doing that—the object of the exercise has been achieved.

I get tired of hearing from members of the Opposition that this side of the House is not interested in, or does not assist, small business. After all, most of the instructions that come to the other side come from the head organisations that are interested in looking after only big business. Therefore, I hope that in the future debates cognisance will be given to what the Government has done for small business. I have been in this House for eight years and I have yet to see one piece of legislation initiated by the Opposition that would benefit to small business.

Mr S.J. Baker interjecting:

Mr FERGUSON: I am sympathetic towards the member for Mitcham; he has had to enter this debate and take over as a result of circumstances beyond his control. Perhaps he has not had enough time to do the sort of research that is needed for this exercise. However, I hope that we will have some realism in this debate from now on.

Mr GUNN: Does the Minister intend to require all farming, agricultural, horticultural and pastoral operations to prepare one of these health and safety policies and, if so, will he have inspectors going round the country examining these illustrious documents? Who are the people who have been advising him that this sort of approach is necessary? If the Minister does not know what is happening in the real world—I am sure that his public servants, the people who I believe are advising him, do not—I am telling him that the nation stands on the edge of an economic collapse. Every day people in small business are being harassed, interfered with and deprived of the opportunity of trying to run their businesses effectively by unneccessary forms, red tape and nonsense dreamt up by public servants and hangers on with Labor Party leanings.

I should like to refer to my experience in dealing with this nonsensical WorkCover group. I have never in my time dealt with such an arrogant, inefficient organisation, although I did come across one lady there who apologised for the treatment. I will give other examples of how these things have gone, and obviously this is the kind of thing that will happen. The member for Henley Beach had the audacity to say that this Government had not done one thing to harm small business, but I will give him a few examples.

A constituent of mine, in the mid-north at Jamestown, paid his WorkCover premium on about 21 July and it was cleared through the bank on 7 August. On 21 August he received a threatening letter telling him that he would be taken to court and fined for failure to pay his premium. I told him that is what he could expect from this organisation, becuase I went down to see them once. They have flashier offices than the Premier and they are completely out of touch with reality. That is just one example for the member for Henley Beach, and I could go on. I said to my constituent, 'You are a great fellow on the UF&S. Shanahan is on the board. Whip him into gear a bit. He does not know what is going on. Get on to him; he is a mate of yours.' He said, 'I will certainly do that because it is about time that he applied himself to some of these things.' That is just one example.

I believe that very few agricultural operators will have the time or the inclination to be bothered with this sort of nonsense of preparing bits of paper. I am involved in trying to make a living running an agricultural enterprise, and the last thing that I want to be involved in is this sort of nonsense. What will be done? Will people be put in gaol? That is about the long and short of it.

I am appalled that Parliament can continue to go down such a nonsensical path. I have plenty more to say, but I would like to know whether the Minister will require all these people in agriculture, horticulture or the pastoral industry to prepare one of these documents. Will they have to file them with the department and will inspectors be coming round to inspect them? If people do not comply, will the Minister send round aggressive people, just as they do in WorkCover, to people's accountants in order to check up?

I have been talking to people in the business world about how these fellows go on. I am looking forward to the day, which is not far away, when all these hangers on get the same treatment as they got in New South Wales. The time is up. We know what is going to happen in Victoria and in Western Australia. If there were any justice in this place, we would not be dealing with this legislation, because normally 52 per cent beats 48 per cent. We have heard this for years, but no, at the behest of its union mates, the Government is going to try to impose this sort of nonsense. Will the Minister clearly respond, because that will determine whether I have any more comments to make.

The Hon. R.J. GREGORY: My very clear response and answer to all the honourable member's questions is 'Yes', and for very good reasons. I am led to believe that the United Farmers and Stockowners represents the best part of the farming community in South Australia and it is extending its reach in this area by merging and forming associations with some of the agricultural organisations which are not associated with it. That is what it quite proudly tells me, and it has a deputy member on the commission. The whole membership of the commission supports this legislation because both the employers and the unions believe that this is how it ought to be done. It has not been dreamt up, as the member for Eyre said, by public servants or people with Labor Party leanings; it is supported by organisations such as the South Australian Employers Federation, the Chamber of Commerce and Industry, the Engineering Employers Association and the Australian Federation of Construction Contractors. I suppose one could say that they are left leaning, Labor oriented people, if one is in certain weirdo circles.

I can understand the member for Eyre's view on this matter, because he is a passionate defender of what he considers to be the farming community, but I point out that, for the number of people employed in the farming community, it has the highest injury rate. In some cases, people employed in that area have the most serious injuries.

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: I thank the member for Mitcham for that interjection. Does that mean that we in South Australia have to say that, because there is a high injury rate all round the world, we should do nothing about it?

Mr S.J. Baker interjecting:

The CHAIRMAN: Order!

The Hon. R.J. GREGORY: I do not know whether he has anything more to say on this, but we have heard a fair amount of nonsense from the member for Mitcham. If a farmer took time out to think about the activities on his property and wrote out a safey policy, that would immediately mean a safer approach to working. I see that the member for Eyre does not accept what I am saying. I am sorry, but one thing that concerns me as the Minister with responsibility for occupational health, safety and welfare is the high level of injury in farming. I do not believe that it is acceptable and I do not believe that by shaking our heads and not writing out a policy and thinking about safety we will do anything about it. I refuse to accept that people in farming know what is best in some of these areas, because they work on very small units and do not have access to a lot of information. I do know that Department of Labour officers, with their huge displays of equipment, have attracted an enormous amount of attention at the field days they have attended.

Following the fining of the Lindsay Park Stud over the death of a young worker who was killed in the rollover of a tractor, there has been an unprecedented increase in demand for rollover bars for tractors. The unfortunate part about it was that there were a number of tractors about the place for which there were no readily available rollover bars. It was supposed to have been done seven years ago, but they have not bothered. Now they are bothering. I find it disgusting that somebody has to die before the farming community thinks that it is worth bothering about. A proper policy would have ensured that those things were there in the first place. It would have ensured at the Lindsay Park Stud that the rollover bar was not lying in the shed but was on the tractor.

I would be most disappointed if any inspector who visited a farm and asked to see the policy document looked through it and raised what he perceived to be a number of deficiencies with that farmer, did not assist that farmer in a very friendly and helpful way. If the member for Eyre could advise me of an inspector who did not assist any of his constituents in a friendly and helpful way in occupational health, safety and welfare matters when seeking such assistance, I want to know. We have a problem. We want to ensure that people who work in small industries, particularly in the country, have the same accident rate as in the city. If that happens, fewer people will be injured.

Mr GUNN: I raise again the question whether people will have to sit down, detail and supply these somewhat illustrious documents to the department. I say clearly, as someone involved in agriculture, that there will be fewer people involved in agriculture whenever such laws are passed. WorkCover has done it. These people in the farming community are trying to make a living.

These people are trying to make a living—not playing games shuffling bits of paper in offices—because if they do not, they are finished, and they are pushed economically to the point of no return. These are the facts. Fewer people will be employed. I will guarantee that if this legislation is passed, a lot fewer people will be employed; people will do anything but employ, today; the cost of employing people has gone through the roof.

It is no good the Minister and his advisers looking off at me because I do know what I am talking about and I know that I for one will have fewer employees; I have no alternative. I will not put up with this nonsense. I know others who will do anything but employ people. WorkCover went up from about 4 per cent to about 7.16 per cent each month, then we had to fill out superannuation forms each month and now there is this sort of nonsense. People are doing everything to try to make a living. They are practical people; they are not into sitting down shuffling paper, because that does not make any income whatsoever. Unless the work is done at the right time, their losses can be quite considerable. If the Minister thinks that, by passing laws of this sort he will suddenly prevent accidents, I am amazed. The greatest things anyone can have in this world is a bit of commonsense and a reasonable attitude. I say to the Minister that he does not understand what is taking place out there.

The member for Chaffey has people destitute in his electorate. Will the Minister require all these people to fill out one of these enlightened forms? I have people in my electorate not knowing which way to turn and generations of involvement are going by the wayside. The nation's productivity has been destroyed and income from wool has dropped by 50 per cent to 60 per cent. People in the pastoral industries have negative incomes and the Government whacks up the rent on them and says they will have to fill out more forms. I do not believe people will do it. What will the Government do to these people? Will it put people in gaol? Will it individually call on each farm?

I have never been one to advocate civil disobedience, but I believe that we are getting very close in this country to seeing mass civil disobedience from rural people in provincial Australia after the way they have been treated. Make no mistake about what will happen. The Minister does not seem to comprehend. I say to him that the amount of unproductive paperwork that is generated for people trying to run a small business is amazing. It is very sad that a great department is set up with all these hangers on, driving around in Government cars at tremendous cost to the taxpayer. Will the Government charge fees for these things? It charges everybody else a fee. I want to know what the charges will be and whether we will have to file these things with the department.

A few months ago we considered a Bill dealing with soil conservation. Will we have farm plans? They are doing away with all that sort of nonsense in Eastern Europe, but we seem to be going our own way. We have had a pretty successful agricultural sector in this State because the people have been hard working and sensible and they have been able to get on with their lives, but every day the Government seems to want to put more and more gates in their way. I will be very interested to hear the Minister's response to those two questions.

The Hon. R.J. GREGORY: The answer with respect to filing plans or policies is 'No'. A lot of the other things the member had to say are not pertinent to this Bill, but I must draw the attention of the Committee to several matters. If a little bit of thinking about how we do our work and writing down the safe way to do it in a policy saves an accident, that half an hour's or two hour's work is a tremendous saving. I do not know of any wheat farmer who does not insure his crop at one stage or another; I do not know of any farmer who does not insure the main buildings

of his property; I do not know of any farmer who does not insure his motor vehicles. I suggest that, if they do not do those things, they are derelict in the operation of their business.

This writing up of an occupational health and safety policy is very much like taking out insurance against accidents. It is stopping them from happening at the source. Everybody in this place admits that farming—rural activity—is one of the most dangerous pursuits that anybody can be engaged in. Are we suggesting that we all accept that it is dangerous but that we rely upon commonsense and walk away from it, when commonsense has been applying ever since we have had a rural industry? I think it is time we sat back and took another look at the matter and if we looked at it coldly and from the positive point of view of reducing the number of accidents, we would see that it would have a positive effect upon the rural community.

Mr S.G. EVANS: I am disappointed in the Minister's attitude. Just because someone sits down for one hour, two hours or 10 hours to write down a policy of safety on a property, it does not mean that either the individual who wrote it or the individual who has to apply it (who may be five miles away from the person who wrote it at the time the person is operating a machine, and so on) will carry the policy with them. By far the majority of people on a farm in that sort of work where there is a high risk—and I refer to another part of this Bill relating to tree felling and so on—know in their mind what precautions they have to take and they know there is a risk. Nature sometimes plays a part that one cannot foresee. We know it occurs, and to suggest that a person who is working in that field does not know in their own mind what they should be doing and that they have to write it down is ludicrous. They will only write down what they know, anyway.

The other point I would make is in relation to what the Minister said about Lindsay Park Stud and the accident that happened to the young lad under the tractor, with regard to the matter of roll bars. The Minister knows that there will always be some people who, regardless of the rules, will be irresponsible and take a chance. I am in that category. One will take those risks oneself at times, but one should not do that with employees. I made that point earlier in another part of the discussion on this Bill. Those people will still do that even if the policy is written out 100 times; they will still take those risks, but what the Minister wants is a document that is written out so that an inspector can walk on to the property and say, 'You did not carry out to the letter what is in the document.' That will not happen today or tomorrow; we know that; initially, it will be Mr Nice Guy who calls on the property but, as time goes by, that is what will happen.

A person who ended up as a senior officer in a Government department was an inspector on the monthly run in a business I was involved in when he challenged us about something I said to him, 'Jack, it was like that last month when you came.' He said, 'Stan, I have to put something in the report; I cannot put that you are clean every time.' So, I said, 'All right, Jack; every time we will leave a dangerous spot' and we did; we left a dangerous spot in the quarry every time so that if he wanted to pick on it he could, but we would not work near it. In the end that is the way these people operate and, once a document is produced and a clean sheet continually is submitted, we all know that back at headquarters they will be saying 'What is going on?'

The other matter is the argument that has been used that people can join the organisation to have the document written up. In other words, we are telling them they have to join their organisation, in particular, if they are born in another land and have limited English. There are many such people in small market gardens and that field who have come from Asian countries in recent times and others who came from the Mediterranean and the Baltic States and in between, who still have difficulty with the English language.

They still have difficulty with the language, but we are saying that we want them to write a document but, if they cannot do it, they should join the organisation that represents them. It is another charge and another responsibility on them. They know that they are in a dangerous field and have to take risks because that is part of the game. If we eliminate all of them through laws and regulations and say that they are to have a worker standing by in case of accident, we will be duplicating the work force. That is the end result of this sort of practice because we only need one or two people being trapped under a log or a piece of machinery with nobody else around and their ending up severely maimed, crippled for life or dead, and we will place a burden on everyone that they must have a person watching in case something goes wrong. That is the next step.

The member for Eyre is right in saying that we are competing with other countries. It is the wrong time to go down the track of making things a lot tougher. We can do it through advice. Inspectors can call on a property and advise on what should be done. They can educate people through meeting them on the property. We may need people in the inspectorate who can speak languages other than English so that they can communicate with everyone. That is a better practice initially than placing a burden on everyone who has difficulty with the language, whether they are born here or in other places. We will force them to join an organisation and carry a document that they must always look at. They will take it out on the tractor and ask, 'What is the next step?'

That is going to extremes, but we have seen that happen with almost everything we have talked about. At first everything is nice but within a couple of years the pressure is applied and the whole thing becomes ridiculous. If every other country in the world with which we are competing had similar sorts of rules and regulations and wage conditions it may not be so bad, but we make it difficult. People will avoid employing if they can. They will work 12 or 14 hours themselves and they can do that, particularly in seasonal industries; they can take a break in the wetter months or off season, and manage without employing people. That is the last thing that we want in a State like South Australia. I find this attitude quite amazing at this stage of development in a country like this.

Mr FERGUSON: Last night in debate we heard of some things that occur on a farm. We were told by the member for Custance (and I believe every word that he said) that his sheds are falling down and that he wants them painted. He stated:

> Most of our sheep troughs are now patched-up jobs, with the clamp and the old insulation tape, and could need the attention of a plumber.

He further stated:

> Most farmers do their own mechanical work and that is an occupational hazard. People do their own thing and get into trouble. They are untrained but do the work because of the high costs of mechanics.

We were also told that on this farm there are motor bikes without kick starters and chainsaws without teeth. We were told that men cut their hands on the scarf around the drill. He stated:

> I keep telling them to wear gloves, but they say that it is too hot. Although I provide the gloves, they do not use them.

We were told that one employee tore his leg starting a motor cycle on the kick start. The kick start ripped his leg right from his foot to his knee—a terrible injury. The honourable member further stated:

> The motor cycle was only two weeks old; the pegs still had the rubber on them.

We were also told that on the farm this honourable member buys machinery with guards on it and employs a man to drive it. He states:

> I instruct him how to drive it, but what happens? The first thing he does is remove the safety guard so that he can see the moving parts. When I come to sell the machine I check and say, 'Where are the guards?' I have to locate them all because the law says I must sell the machine with the guards on.

That is a terrible indictment of the management and work safety practices on a farm. If the honourable member or any farmer in the same sort of situation sat down and made a list of those things that were immediately within his power to provide safety in the workplace, he would cut his work injuries considerably. If all that he did was take 10 minutes to sit down and write out the things that he had to do—and I imagine that one of the things—

Mr Lewis: He could go right out of business.

Mr FERGUSON: The member for Murray-Mallee is here: it is nice to see him in the House. The first thing that he would do was to make sure that his employees wore the gloves and protective clothing that he had gone to all the trouble to buy. On top of that I imagine that he would have the kick starters on the motorbikes fixed. He would have gone to the trouble of putting the teeth back into the chain saws. Fancy allowing somebody to use a chainsaw without teeth in it!

Mr Lewis: It would not work.

Mr FERGUSON: I can only go by what the honourable member has told the House. If that is wrong, those people with more expertise than I have will put me right. I am sure that an honourable member opposite would not have told this House an untruth. If that is a demonstration of safety, health and welfare as practised on farms in South Australia, there would be an immediate benefit in people sitting down and making out a list of things that have to be done to straighten out safety practices on a farm. I can see the value of the proposition in front of us.

Mr LEWIS: I am disappointed that the Minister does not have the interest to respond to the remarks that are being made quite sincerely by members opposite and by members on my side of the Chamber. Perhaps he does not understand the seriousness of this measure overall but I am anxious about certain aspects of its application. Whilst other duties have precluded my participation in the debate up until this point, I make plain that I am no less concerned—probably more concerned—than most members on this side of the Chamber. There comes a time when we reach, through the law of diminishing returns, a point where we get back less for what we put in to any endeavour, enterprise or activity. The Minister should know that the general sweep of the legislation he has brought into the Chamber on this occasion is such legislation. It will not achieve what the Minister fondly imagines it will achieve. It will provide him and successive Ministers of like mind with the opportunity to raise considerable revenue: there is no question about that. Maybe he is looking for a safety net recovery—a workplace safety recovery—to soak up unemployment. I do not know.

It is quite inane and really absolutely stupid for us to imagine that it is legitimate for us to require self-employed people to submit safety plans for their workplaces and to require them to register those workplaces. Let us think about it. I would like to use myself and others engaged in the same kind of activity as I have been engaged in recent times as an example. I have lapidary equipment at home, and at present there is no law (and I hope there never is) preventing a person from being a part-time lapidary (or part-time anything) but, under this legislation, it will pretty well be like that.

I am quite sure that the Minister's inspector would find fault with my equipment and my workplace in that the saws that I have to cut such materials as chrysaprase makes a butcher's bandsaw look like a blunt butter knife. They are harder and tougher saws than anything used in the preparation of smallgoods, meat and vegetables, and yet it is simply not possible for the kind of requirement the Minister would impose on me, as a lapidary, to be met. It would put me out of business and it would put every other lapidary in the country out of business.

By that the Minister acknowledges that several hundred million dollars worth of value adding that could be done in Australia with the precious and semi-precious stones that are mined here will for all time be outside the reach of any small business or any enterprising individual who would want to participate in that industry. Through this legislation, the Minister is preventing the expansion of that enterprise and the development of value adding in this economy. In addition, let us look at the claims on precious stone fields where such material is mined. The small mines of opal miners or chrysaprase miners involve underground work. The Minister will be able to close down that industry under this legislation.

Of course, the Minister will say that it is not his intention to do so, but I do not doubt for one moment that he will be party to the same kind of double-dealing that was recently done in the oil exploration industry with that scurrilous arrangement involving Government employed inspectors and members of a union to force a company and its employees against its will and their will to become union members on the ground that the company's safety record was bad. Indeed, it was not bad; it is one of the best of its kind in the world, and the incidents about which complaints were made were not related to the operations of the South Australian base of that company. Yet that was done, and it was a deliberate conspiracy—I make no bones about that—involving officers of a Government department being engaged in such work. The Minister's own colleagues and the unions were involved. So much for that.

Let me consider the implications on the pastoral lands and the present operators, the leaseholders—what form does the Minister imagine a safety plan for the workplace of a boundary rider will take? The mind boggles. Would it include sunscreen, protective glasses or a crash helmet with a shade around it so that neither skin cancer nor damage to the skull, if the boundary rider, stockman or stockwoman came off their horse or motor cycle, would occur? The place where they work is the wide open spaces, and to pretend that this clause a will not affect them is a nonsense. The Minister knows that under the letter of the law it will.

There are no exemptions: the Minister has already stated that. In addition, this provision adds to what the member for Eyre was concerned about in his remarks. It adds to the burden of cost that we already find are crippling our export industries. In the main, they are the resource generating industries of primary industry, that is, rural production, mining, and fishing (if that is a primary industry, and I think it might be). Somehow or other we have to compete and finance the kind of lifestyle to which the member for Henley Beach's union members have become accustomed. They expect and demand a wage rate that will enable them

to live at standards which, in world terms, are second to none.

Mr Ferguson: They should—

Mr LEWIS: No: they should be paid fair wages in terms of what the economy can afford and be expected to accept some personal responsibility for the way in which they behave. If an employee deliberately ignores the kind of safety equipment provided and the plan for the conduct of the work, that employee deserves to have to accept some of the responsibility and it should not be possible to prosecute only the employer. If the employee commits an offence, the employee should also be prosecuted. I have heard the member for Henley Beach say that the printeries of South-East Asia were wicked sweatshops when, in fact, the printeries that I have seen in places like Singapore and Taiwan hardly have anyone operating a press anywhere. They all use automated equipment, driven and controlled by computers.

How did they get there? It was by efficient competition with whatever other printing services were offered to the prospective customers. They continually upgraded their facilities, equipment and technology in the process. They were not subject to the punitive charges that could otherwise arise, as occurs here in our Australian industrial relations arena, and the kind of things that will now be foisted upon people through this kind of legislation. Safety plans indeed!

Perhaps the things that the honourable member called sweatshops gave people work where they would otherwise have starved, at nowhere near the standard of living that we consider acceptable for sure by virtue of our historical experience over the past 100 years in this country, but they were certainly work opportunities that would otherwise never have existed. They sustained the life of each individual worker and that worker's family. There is no question about that and I hope the member for Henley Beach does not pretend that those people would have done anything other than starve had they not been able to get a start somewhere. So, in the final analysis, perhaps from now on he will call them not sweatshops but blood and gore works, where there are no safety plans of the kind envisaged in this legislation.

I do not know what else we could do at this time to cripple the kind of industry that we are desperately trying to get gee-ed up and into gear, to save us from the disaster confronting us in the crisis in our national economy and in the export industries. I do not know what else we could do, other than to bring in legislation of this kind that is so destructive of the confidence of small business to get started. If one cannot get started in small business, one will never get started in big business.

The Committee divided on the clause:

Ayes (20)—Messrs Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Ms Lenehan, Messrs McKee, Peterson, Quirke, Rann and Trainer.

Noes (21)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Becker, Blacker, Brindal, Chapman, Eastick, S.G. Evans, Goldsworthy and Gunn, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Pairs—Ayes—Messrs Klunder and Mayes. Noes—Ms Cashmore and Mr Ingerson.

Majority of 1 for the Noes.

Clause thus negatived.

Clause 8—'Duties of designers and ownes of buildings.'

Mr S.J. BAKER: Clause 8 deals with the duties of designers and owners of buildings, and all the employer organisations have raised a question mark about this clause. It is unusual in an area such as this, which has very little to do with worker safety, for such a clause to be included.

The CHAIRMAN: Order! If members wish to discuss recent events, I suggest they do so elsewhere. The honourable Deputy Leader.

Mr S.J. BAKER: As I said, the employer organisations were a little mystified about the need for the provision. A vague relationship is there because, obviously, if people design buildings those buildings are designed to accommodate machinery, people or a combination thereof. They might be designed as warehouses or for sheep shearing, for example, but those functions do not endure. Shearing sheds have been converted—

Members interjecting:

The ACTING CHAIRMAN (Hon. T.H. Hemmings): Order! There is far too much audible conversation in the Chamber. The honourable Deputy Leader.

Mr S.J. BAKER: Shearing sheds have been converted for workers' accommodation, for example. Some commercial premises have been converted into retailing premises and vice versa; so, whatever the design may be initially, that may not be sustained with the change of use of those premises. All employer organisations, therefore, are somewhat mystified as to why the Minister should include this provision in this Bill.

We are well aware that a common law action can take place if someone provides unsafe premises, and we are well aware of sanctions under the Building Code and under other Acts which prevail in circumstances such as when the architect, manufacturer or builder does not provide appropriate equipment or, indeed, an appropriate building, thus creating an unsafe situation. Will the Minister explain why he is taking this action? I concede that there is a relationship here to safety, but will the Minister tell us why he is possibly creating a conflict with other jurisdictions by placing this provision in this Bill?

The Hon. R.J. GREGORY: I am very pleased that the Deputy Leader accepts what I am putting up as a real endeavour to ensure that people are employed under safe and healthy working conditions. I point out that the Building Act is there to ensure that buildings are structurally sound. Nowhere in the Building Act does it refer to safe working conditions, ventilation for workers or what might happen when it comes to the maintenance of a building.

The Building Act provides only that the building shall be built in a certain way, which is described in some detail. Anyone who has thought about doing some design work at home to extend a house or put up a pergola, for instance, would know that the Building Act is quite specific in the size of the timbers used and how they are fixed to things, but it does not mention a number of other factors dealing with occupational health and safety. How often have members heard people talking about lack of ventilation in a building? How often have we heard people talk about 'sick buildings', where the air-conditioning is so unclean that people are constantly sick?

If there is a requirement for architects and owners of buildings to ensure that they maintain those standards, it means that the health, safety and welfare of the people working in the building are maintained. As I said during the second reading reply, a number of quite large buildings around Adelaide have been built in such a way as to be extremely difficult to maintain. I also made the point that, at Holden's, every drawing produced had the imprint 'Safety taken into consideration in the design of this piece of tooling.' The same should apply in respect of buildings. The owners should be obliged to keep those buildings in a safe manner.

Mr S.J. BAKER: I will not say that it is outrageous that that provision is in this Bill, as the Minister will realise that I have already conceded the safety aspect. I simply remind the Minister that employer organisations have made the point very strongly that such legislation rightly belongs in the building area and not here. The other point is that which I made earlier; that we cannot design for every eventuality. It happens quite often that we change the use of the workplace from the function for which the building was designed. It might be a shop front store which becomes a retailing establishment for computers, and then might become a warehouse for something else, so the functions change and the relationship people have to the building changes quite dramatically. I find that unusual, which is why I raise the point. I guess we will find out a little more about it further down the line, but I hope it does not create anomalies with other legislation.

The Hon. R.J. GREGORY: The honourable member made the point that a building may be designed for something and, later, the use may change. I suggest that in the change of use all the considerations of how that building will be occupied should be taken into account. It is all very well for the honourable member to shake his head and say, 'We won't bother about that', but if we close our eyes to a number of things concerning occupational health and safety the world may seem fairly rosy.

We all know that floors of buildings may look lovely but may not be able to be walked on safely. We all know that lights may look nice, but are they safe to work under? I recall that, when I was working at Holden's, I had a difference of opinion with the foreman about whether lights ought to be on in the winter time at about 10 in the morning. I kept switching them on and he kept switching them off, so I stopped work until the afternoon. We could have tried to work with the lights off, but something would have happened eventually—who knows?

We then come to ventilation. Should buildings not have proper ventilation and, if the use changes, should the ventilation not be changed with that change of use? Should the ventilation not be appropriate for the use whether the building has been upgraded or downgraded? I see no problems. Ventilation ought to be appropriate, and we ought to have space in which people can work. As I said earlier, the 'sick building' syndrome needs to be corrected. Whilst to some people that might be a business gimmick by the person in Victoria who went around pointing out some of the things that happened in buildings through lack of maintenance, if those buildings have been properly maintained, the sick leave people are taking would not occur; consequently the cost to the employer would be much less.

Clause passed.

Clause 9—'Duties of manufacturers, etc.'

Mr S.J. BAKER: I make similar observation about clause 9 to that which I made about clause 8. Again, the situation is not clear-cut. Obviously, we are aware that, if a person designs something to be used by people, that should not place those people at risk. We are getting into the building construction area again, and I simply make the point I made in the last clause. This also includes anyone who manufactures any materials. Part of this is already covered under safety provisions, and this is perhaps not the most appropriate place in which to put this provision.

Clause passed.

Clause 10—'Substitution of s. 27.'

Mr S.J. BAKER: I move:

Page 5, lines 1 to 3—Leave out subsection (4).

I will not spend a great deal of time on this clause. We have spent countless hours over the past few years arguing the merits or otherwise of the intervention of registered associations in matters of health and safety.

Whilst I have always maintained that unions have a right to play a very constructive role in health and safety matters in the workplace, when we are talking about workplace committees or work groups I do not believe that unions have a right to intervene in what can be, quite often, a very counterproductive way. We battled this issue out during the debate on the last piece of legislation. I made the point over some considerable time that it is inappropriate for a registered association to have a right of intervention, but proposed new section 27 attempts to put that back into the Act. That occurs in two places: in new subsection (4) and in new subsection (7). I will speak to both amendments. If the first is successful, I will then proceed with the second but, if my first amendment is not carried, obviously I will not proceed with the second.

It is fundamental to good working relationships that the people who are elected at the workplace are responsible for the safety of that workplace. The employers have placed upon them a considerable burden and responsibility under this legislation, with horrendous fines if they get it wrong or do not pay due care. These burdens are imposed in this legislation. On the other hand, we have set up a series of responsibilities for constitutionally, democratically elected worker safety representatives. These people are required to carry out, to the best of their ability, the responsibility of looking after safety. They are the representatives of the employees in their dealings in the workplace.

I have said time and again that the most constructive advances in employee safety come from the cooperative effort of employers and employees. We have a number of brilliant examples here in South Australia of industries that have signs on their walls saying, for example, that they have worked for the past 200 000 man-days and not lost a single hour as a result of a work-related injury. The Minister has many similar examples where employees and employers can proudly show that they have worked an enormous number of hours together without one work induced injury.

There is one prevailing element that has nothing to do with unions. It is because the employer and the employees trust each other. It is because they have representatives whom they elect because those representatives are the best people available. This does not happen because of any imposed legislation; it is because of a cooperative effort. These same firms have a pretty good record of being able to produce and of being able to compete overseas, and they seem to get the industrial area and the safety area right in terms of productivity. So, there are some common themes about good management.

Why should we in any way allow a union, for whatever reason, to intervene in matters that are rightly the province of the people who work in the workplace? The Minister is well aware that many of the safety representatives are members of a union. In fact, a very large percentage in the larger factories are members of a union. In some industries there is almost 100 per cent coverage. So, in those circumstances, the union has an influence through its delegates or through its members. That can be a very constructive relationship. I will not waste the time of the Committee debating this issue. It will be decided in another place, as it was last time. I hope that the people who supported us last time will support us again on a matter of principle. I oppose new subsections (4) and (7) and I ask the Committee to support my amendment.

Mr FERGUSON: I feel that I have to enter this debate because this is a principle held very strongly by members on this side of the Committee. It is not unusual for con-

servative Oppositions, conservative Governments and conservative organisations to try to keep the unions out of the workplace. History can trace this back to the Master and Servant Act, which was used by employer organisations to take out legal torts to keep unions out of the workplace. They were unsuccessful: the unions have won through. Whatever happens to this clause, the unions will represent their members. If they cannot get into the factory by using this piece of legislation, I am afraid that they will create an industrial dispute to ensure that they get safety and welfare matters into the appropriate industrial commission.

I was able to point out to the House last night that, as far as negotiations between employers and employees are concerned, the employee is in an inferior position. The employer can promote; the employer can demote; the employer can provide bonuses; the employer can provide overtime; the employer can move people from one place to another; and he or she can say whether or not an employee is trained. Therefore, the employer is in a superior bargaining position in respect of negotiations on the shop floor. Unfortunately, even in this day and age where cooperation is a factor—and there are many factories where there is cooperation in relation to safety and welfare—there are still employers who are prepared to use their industrial superiority and negotiating power to ensure that employees do not complain too much about health, safety and welfare matters.

I will illustrate that, because I am not a stranger to industrial negotiations. I did not do this from a theoretical position or from an office: I started on the shop floor and for many years I represented workers on the shop floor. In the early 1960s there was a change in conditions for the printing industry and we had some rather startling developments in the introduction of small litho offset machines, wrap-around plates and improved cameras. These developments meant that printing, which had been done in a traditional print shop, was often taken out of that environment and put into the front office of many companies. At that time there was no industrial coverage for these workers and these machines were staffed mainly by young females because at that time employers were prepared to pay very much less to them than they would pay to a printing tradesman.

The problem was that at that stage the health, safety and welfare provisions were not taken care of. Printing machines were put in pokey little offices, cameras were put in the corners of rooms with black curtains around them, and, with the use of the chemicals that have to be used in that sort of organisation, many operators suffered. Indeed, from time to time people were rushed to hospital because they had been overcome by the fumes from the chemicals. Health, safety, and welfare matters were not a consideration. It was not until such time as these people were covered by the appropriate industrial awards and union organisers were able to get in and service these areas that proper ventilation and proper health, safety and welfare provisions were implemented.

I know that in many instances employees, who are not represented by unions, are exploited as regards health, safety and welfare. Therefore, I hope that there is support for this proposition here and in another place. I am not allowed to say what that place is, but often there is so much wisdom coming from it that I have nicknamed it Solomonville. I hope that those clever people in another place will look at this proposition with unbiased eyes and will not accept their traditional role of trying to keep the unions out of the workplace. I hope that they will look at the problems involved in respect of health, safety and welfare and ensure that this proposition is accepted.

Mr HAMILTON: The member for Henley Beach has prompted me to become involved in this debate, because I agree with him about supporting this clause. I can remember last year in this place raising a number of questions with the Minister of Labour as a consequence of an employee of a firm—I point out that I have not mentioned 'constituent'—who came to my office and made allegations about the workplace where he was employed. He begged me not to mention his name. That employee made a series of allegations and I raised them in Parliament. From memory, he made some of the following allegations: non-payment of award provisions; safety conditions that were sadly lacking; the alleged employment of illegal migrants; and the books of the employees not being kept up to date. I raised those matters with the Minister along with other allegations that were mentioned by this person.

The Minister investigated these matters and very promptly came back to me and addressed a number of those issues. However, the point that I want to make is that I am aware that that employer approached not only my office but the offices of other members of this Parliament to try to find out who that employee was. On a number of occasions I refused to confirm or deny, even to my own colleagues, the name of that employee. The reason was patently obvious. In my view, that employer wanted to get to that particular employee. That is the sort of thing that happens out there in the work force, and I have seen it on many occasions.

The latest in relation to this incident was this employer ringing my office again and inviting me down to his premises to inspect them. The factory was not in my electorate. Why should I go there? It was not in my electorate; it was in the electorate of one of my colleagues. I asked the employer, 'Why do you want me to go down there; why don't you go to your local member?' He replied, 'There are rumours in my community. I would like you to come down and have a look.'

I may not be a Rhodes scholar, but I am not a fool either. I knew the thrust of that particular attempt by that employer. There was no way in the world that I was going to give out that employee's name. In my opinion that employer tried to get to this particular employee because he had the guts, in a non-union shop at that time, to raise issues relating to the safety not only of himself but of his workmates who were engaged in that factory. He advised me that just across the road from this establishment they were paying award conditions and they had a good health, safety and welfare record. To the Minister's credit, the inspectors went in and sorted out some of those problems very promptly. I have waited a fair time for a debate such as this to come up so that I could put that on the public record.

For the edification of members opposite, I agree with some of the comments made by the member for Adelaide last night, who said that all the fault is not on the side of the employer. I would have to agree with that in part, but equally I point out that some employers—not all of them, but unscrupulous employers—are prepared to take advantage of those employees who may not have the intestinal fortitude or courage to approach someone like me, to become involved in a union or to get a union involved in a particular establishment. I suggest that it is easy for employees in the railway industry, which has an organised union, or maybe the PKIU, or wherever there is an organised union with active union officials, but in some of the smaller establishments that is not always possible.

I commend that employee for what he has done. When I was referring to this this matter I noticed one of my

colleagues nodding his head in agreement. I want to place it on record because those are the sort of things that do happen out there; employees are victimised, unfortunately, by some employers.

The Hon. R.J. GREGORY: The member for Mitcham made a number of points about this clause. I would like to point out to him that it is in the existing Act; it has been there for three years, and we are not aware of anybody complaining about how this section of the Act works. I do not know what the fuss is about; it is beyond me. I know of two places that have excellent safety records in this State: one has been able to knotch up a million man-hours of work without time lost through accidents and another company has been able to knotch up 580 000 man-hours without time lost through accidents. Both companies have unions operating there. The unions take a full part in the operations of those companies and indeed, in most other companies where there are high standards of safety, unions participate fully in this area. In fact, it is the unions that assist employers in ensuring safe working conditions. This is to help people to form work groups and elect safety representatives. The member for Mitcham makes quite plain that he has travelled the world interviewing organisations about occupational health and safety, and I would have thought that in his travels in the more prosperous countries of Europe he would have found that the unions had large organisations and had large involvement in this area. The real test is that this section has been in the Act for three years and it has not caused problems, so what is the fuss?

Amendment negatived.

Mr S.J. BAKER: I move:

Page 5, lines 30 and 31—Leave out ', the employer or, if any employee is a member of a registered association, that registered association' and insert 'or the employer'.

This clause as it stands provides no capacity for intervention in the way that is prescribed. The Liberal Party opposes the provisions.

The Hon. R.J. GREGORY: The Government does not support that amendment, the principal reason being that it is very important that, if there are matters in dispute, the easiest, most convenient way of resolving those matters in dispute without industrial action is to use the skills and experience of the industrial commissioners of the South Australian Industial Commission. The Government and the people of South Australia pay a considerable sum of money each year for the operation of that commission and the excellent work it does, and to say that we do not need them is an insult. The commission is there as a safety valve; it means that matters can be referred to it before they get heated. I might add that when these matters were considered at the commission there was no opposition to them; there was an agreed approach as to how to handle and settle disputes.

This Bill does involve many matters relating to industry; is the member for Mitcham saying that we should abolish the Industrial Court and the Industrial Commission in this State because we do not need them to solve disputes? If he is saying that, let him say so, because that puts a different complexion on the Liberal Party's approach to industrial relations in this State, and we need to know that.

Amendment negatived; clause passed.

Clause 11—'Election of health and safety representatives.'

Mr S.J. BAKER: I move:

Page 6, lines 27 to 29—Leave out all words in these lines.

This clause deals with disputes arising in relation to the election of health and safety representatives under section 28. It provides that the registered association may refer the dispute to the Industrial Commission. This is against the spirit of the Act in the sense that the employees, not the union, elect the health and safety representatives. It is not appropriate that a registered association step in on behalf of any one person who may feel aggrieved by a decision made in relation to the election of health and safety representatives. I understand that all the employer organisations are opposed to this proposition. I do not know whether they were consulted when the Minister decided to include this measure in the legislation but, as an example, I will cite an Employers Federation submission as follows:

It is our view that few if any difficulties have arisen from the current provisions relating to the election of the health and safety representatives.

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

Mr S.J. BAKER: The employer bodies are not satisfied with new subsection (8) of section 28. The Employers Federation in its letter states:

It is our view that few if any difficulties have arisen from the current provisions relating to the election of the health and safety representatives. The current proposal which would allow a greater involvement from . . . competing registered organisations is inappropriate and as such will facilitate demarcation disputes. This concern arises due to the fact that there is an attitude that health and safety representatives should be elected according to their union membership affiliation and not according to their representation of genuine designated work groups. Accordingly, we are opposed to section 28 being amended as proposed in the Bill.

That is no secret to the Minister, who would also recognise that the Chamber of Commerce and Industry also vehemently opposes the proposal and it states:

The amendment to section 28 to allow a registered asssociation to make an application to the Industrial Commission if a dispute arises over the election of a safety representative is opposed by this organisation.

The Minister is well aware that the union movement is saying that employers could be involved in the rigging of elections of safety representatives. That has not occurred. There is no good reason for this clause. I will not go on *ad infinitum* about the provision. As I mentioned when we were debating the second reading, it is another agenda on behalf of the union movement, which wants to increase its power particularly over the health and safety areas in the workplace above and beyond what is provided today. That is inappropriate and we vehemently reject the proposition.

The Committee divided on the amendment:

Ayes (19)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker (teller), Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Ms Lenehan, Messrs McKee, Peterson, Quirke, Rann and Trainer.

Pair—Ayes—Messrs Chapman and Ingerson. Noes—Messrs Klunder and Mayes.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 12 passed.

Clause 13—'Term of office of a health and safety representative.'

Mr S.J. BAKER: I move:

Page 7, line 1—Leave out 'two-thirds' and insert 'one-half'.

Under normal democratic elections and democratic conduct of meetings, 50 per cent of the vote plus one would comprise a majority.

The Hon. T.H. Hemmings interjecting:

Mr S.J. BAKER: We have discussed that in relation to the Bannon Government's result at the last election, as the member for Napier points out, where the Government obtained 48 per cent and the Liberal Party obtained 52 per cent of the vote. That is not what we are discussing tonight. The Opposition is surprised by the Minister's suggesting that to change health and safety representatives there is a requirement for a two-thirds majority to prevail. New paragraph *(ca)* provides:

> [A safety representative] is removed from office by a resolution of at least two-thirds of the recognised members of the group on the ground that they consider that the person has ceased to be a suitable person to act as their representative.

That is interesting from several viewpoints; for instance, it says nothing about that group actually meeting, so in those circumstances it would be impossible to get 100 per cent attendance at that meeting and to require a two-thirds majority is also highly unusual. On these grounds it would seem that nobody could be democratically voted out of office. I oppose the clause in principle, but perhaps the Minister has some good reasons why it should be there.

The Hon. R.J. GREGORY: It is a recall provision and not related to annual elections. It is perfectly reasonable because if somebody is elected for a three-year term and halfway through that term there is some dissatisfaction because they may not agree with some aspects of safety, I can imagine a situation where the workers' safety representative would agree with the employer's safety representative and there could be some degree of dissatisfaction with that. If there is a push to remove that person from office, there needs to be a recall provision, and we are providing that. If there is total and universal dislike, this provision would certainly prevail. It is not an owner's business to get two-thirds of those involved in the work group because these work groups are not that large. As it is a recall provision, it is perfectly reasonable.

Mr S.J. BAKER: There is some understanding that we should not allow the representatives to be dictated to and manipulated. There is some sense in the way in which the Government is approaching this provision. It is unusual for a two-thirds majority because, on the other hand, if the representative is not doing his or her job, it also prevents that person from being dismissed or changed. Has the Minister examples where such a provision will stop unhealthy practices? Has he details with which he can provide the Committee so that I can better understand the provision?

I have not been informed of a problem in this area, although I admit that, if a health and safety representative did take some unpopular stances in order to achieve a safe workplace, certain people might place pressure on that person to resign. It would seem unusual, given that that person has the backing of the law, the Minister and, I presume, the employer, to be removed in that fashion. Is there anything more to it than simply something brought up at the time? Have there been case studies?

The Hon. R.J. GREGORY: I draw the Deputy Leader's attention to section 30 (4) of the Act which provides:

> An application for the disqualification of a health and safety representative may be made to the President of the Industrial Court for determination by a review committee by—
>
> *(a)* the employer;
>
> *(b)* a registered association of which any member of the designated work group that the health and safety representative represents is a member;

The new paragraph in the Bill adds the following provision:

> *(ca)* is removed from office by a resolution of at least two-thirds of the recognised members of the group on the ground that they consider that the person has ceased to be a suitable person to act as their representative.

We are saying that if they want to bypass the application to the Industrial Commission, where the matter can be addressed properly, they need a two-thirds majority. It is better than what was there before and provides safeguards. There are two other ways that it can be done: if an employer is disappointed or dissatisfied he can make an application and the commission will hear it. If the President of the commission is not satisfied with the performance of the delegate he will order a re-election. If he is not persuaded by the actions of the employer, he will not buy it. A registered association can also make application if it believes that the representative is not acting in the best interests of the workers. Alternatively, a two-thirds majority can make application. Whilst two-thirds might make the decision, the representative can still stand for office and might win. It is there as one of a number of tools that can be used.

Mr S.J. BAKER: I seek leave to withdraw my amendment, in those circumstances.

Leave granted; amendment withdrawn.

Mr S.J. BAKER: I move:

> Page 7, lines 7 and 8—Leave out 'two-thirds' and insert 'one-half'.

This is a matter of greater principle, as the Minister would appreciate. It goes back to the matter of what is democratic and what is undemocratic, and 50 per cent plus one is the democratic rule under which we operate. I ask the Committee to support the amendment.

The Hon. R.J. GREGORY: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 14—'Health and safety committees.'

Mr S.J. BAKER: Will the Minister explain the change to subsection (1) and the reason for section 31 of the Act being varied? I note the change in terms of the prescribed number of employees.

The Hon. R.J. GREGORY: My advice is that the change was to make drafting sense.

Clause passed.

Clause 15—'Functions of health and safety representatives.'

Mr S.J. BAKER: This clause deals with the function of health and safety representatives and amends section 32 of the Act. I refer in particular to paragraphs *(e)* and *(f)*. Will the Minister advise why he has struck out from paragraphs *(d)* and *(e)* of subsection (1) the words 'at the request of the employee'?

The Hon. R.J. GREGORY: It is to remove from the employee the onus of having to request that the representative be present. It is important that the representative be present when these interviews take place. We have a long way to go with occupational health and safety, and all those companies that the Deputy Leader referred to as having good occupational health and safety standards will have no problems with the representatives being there and in fact will probably insist upon them being there. That is the way to build up trust. By keeping these people away from such meetings we create distrust.

Mr S.J. BAKER: I appreciate what the Minister is saying, but this matter of principle was battered out in the original debate in 1986. The Minister would be aware that we inserted the words 'at the request of the employee' so that we would not have a situation of standover tactics and it would be debated on its merits.

The employee could talk to the health and safety representative without being encumbered in any way; the employee could go and talk to the safety committee, to management, without being encumbered in any fashion. If we accept the Minister's amendment, it makes it mandatory that the health and safety representative shall be present at

every discussion concerning that subject. That seems to me to be an unnecessary encumbrance and, indeed, I am not sure whether we are not using a sledgehammer to crack a nut. One would have thought that anyone who had a good suggestion, for example, to improve the workplace could talk about it to the manager or the employer without the safety representative being present. The same employee could approach any other person on the work site if he or she had a good idea or if perhaps there were some changes that needed to be made.

We debated this issue quite vigorously when the original legislation was before the House. As it now stands, the health and safety representative (who, we would all admit, has a very important position and plays quite a pivotal role in the health and safety of the organisation he or she is involved in) must, in a mandatory sense, be available for all interviews, suggestions and propositions put forward by an employee. We believed it was better for people to act naturally and to be able to ask the health and safety representative to accompany them to see the employer, manager or shift supervisor if there was a problem. That seemed to be a very sensible way of approaching that matter.

The Hon. R.J. GREGORY: I can well recall being present on an occasion before the Industrial Court when the previous member for Playford, the Honourable Terry McRae, was representing the union of which I was a member. He had three books in front of him and he and another barrister spent the entire morning arguing the meaning of a word. I would have thought that we would not have to go through that process here this evening. Discussions of a friendly nature cannot be construed as interviewing. In terms of this legislation, interviewing is usually that which takes place when the employer or the inspector wants to talk to people about their poor attitudes and behaviour.

I would have thought that, having the employee's occupational health and safety representative present, would serve to reinforce what the employer is saying. It is not at all an inhibiting factor when workers may want to talk to their supervisors about what they believe are deficiencies in safety in the workplace. As I have indicated, interviews usually take place when there is a need for what is euphemistically called 'counselling'—that is an interview. If somebody wanders into the foreman's or the supervisor's office and makes certain suggestions, that is not an interview and it is not described as such in this legislation.

Mr S.J. BAKER: I do not intend to delay the Committee. I simply make the point that, if that is the way in which the Minister wishes this amendment to be regarded, it is not achieving that end. Indeed, if the provision was included at the insistence of the employer or the inspector, or if it was at the request of the inspector that the employee be present, I could understand that there would perhaps be some reason for it, providing for balance and consultation between the parties.

However, if the employee says, 'Look, I'm not too happy about what's going on here, and I'm not too happy about my health and safety representative,' we have the ridiculous situation in which the health and safety representative is required to be present. I signify my opposition to the clause. It does not fulfil my requirements for good legislation, but that is as far as I will take it.

Clause passed.

Clause 16 passed.

Clause 17—'Responsibilities of employers.'

Mr S.J. BAKER: At this stage I note the substitution of 'shall' by 'must', and I meant to refer to that earlier. The clause amends section 34 of the principal Act by changing the phrase 'an employer shall' to 'an employer must'. There is no doubt about what is meant by the word 'must'. That probably places a different connotation on the legislation itself. However, I am not here to debate the particularities of terminology but to talk about paragraph *(e)*, which provides:

> Subject to a request of the employee to the contrary, permit a health and safety representative to be present at any interview concerning occupational health, safety or welfare between the employer (or a representative of the employer) and an employee who is a member of the work group that the health and safety representative represents.

I have already mentioned this matter. This amendment is consistent with previous changes to section 32 of the Act. I simply reiterate that the Employers Federation and the Chamber of Commerce and Industry signify their opposition. I did not need their backing to signify my opposition to the clause, as we have spoken about this matter previously. The Opposition has some concerns about the extent to which matters of importance can be debated if one or either party feels uncomfortable with the presence of the health and safety representative at a meeting.

It is a difficult area, and I do not believe that one simple formula provides the best solution. In many cases, what the Minister is trying to achieve will work. In many other situations, it will cause conflict. For those reasons, I formally suggest that, between now and the time when the matter is considered in another place, further consideration be given to that principle of representation. I believe that the way in which the Act is presently worded is far healthier and causes less conflict than will the proposal we have before us.

The Hon. R.J. GREGORY: I did not study law, but the Government employs an enormous number of lawyers, and I have been advised that the difference between 'shall' and 'must' is legal style. I suppose it depends upon which school you attended as to which word you use. However, as I said, I did not study law and I am not going to argue with the lawyers on this matter. The other matter raised by the Deputy Leader follows the previous amendment or, to put it another way, is just the other half of the whole.

Mr S.J. BAKER: I appreciate why the Minister has moved in this direction, but I will read out one or two of the submissions I have received. The first comes from the Chamber of Commerce and Industry, as follows:

> This section of the legislation has created a significant amount of confusion over the meaning of the word 'interview'. This was the aspect of the legislation which needed amendment, not whether or not a safety representative was or was not present. 'Interview' means, effectively, some form of disciplinary action in the context of the Act as the safety representative has rights in the areas of practices, procedures, policies, information, consultation with the work group, etc. It is therefore suggested that this section read as follows:
>
> > *(e)* Subject to a request of the employee to the contrary, permit a health and safety representative to be present at any disciplinary action concerning occupational health and safety or welfare between the employer (or a representative of the employer) and an employee who is a member of a work group that the health and safety representative represents.

The contribution from the Employers Federation states:

> We are concerned that proposed paragraph *(e)* of subsection (1) is ill-defined and will be difficult to apply.

The same theme runs through the contribution from the Employers Federation as runs through that of the Chamber of Commerce and Industry. The document continues:

> Reference to being subject to a request 'to the contrary' will require records to be kept as to whether or not an interview was conducted with the health and safety representative present and, if not, then did the employee specifically deny the inclusion of the health and safety representative. In our view, the reverse onus is unnecessary as there is no evidence of an unwillingness to involve health and safety representatives in legitimate situations.

We are also concerned that reference to 'interviews' concerning occupational health and safety is a very broad and ill-defined term and, given any reverse onus of proof, we believe that this term must be narrowly defined so as to target the relevant meetings to which a health and safety representative should be invited.

Despite those very precise contributions by both the Employers Federation and the Chamber of Commerce and Industry, the Minister has seen fit not to make any change. There still remains a question mark as to what an interview comprises, and I previously made the point to this Chamber about the range of things that can occur in an interview. The Minister tried to suggest that the range I specified was rather wide. However, the employers tend to suggest that, because of the indefinitive nature of the legislation as it stands and as it is being amended, further confusion will arise as to when it is proper and when it is not proper to have a health and safety representative present.

The Minister should have tidied up this area of the legislation, and I suggest that some effort should be made between now and the passage of this Bill to another place to do exactly that. This clause alters the requirements in respect of the employer providing time off for health and safety courses. It means that smaller employers will be required to provide time off, whereas previously section 34 recognised that smaller employers do not have the facility automatically to provide time off. This clause suggests a mandatory requirement for time off. Why was the change made?

The Hon. R.J. GREGORY: It is fairly simple. There is a belief, which is well founded and held out by evidence, that people who have been on training courses as health and safety representatives are better equipped to ensure that a workplace is safe and that the workers enjoy a safe, healthy environment.

I know that one of the arguments used is that small employers being required to allow employees to attend these courses can be disadvantaged because the employees might want to go at a time when the business is particularly busy. One can imagine, at this time of the year, retail establishments would be particularly busy or manufacturing establishments producing goods for the Christmas season being busy and not wanting people to go. An employer can determine the time, and that means that the employer decides what is the appropriate time for an employee to attend.

As has been said earlier, a considerable number of health and safety representatives have been trained by the Trade Union Training Authority, by the training unit of the United Trades and Labor Council and by some employer's training groups. Unfortunately, not enough employer representatives—that is, supervisors and, indeed, employers themselves—have been to these training courses. I hope that employers in this area who have workers or a worker going to a training course would consider going themselves. If the investment they make in this area saves one accident a year, the cost is more than recovered.

Clause passed.

Clause 18—'Default notices.'

Mr S.J. BAKER: I have one question about the change of terminology from 'issue' to 'addressed'. If a mistake is made in the address or in the name, who bears the responsibility and is it legal?

The Hon. R.J. GREGORY: If we look at the words and how this is done, we find that it could be issued to anyone. 'Addressed' means that it has to be addressed to the employer. This ensures that the notice gets to the people at the top who are actually responsible. Using their management systems, they ensure the notice gets to the right people for the breach to be corrected.

Mr S.J. BAKER: The way the Act is currently worded almost suggests that the notice has to get to the person to whom it is intended. The change in the wording suggests that all that is required is that it be the right address. With this terminology it is made more difficult, because my reading of the Act suggests that the person to whom it is intended actually has to get the notice, whereas this provision does not say that.

The Hon. R.J. GREGORY: I think the honourable member ought to take sabbatical leave and work in a factory for a while. Default notices are issued to the supervisors and to the people to whom those writing the default notices think they should be issued. The reality is that they have to be addressed to the employer or to the employer's representative. If that procedure is followed, the notice gets to the people at the top, as I said earlier, not to the supervisor or the foreman. If the notice is addressed to the employer, he or she knows the default notice has been issued and can take the appropriate action. This is to avoid the confusion that has occurred in some of the workplaces when default notices have been issued.

Clause passed.

Clauses 19 to 25 passed.

Clause 26—'Expiation of offences.'

Mr S.J. BAKER: Will the Minister supply a list of all areas in which expiation notices can be issued? We have no idea of what the Minister intends under this clause. In principle I am diametrically opposed to treating safety as an expiation issue. It becomes a revenue raising exercise, not a matter of safety. However, I would appreciate it if the Minister could supply a list of all matters that will be the subject of expiation notices rather than action in court. Court action has been the traditional method of penalising those employers who have not done the right thing. Such a list may assist my deliberations on this clause.

The Hon. R.J. GREGORY: It will be possible to provide a list at a later date. However, the intention is for the expiation notices to be issued where there have been administrative failings or failings in the provision of welfare. They will not be issued when there has been a breach of health and safety regulations. Such breaches will go along the normal prosecution path. The history of the Department of Labour in this area has been that prosecutions take place only when there have been serious accidents or deaths where it can be demonstrated that the employer did not behave in a manner as approved by the Act.

Mr S.J. BAKER: Again, I will not delay the Committee, but this is a very important area. I refer to the extent to which inspectors with an enormous amount of muscle can walk into premises and determine that there is a quick and easy solution to a problem; that is, to issue an expiation notice. I have no guarantees of what areas will be covered by these expiation notices. I do not believe the Committee should pass this clause, because it should never have been brought forward by the Minister without an attached schedule setting out exactly the areas that will be covered by expiation notices. That is intolerable. I will formally oppose the clause without calling for a division. However, I suggest to the Minister that, before the Bill wends its way to another place, we be provided with information. I doubt that my colleagues in another place will treat this as fairly as I have under the circumstances. However, at least we will have enough information upon which to make some judgment.

At the moment all we have is some general description of what will be included: there are no guarantees; no schedule; and nothing upon which this Committee can make up its mind. That amounts to arrogance on the part of the Government and I believe that it is important that the

Committee knows exactly what it is doing in this area. We have seen too much revenue raising and use of expiation notices to generate revenue rather than to achieve the original aim for which these matters were designed, that is, to improve safety, whether it be on the roads or elsewhere.

The Hon. R.J. GREGORY: I will raise my voice so that the member for Mitcham can hear what I said: expiation notices will be issued in relation to welfare matters and administration matters, and health and safety matters will be prosecuted through the normal industrial court processes. I also said that a list can be supplied; that will be done. The provision has been approved by the commission, and the list will be put in the regulations. If the honourable member so desires, when this becomes a regulation, he can move for its disallowance. It annoys me when people suggest that avoidable fines are revenue raising. Fancy suggesting in this place that, if someone committed many breaches, we ought to feel sorry for them if they get a few expiation notices.

If they were not committing those offences, nothing would happen. Let me recount some of the history of the Department of Labour. I can recall a well-known company in this State managed by a person whom I have known for a long period of time and who has held high office in employer organisations. I have a high regard for his ability as a manager of establishments in keeping together a company in difficult times. He has not earned himself the good will of everybody that he has come across. However, he has achieved his job very well.

One of our inspectors visited his establishment and made comments about safety conditions in respect of a transfer press of new manufacture that was not guarded. As a result of that discussion, and a little personal abuse, the department, on three afternoons, sent a task force of inspection and was able to compile a list of deficiencies in that place that filled three foolscap pages, and each deficiency covered two lines. That company was not prosecuted, although it could have been, but all those matters, some of which were very serious, were rectified over three months.

However, we do come across some employers who persistently break the rules. Are we to tolerate that all the time? Are we to say that it is revenue raising? I do not think it is. We are saying that people can no longer have a free ride on the system. Those matters will be addressed in the regulations. If the honourable member wants a list, we will give him one that is up to date. However, it will have to be approved by the commission. The commission has equal numbers of employer and employee representatives. In many instances the matters that have been raised tonight have been jointly agreed to by those members. It is only when they get off the association and some of the more rabid people get hold of these things in the association that they call into question some of the matters that people here with a genuine interest have raised.

Mr S.J. BAKER: I will raise my voice, too, if necessary. As I said at the beginning of discussion on this clause, we do not know. The Minister has said that it will all be fair and above board, approved by the commission and in a regulation that we can disallow. There is always a difficulty in disallowing regulations in this place. I prefer to make sure that the right does not appear in the Act if I believe that it will be abused.

It is important to understand that expiation notices are being used for revenue raising purposes. The Government is doing that with its speed cameras. It is getting an extra $10 million a year in revenue through its more efficient speed cameras. There are plenty of letters to the editor in which people have said, 'I wish the police would spend more time catching the criminals than being out flashing their cameras at us.' That seems to be a priority on which the community has a point of view.

One thing for which perhaps the Minister may wish to use an expiation notice is in relation to those who have not promulgated a health and safety policy. He might say, 'This is an administrative matter. This is a wonderful way of getting all those little firms that cannot afford it or have not had the time and will not be capable of providing a health and safety policy.' The inspector will turn up at the door and ask, 'Where is your health and safety policy?' and the poor embattled owner will say, 'I do not know anything about this.' The inspector will say that the Minister has said that he must have one; it merits an expiation fine; and, if he does not pass 'go', he must pay $100. That is not ridiculous, because I suspect that is probably what will happen. If the Minister is happy, I will also be content if that list is supplied and then another place can make up its mind on how healthy that provision is.

Clause passed.

Clause 27—'Offences by bodies corporate.'

Mr S.J. BAKER: This has excited the employer groups. There is general opposition to the proposal, as the Minister would understand. The Employers Federation states:

> We are opposed to two elements of this proposed section. Firstly, the new subsection (4) which deems all officers of a body corporate to be the responsible officer is inappropriate.

We have debated this matter previously. The federation goes on to say:

> This provision is capable of resulting in officers, whether or not they have the power to fulfil their responsibilities, being deemed to be responsible officers and consequences being applied accordingly. In our view, the current provision already provides for the deeming of an appropriate responsible officer and we see no reason to change this particular provision.

As I said, we have already debated this matter, and I do not see any reason to spend a great deal of time on it. The federation further states:

> Secondly, we are concerned that the section does not include responsible officers for Public Service organisations. In our view, Government departments should be treated in the same way as private sector employers, particularly given the exempt status under the Workers Rehabilitation and Compensation Act.

The Chamber of Commerce and Industry is equally upset about the provision. It states:

> This amendment is unnecessary and should be deleted as it covers a range of people who do not have the authority or control to make decisions on health and safety within the workplace. In an application of section 61 where no responsible officer has been named, the court can and will determine who that person is as the section makes it quite clear who the Act is referring to.

There is unanimity at least amongst employer groups that this is inappropriate. It is also inappropriate from the Opposition's point of view. We did not require any notes from employers in this regard. The existing provision is more than adequate. We oppose the clause.

The Hon. R.J. GREGORY: I should like to make some comments. It is important that in occupational health and safety matters the most senior people in an organisation should be designated as the responsible officers. It also means that they can delegate the responsibility down the line. In the past they have been designating as a responsible officer usually the very junior officer in the organisation and such a person has no political clout in the organisation. This is an attempt to ensure that occupational health and safety is treated seriously by bodies corporate. It also makes quite clear that, if they fail to appoint somebody, the board itself will be responsible. Therefore, one of the first things that they had better do, after appointing a general manager, is to make him or her the responsible officer. As part of their managerial duties they then ensure that the policies

on occupational health and safety and so on throughout the company are implemented because they have a real interest in them.

As I said earlier and have repeated *ad nauseum* in the debate, the safer the workplace is, the more productivity we have and the better off financially are the companies. I fail to understand the fear being expressed by employer organisations. All I can deduce from that is that they are trying to duck an issue in an important area which has financial rewards for a company if it is successful in reducing injury and which does more social good because fewer people are injured.

Mr S.J. BAKER: My only response to that is that the Minister obviously believes that, if one can use a machine gun, one is in a more powerful position. That is exactly what the clause does, whether it be a shotgun loaded with pellets or a machine gun to get as many targets as possible in cases where unsafe circumstances may arise. There are provisions in the Act and, as far as I am aware and have been informed, they are working. They are not used to duck and weave and escape responsibility. The Opposition opposes the clause.

Clause passed.

Clauses 28 and 29 passed.

New clause 29a—'Compulsory blood tests.'

Mr S.J. BAKER: I move:

Page 13, after line 8—Insert new clause as follows:

29a. The following section is inserted after section 64 of the principal Act:

64a. (1) Where—

(a) a person attends at, or is admitted into a hospital for the purpose of receiving treatment for an injury;

and

(b) it appears—

(i) that the injury is a work-related injury (caused during the course of employment);

and

(ii) that the injury has occurred within the preceding period of eight hours,

it is, subject to this section, the duty of a legally qualified medical practitioner by whom the patient is attended to take, as soon as practicable, a sample of that patient's blood (notwithstanding that the patient may be unconscious) in accordance with this section.

(2) A medical practitioner must not take a sample of blood under this section where, in his or her opinion, it would be injurious to the medical condition of the patient to do so.

(3) A medical practitioner is not obliged to take a sample of blood under this section where the patient objects to the taking of the sample of blood and persists in that objection after the medical practitioner has informed the patient that, unless the objection is made on genuine medical grounds, it may constitute an offence against this section.

(4) A medical practitioner is not obliged to take a sample of blood under this section where a sample of blood has been taken in accordance with this section by any other medical practitioner.

(5) A medical practitioner by whom a sample of blood is taken under this section must place it, in approximately equal proportions, in two separate containers, seal the containers and—

(a) must make available to an inspector—

(i) one of the containers marked with an identification number distinguishing the sample of blood from other samples of blood taken under this section;

and

(ii) a certificate signed by the medical practitioner containing the information required under subsection (8);

and

(b) must cause the other container to be delivered to, or retained on behalf of, the person from whom the sample of blood was taken.

(6) Each container must contain a sufficient quantity of blood to enable an accurate evaluation to be made on any concentration of alcohol present in the blood and the sample of blood taken by the medical practitioner must be such as to furnish two such quantities of blood.

(7) It is the duty of the medical practitioner by whom the sample of blood is taken to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of alcohol present in the blood of the person from whom the sample was taken.

(8) The certificate referred to in subsection (5) *(a)* must be signed by the medical practitioner by whom the sample of blood was taken and contain the following information:

(a) the identification number of the sample of blood marked on the container referred to in subsection (5) *(a)*;

(b) the name and address of the person from whom the sample of blood was taken;

(c) the name of the medical practitioner by whom the sample of blood was taken;

and

(d) the date, time and hospital at which the sample of blood was taken.

(9) After analysis of the sample of blood in a container made available to an inspector pursuant to subsection (5) *(a)*, the analyst who performed or supervised the analysis must sign a certificate containing the following information:

(a) the identification number of the sample of blood marked on the container;

(b) the name and professional qualifications of the analyst;

(c) the date on which the sample of blood was received in the laboratory in which the analysis was performed;

(d) the concentration of alcohol or other drug found to be present in the blood;

(e) any factors relating to the blood sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;

and

(f) any other information relating to the blood sample or analysis or both that the analyst thinks fit to include.

(10) On completion of an analysis of a sample of blood, the certificate of the medical practitioner by whom the sample of blood was taken and the certificate of the analyst who performed or supervised the analysis must be sent to the Minister or retained on behalf of the Minister and, in either event, copies of the certificates must be sent—

(a) to the Director of the Department of Labour;

(b) to the medical practitioner by whom the sample of blood was taken;

(c) to the person from whom the sample of blood was taken;

and

(d) the person's employer at the time of the occurrence of the injury.

(11) If the whereabouts of the person from whom the sample of blood is taken, or the identity or whereabouts of the employer is unknown, there is no obligation to send a copy of the certificate to the person or employer (as the case may be) but copies of the certificates must, upon application made within two years after completion of the analysis, be furnished to any person to whom they should, but for this subsection, have been sent.

(12) Subject to subsection (15), an apparently genuine document purporting to be a certificate, or copy of a certificate, of a medical practitioner or analyst under this section is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters stated in the certificate.

(13) Where certificates of a medical practitioner and analyst are received as evidence in proceedings before a court and contain the same identification number for the samples of blood to which they relate, the certificates will be presumed, in the absence of proof to the contrary, to relate to the same sample of blood.

(14) Where a certificate of an analyst is received as evidence in proceedings before a court, it will be presumed, in the absence of proof to the contrary, that the concentration of alcohol or other drug stated in the certficate as having been found to be present in the sample of blood to which the certificate relates was present in the sample when the sample was taken.

(15) A certificate referred to in subsection (12) cannot be received as evidence in proceedings for an offence against this Act—

(a) unless a copy of the certificate proposed to be put in evidence at the trial of a person for the offence has, not less than seven days before the commencement of the trial, been served on that person;

(b) if the person on whom a copy of the certificate has been served has, not less than two days before the commencment of the trial, served written notice on the complainant requiring the attendance at the trial of the person by whom the certificate was signed;

or

(c) if the court, in its discretion, requires the person by whom the certificate was signed to attend at the trial.

(16) Any person who, on being requested to submit to the taking of a sample of blood under this section, refuses or fails to comply with that request and who—

(a) fails to assign any reason based on genuine medical grounds for that refusal or failure;

(b) assigns a reason for that refusal or failure that is false or misleading;

or

(c) makes any other false or misleading statement in response to the request,

is guilty of an offence.

Penalty: Division 7 fine.

(17) A medical practitioner who fails, without reasonable excuse, to comply with a provision of, or to perform any duty arising under, this section is guilty of an offence.

Penalty: Division 7 fine.

(18) No proceedings can be commenced against a medical practitioner for an offence against subsection (17) unless those proceedings have been authorized by the Attorney-General.

(19) An apparently genuine document purporting to be signed by the Attorney-General and to authorize proceedings against a medical practitioner for an offence under subsection (17) must, in the absence of evidence to the contrary, be accepted by any court as proof that those proceedings have been authorized by the Attorney-General.

(20) No proceedings lie against a medical practitioner in respect of anything done in good faith and in compliance, or purported compliance, with the provisions of this section.

(21) In this section—

"hospital' means any institution at which medical care or attention is provided for injured persons, declared to be a hospital for the purposes of section 47i of the Road Traffic Act 1961.

Evidence was tendered during the second reading debate as to circumstances where employees were not in control of their actions and where injury was caused to themselves or to other people. There is no way under the existing legislation that compulsory tests are provided for in such circumstances. What the amendment suggests—and obviously, the Minister would need time to consider it—is that, if a serious injury occurs, the person, on hospitalisation, shall have an automatic blood test in the same way as a person involved in a road accident goes through the same procedures. It is appropriate; at no stage should we condone the abuse of alcohol or drugs within the workplace. As it stands at the moment, the Act does not provide a means of checking whether a person has diminished responsibility as a result of drug abuse, whether it of alcohol or of another kind.

The Hon. R.J. GREGORY: I have some difficulty understanding what all this means, but it seems that it is a result of the debate yesterday when one of the members in this place admitted that he had worked with people who were intoxicated; he thought that sometimes their judgment was fine and that at others it was not and, as a result of that, he thought that every worker who was injured and attended hospital should have to be blood tested to ascertain their blood alcohol content. Somebody facetiously suggested to me during the dinner break that, if we were to go to these lengths in every work establishment when somebody suffered serious injury through the negligence of an employer, we would send them to Glenside Hospital to have them psychiatrically tested. Those are the sort of lengths people are going to in putting forward this proposal. It is very much like punishing people after the event.

As I said in the second reading debate, anybody who is affected by alcohol or the mood altering drugs that are quite commonly prescribed by doctors, such as valium and serapax, have a medical problem; they, are ill and they are suffering from a form of addiction. All my experience and all the knowledge I have is that treating people, particularly those with alcohol addiction, in the workplace is not the way to do it; the best way is not to wait until they are injured. The thing to do is to apply subtle pressure to the person who has the problem. If it were done properly and in accordance with the practices that have been developed in the State in the past 10 to 15 years and the experience we have gained from overseas practice, 75 per cent of people who are affected by alcoholism would be if you like, 'turned around'; they would no longer have that problem. That is a very good cure, if you like, and it is a very effective way of doing it.

In my younger days when I worked in factories I worked with people who had an alcohol problem, and the saddest thing I ever saw was people I worked with slowly dying because they could not handle their consumption of alcohol. They do not have the control that some of us have in this place. They cannot control themselves and, what is more, in those factories where I worked, all we ever did was rescue them from some of the predicaments they got themselves into, lock them up in a room until it came time to go home and help them home. But all we did was slowly send them to their graves. If we had had a proper drug and alcohol addiction policy in those factories, those people may be old but they might still be alive today.

That is what we need to do, and if the Opposition were fair dinkum about treating people with drug and alcohol problems in the workplace, it would suggest getting to them before they cause serious injury to themselves or somebody else. Otherwise, we would be saying that we should wait until they have an accident and punish them then. There have been many instances where people are killed and seriously injured by people within the workplace or their own family members. We do not prosecute in those circumstances; they have suffered enough trauma as it is. What we need to do with this sort of approach is throw it out but, if the members opposite are fair dinkum about introducing proper drug and alcohol addiction policies to ensure that people with those addictions are properly treated and assisted with their problems, I will entertain that idea. Too many people in the industrial area of our country do not treat these problems seriously and they do not ensure that people are helped. I know it works; I have seen it work. I have seen the effect of valium and serapax, addiction and alcohol addiction, but this is not the way to fix it up.

Mr S.J. BAKER: I have just heard a five minute contribution from the Minister that suggests the most compelling reasons why we should introduce this measure. He has just told us exactly why we should do this; people go on day after day, week after week placing themselves and others at risk and nobody knows what is the problem. Some people have to guess. We have a mechanism to facilitate that identification. What actually happens after that is a matter for the employer and employee to work out between them. The amendment would assist no end in terms of workplace safety.

The Hon. R.J. GREGORY: I do not want to be too critical of the member for Mitcham, but I have indicated previously that I do not think he has great understanding of what happens in workplaces. If he had ever participated in or been involved in one of these programs, he would know that, before someone could get around to injuring themselves, they would be caught up in that program and helped, and they would not have to go to hospital to be blood tested. That is what I was saying. I will refer to one or two instances. I can recall being called in the office when it was in Halifax Street to attend a meeting in the car park of the Adelaide ship construction yards, I was asked to get there as soon as possible as all the workers were on strike. When I got there I inquired of the shop stewards what was the problem and was told that one of the young fitters had been sacked. I asked why he had been sacked and I was told that it was for poor timekeeping and, of course, the

shop stewards embellished with what they thought of the team managers of the shipyard and everything else. After they got rid of the rhetoric about how crook they were, I realised that this lad had not been coming to work as often as he could have and had been coming in late.

I saw the management and asked them to take him back, but they flatly refused and showed me a list of poor time attendances. I went to see the lad, but he would not tell me the problem, so I took him around the corner where nobody could see and hear us and had a pretty frank talk with him. He told me, in great distress, that his wife had just had a child and the child was not very well, and neither was his wife. It also transpired that he had migrated to South Australia from England. He had met the young lady in Port Adelaide and become friendly with her to such an extent that they wanted to get married but, when they went home to acquaint her father with the fact, he objected violently to her marrying a person from the United Kingdom and explained to her that she was not to see him anymore. However, being very young and impetuous they thought that if she became with child the father might soften his views. They were wrong. His views hardened and he forbade any of the female members of his or his wife's family ever to see the child again and they obeyed because he was a fairly violent sort of bloke. There was this young couple who had a sick child—a young girl who had nobody to go to see for advice and a young lad who had no family who could assist him.

I said to him, 'Look, son, don't worry about it, you'll be back to work in about two minutes flat.' I went in and saw the manager of the place who happened to be a high-ranking lay member of the Salvation Army. I asked the other co-manager to leave the place as I thought that it was a personal matter. I explained the problem to the Salvation Army person and he said, 'Get so and so in (his co-manager)' and he then said to him, 'They're all back at work, he's reinstated'. He did not explain to the co-manager why he reinstated him. When I saw that lad about three months later I asked him how things were going. He thanked me very much for what I had done because when he got home from work that night there were two middle-aged women in the house. For the first time since his wife had been home neither the child was crying nor his wife was distressed. For the first time she had had to look after the baby.

If there had been a proper intervention program to pick up all the difficulties people had, this lad would never have suffered from that problem, there would never have been a strike because they would not have dumped him for keeping poor time. As soon as these things started to happen outside his regular employment pattern, somebody would have been talking to him. People are properly trained to do that. I am not talking about the heavy handed approach of waiting until somebody is half dead, lying on a barouche in the Royal Adelaide Hospital, and having someone jab a needle in, drag out some blood and saying 'Ah ha, there's some alcohol here—we have to do something about this!' This is done before that happens. The Deputy Leader knows how this works. These programs work extremely well. It avoids a lot of suffering for families and workers, and that is why we are rejecting the amendment. I have often heard the honourable member talk about a using a sledgehammer to crack a nut. This new clause is the biggest steamroller in the world being used to crack a little almond.

New clause negatived.

Clause 30 and title passed.

PERSONAL EXPLANATION: DIVISION BELLS

The Hon. LYNN ARNOLD (Minister of Industry, Trade and Technology): I seek leave to make a personal explanation.

Leave granted.

The Hon. LYNN ARNOLD: Earlier in Committee a division was called on clause 7. I am not recorded as voting in that division. I advise the House that the reason I was not recorded was that I was not present in this Chamber because I had not heard the bells. I was attending a function on behalf of my colleague the Minister of Education for the Exchange Teachers League in the second floor conference room of this building with 40 or 50 people in attendance. The bells did not ring in that room. I did not hear them, nor did anyone else hear them in that conference room. I understand that it has since been confirmed by the caretaker and staff of the building that the bells are not functional in that room at this time. I therefore wish to indicate that my non-participation in that division was not a willing act on my part but one caused by my inability to hear the bells indicating that a division was taking place. It had been then, as it has always been, my intention to have a vote recorded had a divison been called.

The SPEAKER: The Minister advised me of this problem and, during the dinner break, I had the bells tested. I found a fault in the bell in the room where the Minister was at the time. If it is the wish of the House, the Chair has no objection to providing the opportunity which the Minister seeks.

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

That the Bill be recommitted.

Mr S.J. BAKER: On a point of order, Mr Speaker, I understand that the reason for the Minister moving for recommital is that the Government lost a very important amendment because of the lack of appearance in this House of the Minister of Industry, Trade and Technology. The Liberal Opposition occupies that room three days in every sitting week.

The Hon. Lynn Arnold: Are you saying I lied?

Mr S.J. BAKER: No. I am sorry: the Liberal Opposition occupies that room for three days every sitting week for the process of business. On each occasion before the House sits we are discussing questions before this House, and on each occasion we get up when the bells ring. They are not an extraordinarily loud ring but they do happen to ring; they have rung regularly, and in my memory they have not failed to ring. I find it quite unbelievable that the Minister says that they failed—

The SPEAKER: Order!

Mr S.J. BAKER: I can understand—

The SPEAKER: Order! The Chair is in control here. I have given an assurance that the bells were checked. I am telling the honourable member that there was a fault in the system and it has now been repaired by the parliamentary electrician. I accept that there was a problem with the Minister hearing the bells.

Mr S.J. BAKER: If the Minister had a large gathering in that room, I can understand why he would not hear the bells, because they are not very loud. Under the circumstances I can understand why he did not hear the bells: he was not in control of his own group.

The SPEAKER: The Chair has assured the honourable member that it was checked and there was a fault. If there is any reflection is it upon the Chair?

The Hon. JENNIFER CASHMORE: On a point of order, Mr Speaker, in checking the bells in the second floor con-

ference room, I seek information as to whether you also had the bells checked in the first floor Opposition Party room. I understand that one of my colleagues was in that place when a division was called after 7.30 p.m. That colleague was not in the House and I am told that that colleague did not hear the bells. It may well be that they failed in that room also. If they did, a check should be made and that other clause should be recommitted.

The SPEAKER: I will have it checked.

Dr ARMITAGE: On a point of order, Sir, I understand the excuses given, but it is a major issue for this House. Where will this end?

The SPEAKER: Order!

Dr ARMITAGE: There is the same—

The SPEAKER: Order! The honourable member will resume his seat. It will end in the hands of the Chair, regardless of who may be in the Chair at that time. There was a fault, it has been rectified and the decision of future occupants of the Chair is certainly not in my hands. However, while I am in the Chair I will make those decisions. The honourable member must also accept that this is a Minister almost making a statement under oath—he is making a statement under oath. If he misleads the Parliament, his career is on the line. The honourable member for Alexandra.

The Hon. TED CHAPMAN: I rise on a point of order, Sir. I have no doubt about the report that the Minister has given and absolutely no argument with the determination that you, Sir, have made. That is not my point. In raising a point of order now, I wish to reinforce the member for Coles in her remarks about the situation. I have just returned from the first floor of this building where I spoke with the member for Newland, who entered that room by arrangement with the House staff to have a dinner with 12 guests at 6.30 this evening. She was there until 8.30 this evening and, throughout that period, the bells did not ring in that room. During my time here that room has been soundproofed and not connected to the bells.

The SPEAKER: I accept the point of order. I will have that checked, although I am not sure how that can be done while the House is sitting. We might have to have a brief suspension in order to test the bells. The alternative is to let the honourable member know when we are going to vote.

The Hon. TED CHAPMAN: The member for Newland has been advised. My question is whether you will allow a rescission of the vote that the honourable member missed.

The SPEAKER: If there is a fault with the bells, the Chair will have no compunction in providing that opportunity.

The Hon. TED CHAPMAN: I assure you, Sir, that it is not connected.

The SPEAKER: So that there is no confusion, I put the question 'That the Minister's motion be agreed to'.

The House divided on the motion.

While the division was being held:

Mr S.J. BAKER: Mr Speaker, I seek leave to withdraw my call for the division, on the basis that it reflects on the Minister (although not on the principle), and it was not my intention to do so.

The SPEAKER: Leave is granted.

Motion carried.

Bill recommitted.

Clauses 1 to 6 passed.

The Hon. R.J. GREGORY: I move:

After clause 6, that clause 7 as printed in the Bill be reinserted.

Clause reinserted.

Mr S.J. BAKER: I require clarification, Sir. I do not know which clause we actually divided on at the time. The same problem occurred in respect of the Opposition. With respect to the principle which has already been agreed to, we struck the problem of an honourable member being absent from the Chamber.

The CHAIRMAN: The point is taken, and the matter will be checked.

Clauses 8 to 10 passed.

Clause 11—'Election of health and safety representatives.'

The CHAIRMAN: The Deputy Leader is at liberty to move the same amendment that he circulated previously. I must advise the Committee that the bells in the room referred to have been checked and were malfunctioning.

Mr S.J. BAKER: I move:

Page 6, lines 27 to 29—Leave out all words in these lines.

The Hon. R.J. GREGORY: The Government opposes the amendment.

A division on the amendment was called for.

While the division was being held:

Dr ARMITAGE: Mr Chairman, I suggest that, in the present circumstances, there is some suspicion about the bells ringing, wherever it may be in the building, which would immediately call into question any result in respect of this division. I would suggest that the sitting be suspended until the bells are checked.

The CHAIRMAN: The bells have been checked, and that is not a requirement that the Chair can rule on. Unless someone brings to my attention after the event the failure of the bells at some particular location, the Chair cannot act. There is nothing before the Chair to indicate the failure of any given item.

Members interjecting:

The CHAIRMAN: Order!

The Committee divided on the amendment:

Ayes (21)—Messrs Allison, Armitage, P.B. Arnold, S.J. Baker (teller), Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy and Gunn, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Noes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Ms Lenehan, Messrs McKee, Peterson, Quirk, Rann and Trainer.

Pairs—Ayes—Messrs D.S. Baker and Ingerson. Noes—Messrs Klunder and Mayes.

The CHAIRMAN: There are 21 Ayes and 21 Noes. I give my casting vote for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (12 to 30) and title passed.

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

That this Bill be now read a third time.

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition is dissatisfied with the Bill as it comes out of Committee.

The House divided on the third reading:

Ayes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Ms Lenehan, Messrs McKee, Quirke, Rann and Trainer.

Noes (21)—Messrs Allison, Armitage, P.B. Arnold, S.J. Baker (teller), Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy and

Gunn, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Pairs—Ayes—Messrs Klunder and Mayes. Noes—Messrs D.S. Baker and Ingerson.

The SPEAKER: There are 21 Ayes and 21 Noes. I cast my vote for the Ayes.

Third reading thus carried.

The SPEAKER: In the matter before the Chamber, I am satisfied that the bells were inaudible on the second occasion on which the honourable member missed the division today. However, that was definitely due to tampering with the bells. It may have been the case that the bells in the second floor conference room had also been tampered with. I advise the House that any tampering with the bells by any person in the future will be viewed most seriously by the Chair.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 November. Page 1601.)

Mr BRINDAL (Hayward): This is a most important Bill. The Senior Secondary Assessment Board of South Australia was established in 1983 and, in the years since its inception, it has performed a valuable function. However, in an effort to improve the quality of education in South Australia, the Minister and this Government have seen fit to introduce this Bill at this time to make changes that the Opposition largely supports as being in the best interests of South Australian education.

It is worth noting that, since Government funded education started on a large scale, there has been ongoing debate about what constitutes a good education. I suppose that the two aspects of that debate may be summarised as the pursuit of excellence versus a well rounded education. In the pursuit of excellence, academics especially would argue that it is best to pursue a limited range of subjects in depth and to have a deep and abiding knowledge of a few subjects, whereas those who would argue for a liberal education would say that it is much better to have an education which is generous in nature, which rounds the whole human being and which better prepares him or her for society than those same people would argue a specialist education does.

I believe that that is at the nub of this Bill. The Education Department and its various committees, after a long and detailed consultative process, have arrived at a formula which they embody in this Bill and which they believe will provide the correct nexus between a broad general education, suitable for those who do not wish to continue education after they leave secondary school, and one which will be advantageous both to the individual as a member of society and to the individual as a person to be employed within society, as well as one which at the same time might adequately prepare people to go on to tertiary institutions to pursue branches of knowledge to a much greater degree than academics would like to pursue excellence.

The Opposition in general supports this Bill, although we will seek to amend it. The opposition's major criticisms are specifically in relation to the composition of the board. The Opposition notes that the Minister seeks to reduce the board from 30 to 25 members, with higher education being the group most affected, as its representation will be reduced from nine to four. The Government justifies this change on the basis that it better reflects 'expectations and aspirations of the wider student population which will be undertaking SACE studies.'

The higher education institutions have largely countered that in representations they have made to the Opposition by saying that the reduction is, in fact, too severe and leaves them in an unbalanced position *vis a vis* the previous composition of the board. They argue that given that 60 per cent of those who undertake year 12 aspire at least, to tertiary education—although not all of them make it—if that figure is correct, they should have better representation on the board. The Opposition believes—and hopes that the Minister will accept—that its amendments will redress that situation and provide a better balance on the board. The membership of higher education authorities currently comprises 30 per cent of SSABSA's membership and the Bill, in its present form, recommends that this be reduced to only 16 per cent. The Opposition believes that that is draconian and will therefore seek to amend this Bill to have the higher education membership increased from four to six. We look for the Minister's concurrence in this matter.

It is interesting to note that the Bill reduces the membership of the board from 30 to 25, and we believe that is commendable. The Liberal spokesperson for education has, on many occasions—as have other speakers on this side of the House—berated the Minister for the number of committees that he seems to find necessary within education. We have constantly called on the Minister to reduce those committees both in number and in size. Given that this Bill represents steps by the Minister in the right direction towards a more streamlined and accountable structure within his department, we commend him. However, we note that in a climate of reduction, the UTLC and the Chamber of Commerce and Industry, which previously each nominated one member, have their membership increased from one to two. The Opposition finds that unacceptable and sees no reason why the United Trades and Labor Council and the Chamber of Commerce and Industry should not retain, on a smaller board, their current one member each. We will therefore move an amendment.

We have heard the Minister refer on many occasions to the importance of consultation and decisions being made as close as possible to the students and the practitioners of in the teaching profession within his department. Again, in a constructive effort to improve the Bill, the Opposition would seek to include an amendment that certain members of the committee should be practising teachers and not either trade union officials or members of the Education Department hierarchy. We believe that that would be an important adjunct to this Bill because it is practising teachers, teachers from the classroom, who, as the Minister knows, are often best qualified to deliberate on such matters. Indeed, the very structure of the new wage award, about which the Minister has had so much to say quite recently, is predicated on the assumption that the Minister in this State, and Ministers in other States, wish to provide a structure that keeps good and talented teachers in the classroom.

For those good and talented teachers to be kept in the classroom and not to become part of the promotion process, it is important that the system remain flexible enough to tap and to continue to tap, those talents in those forums in which they are needed. The SSABSA board could well be one of those forums. The Opposition wishes to question the Minister closely on the functions of the board. It is not that we are dissatisfied with them; however, we believe that the functions of the board, as listed, raise a great many questions and in Committee we will question the Minister on those aspects.

Before this Bill is finally passed, certainly before it is implemented for the children of South Australia, the Opposition wishes to assist the Minister in creating a board that

gives the year 11 and year 12 students the very best possible education. I know that the Minister concurs in those sentiments.

Therefore, we have some reservations and will again seek to question the Minister closely concerning the proposed timetable. Indeed, the Opposition has been contacted by a number of concerned educators who, whilst they do not oppose this legislation—I think it is true to say that most people in the education community see this legislation as being very good and very constructive—nevertheless are worried that the timetables currently proposed by the Minister and by the board are, in fact, too short and that it will not be possible to get the structure into place by April 1991. With those few remarks, support this Bill and will move the amendments on file.

The Hon. JENNIFER CASHMORE (Coles): I commend the member for Hayward on his grasp of this Bill and on his deep concern about the education of children in South Australia. I think that this Parliament is fortunate to have several members who have personal experience of the primary, secondary and tertiary education sectors at the teacher or lecturer level and who are able, consequently, to scrutinise Bills such as this with more than the usual informed interest.

The Bill to amend the existing Act is, as we have been told, designed to create a secondary school certificate that will have value for students who may not be proceeding to tertiary education who will embrace not only year 12 students but also year 11 students. I attended a meeting last Monday night at a school in my electorate. The principal of another high school was a guest speaker at that meeting and made the point that our society is geared to certificates and that employers and the rest of society require some proof of qualification. Therefore, our education system must be ready to respond to those demands and to provide that proof.

Clause 6, which identifies the functions of the board is the key clause in the Bill. It requires the board to approve syllabuses, to direct the preparation of syllabuses and to assess achievements in, or satisfactory completion of, subjects or other requirements for students at senior secondary education levels. Over recent weeks I have had consultations with principals about the preparation of the certificate and I have heard deep concern expressed at the bureaucratic procedures that are being demanded of schools in order to respond to the perceived needs of the certificate. I was informed by the principal of a Catholic secondary school that there is deep concern among his staff. His own concern is based substantially on the time, cost and diversion of staff resources into this procedure when such resources should be put into the teaching of children.

I hope that when the Minister responds he will be able to give the House some assurance that the bureaucratic demands of this certificate will not be such as to divert what are now becoming extremely precious resources in senior schools in terms of teaching time from the purpose to which they should be committed, that is, the education of young people. Clause 6 also contains a requirement for the board to provide to schools such information as they may reasonably request in relation to the board's policies and processes, including information on the criteria that will be applied by the board in granting approvals and recognition and also to publicise the prescribed certification requirements of senior secondary education.

I think it is fair to say that, no matter at what level people are teaching or students are learning, if the syllabus is clearly established, if the standards are clearly set and if the courses are clearly relevant, both teachers and students can settle down to the task with a sense of security and of purpose. It seems to me that that should be the principal goal of the board, but one must acknowledge that in its infancy there could well be teething problems. However, I hope that the concerns that have been expressed to me by teachers and by principals in the secondary school sector will be allayed by the way in which the board operates and that the Minister will ensure that minimum demands are placed upon teachers to fulfil what might be described as bureaucratic processes as distinct from proper teaching procedures.

The Hon. G.J. CRAFTER (Minister of Education): I thank those members who have spoken in this second reading debate for their indication of support for this measure, albeit with some minor amendments that have been foreshadowed. I want to place on the record my appreciation of the work of Mr Kevin Gilding and those who have assisted him in his inquiry over a number of years. That work has culminated in two reports which, in the main, have been accepted by the Government and which have now been put into effect, resulting in this legislation before the House this evening. The enormous consultation process that occurred in the preparation of that report and the many people throughout the South Australian community who so generously contributed to the work of the Gilding inquiry have given much to benefit the education system in this State and, indeed, to place it in a position where it can accept the very great challenges that our schools face as we move towards the twenty-first century.

I should also like to place on record my appreciation of the work that has been done during these past four years by Dr Vivian Eyers, who has recently retired as the Director of the Senior Secondary Assessment Board of South Australia. His contribution to education in this State, not only in his capacity as Director of SSABSA but in a number of other important posts that he has held during his career, has been valuable and much appreciated by me and by those who have preceded me as Minister of Education and who have worked closely with him. We wish him very well in his retirement, but I am sure that he will continue to serve the State and the education community in a number of other capacities in years to come.

I should like to welcome Dr Gary Willmott to the position of Director of SSABSA. He comes to this position at a very important time in the life and work of SSABSA and, indeed, at the beginning of a new era and a new challenge for education, particularly in the development of senior secondary education in our schools, in the conduct of our public examination system of assessment and in terms of the general question of accountability and outcomes in education.

This legislation embodies the tremendous cooperation that exists in South Australia between all the school sectors—the Education Department, the Independent Schools Board, the Catholic Schools Commission and its various components and, indeed, those few other schools which fall outside those three main sectors. It is something that gives me great pride in the education system in South Australia and stands the South Australian education system apart from that which exists in other States, because we most certainly enjoy a greater degree of cooperation and inter relationship between our school systems than is the case in any other State. I should like to add my thanks to the higher education communities in this State which have also played a very important and constructive role in the work of the Senior Secondary Assessment Board and continue to do so. I note the comments made by the member for Hayward

with respect to the representation of the three universities in this State. I have also foreshadowed an amendment with respect to that matter, having received representations from those tertiary institutions in the past 24 hours.

I should also like to place on the record my appreciation of the other groups which form our education community and which contribute in a very practical, real and effective way to the life of SSABSA. The parent organisations in this State also serve our schools in the broader community very well. They represent very committed parents in our school systems who give much of their time in a voluntary capacity to ensure that their children and all children in this State are well served by our education systems.

I thank the representatives of employers and the Chamber of Commerce and Industry who not only contribute effectively and generously to the work of SSABSA but give so much time to our schools in many and varied capacities. Their contribution cannot be underestimated. I am pleased that we can increase the number of employer representatives on the SSABSA board, and similarly the representatives of the United Trades and Labor Council and of the union movement whose very generous and committed involvement in the work of SSABSA and in many other aspects of education is very much appreciated. Together the tripartite arrangements which have developed in recent years between the unions, employers and the Education Department have represented a valuable coming together of skills, interests and expertise to ensure that our schools are in touch with the world of work, have relationships with industry and are aware of the rights of workers and the role of trade unions in our community.

The Year of School and Industry, which we declared in 1989, was very successful. It built on strong foundations that had been established in recent years to bring about a much closer relationship between the world of work and our schools—not simply secondary schools but all schools in the community. That is reflected in the involvement of those sectors in the work of the Senior Secondary Assessment Board.

We are entering a new era in the provision of public examinations and the development of senior secondary education in particular in this State. We are providing for a system that takes account of the increased retention rates that we enjoy in South Australia. We note that retention rates to year 12 have increased from around 32 per cent in 1982 (when this Government came to office) to 65 per cent estimated for 1990. We can take some pride in the doubling of retention rates over the past eight years. However, that should be tempered in the knowledge that we lag behind our major trading partners with respect to retention rates to the same age level in countries in Europe and in North America and Japan. We should not rest on our laurels but strive for increased retention rates and, indeed, a return to formal education of many people in our community who for one reason or another have had to cut short their formal education opportunities in the secondary years.

It gives me pleasure to say that SSABSA is now a highly regarded organisation in the education community in this State and one in which the community has expressed its confidence over the years since its establishment. That is in sharp contrast to some of the insecurity expressed about the conduct of public examinations in other jurisdictions in this country and, indeed, in other States. It is very important that we have a stable and effective organisation that performs the functions that SSABSA performs and, indeed, important that the community have full confidence in that structure.

I thank members of the Opposition for their sentiments expressed this evening along those lines. Clearly, it has been important in the work of the Gilding inquiry to devise a system that takes off some of the pressure placed on year 12 students. All members will be aware of the enormous pressures that have built up in recent years on year 12 students who are striving to achieve excellence in their studies, trying to achieve marks that will take them into the tertiary fields of their choice, into other training areas or into the working world. The configuration has been recommended by Mr Gilding and now finds its way into this legislation. It provides for articulation of years 11 and 12, which I believe will go a long way to helping students achieve a more balanced work load and will enhance approach and attitude towards senior secondary studies in our schools. It has been of concern to us to see some deleterious effects on students who in the past simply have been asked to do too much at perhaps too young an age in their senior secondary years. The age profile of our students is now changing.

I also point out that the new provisions will enable SSABSA to articulate with TAFE in a way that it has not been able to do in the past with respect to cross-crediting of subjects and to allow for a multiplicity of pathways into higher education, training opportunities and employment. It is important that that flexibility and variety of choices be achieved for people working through these senior secondary years. It will ultimately result in a change in the nature of many of our secondary schools as we move towards re-entry—schools, senior secondary colleges and institutions that provide for those young people who want to embrace some work or training opportunities and formal studies.

The revised tertiary entrance requirements enhance also opportunities for young people in our schools. I very much appreciate the discussions that have gone on with our tertiary institutions to ensure that the most appropriate tertiary entrance requirements are established. They still have to be finalised, but those discussions are continuing, are very encouraging and express a real degree of cooperation between SSABSA, its constituent groups and the tertiary sector.

I also appreciate the interest of the tertiary sector in the development and provision of senior secondary education. A great deal can be achieved by the involvement of tertiary educators in the life of our schools and by enhancing that relationship which perhaps has been a little too distant in the past. That is now changing quite rapidly. The provisions of SACE are relevant, appropriate and suitably rigorous; indeed, they provide for an exciting new development in education in South Australia. We have been able to learn and benefit from the studies, reports and inquiries that have gone on in other jurisdictions in Australia and overseas in recent years. We can steal from them those elements, that experience and wisdom from other places that is appropriate for us in South Australia.

The requirements in SACE that provide for compulsory literacy assessment are timely and needed for the appropriate passage of a young person from secondary education into other studies, training or career options. That is something upon which the community has commented from time to time. It has been tackled in a practical way. It is not an easy requirement to bring about, but one that has been set aside in the past and certainly has now been brought into much sharper focus in SACE requirements. All students will be required to study English in stage 1 of SACE requirements, which entails one year of study. Similarly a requirement exists upon all students who embrace the SACE requirements that mathematics be studied in stage 1 for the equivalent of one half year. A requirement also exists for

stage 2 students to undertake a subject designated as 'language rich'; similarly, an area of study that has a criterion of being quantitative and experimental in its nature, so that students have in stage 2 some experience in areas such as mathematics and science.

The Australian studies requirement provided for in stage 1 of SACE is an important area of study, albeit for only one semester. It has also been the subject of considerable discussion in our community, particularly in this State during the sesquicentenary celebrations and bicentennial celebrations across the country, with much reflection upon our education system and the need for students to have an understanding of our society and the way in which it organises itself and relates to our sense of identity as Australians.

Also, it is very valuable now that the South Australian Certificate of Education can be completed over an extended time. This helps part-time students to participate in study in a way that they previously could not, and also allows the work of our re-entry schools, which are proving to be popular indeed, to proceed. It will allow for a greater degree of equity and greater provision for participation for people who want to come back after having been out of school for extended times for family, economic, or some other reasons.

In conclusion, it is perhaps only in the years since the Second World War that secondary education has been universally available in this State but, really, it has been only in the latter part of the 1980s that the majority of students in this State have availed themselves of that universality of secondary education and have retained their interest in secondary studies through to year 12—the completion of the formal secondary stage of education in our State. Perhaps, that is a sad reflection on the importance that our community has placed on education and it may also reflect the economy of this State and indeed of this nation where it has not been necessary to emphasise the need for formal education in order to find employment and to be successful financially and otherwise in Australian society. That is changing very rapidly; there is most certainly now an appreciation within our community of the need for young people to obtain a very high standard of education and most certainly it is now seen in our community as universally desirable to complete at least 12 years of education as a minimum requirement for movement into employment.

Of course, many students still are not progressing to year 12 and it is of concern to us that some of those students are certainly capable of completing 12 years of formal education but, for one reason or another, they do not have that opportunity. I believe that the new South Australian Certificate of Education, which this legislation establishes, will go a long way to facilitate more students in this movement towards our community's greater appreciation of the need for young people to remain at school for the senior secondary years. Our society remains still under-educated. There are many people in our community who, I believe, want to turn back the clock a little and to go back to formal study in one form or another and who believe that that is essential if they are to develop their talents and abilities fully and to assess the career paths they want to follow.

We are in a period in the history of this country where there will be several points of entry into formal education. It will not simply be a matter of children progressing through the years of education but adults will come back into formal secondary education. Some young people will break their education patterns for one reason or another—perhaps for only brief periods—but they will then take up their studies again, and we need to provide a flexible, modern and responsive education system and a public examination system that will cater for all those groups of people during this period in our history where that will be a predominant feature of entry into the senior secondary years.

It is also important to provide for a public examination and assessment system that has the confidence, not only of students and their parents, but also of the broader community, particularly employers and trade unions, who have expressed a great concern in recent years over issues relating to education and training and, of course, our tertiary institutions and training authorities. I believe this measure will continue to build on that confidence that I have expressed earlier in the work of SSABSA. This measure before us tonight very much embraces those ideals to which I have referred and I commend it to members of the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr BRINDAL: I feel this is an appropriate time to question the Minister on the matter I have raised in my second reading speech relating to the timetable for the implementation of the South Australian Certificate of Education. I therefore ask the Minister whether it is still his intention that this become operative in April 1991; whether this is a realistic timetable; and, if it is not, whether the Minister will reconsider and, perhaps, defer the implementation of such an important measure for a further 12 months. In doing so, I would like to quote a letter which was received by the Opposition from the South Australian Institute of Teachers and which states:

> The institute's State Council resolved that 'SAIT request that in the interests of social justice and equity for all, the Government postpone all decisions regarding the South Australian Certificate of Education until all participants can be fully involved and that it not be implemented until 1993'.
>
> We communicated this decision to the Minister in late September, with an offer to discuss teacher concerns with him.

The latter also states:

> There is genuine concern that to proceed with the 1992 time line would result in the implementation of inadequately tested curricula.

Will the Minister comment on the timetable for implementation?

The Hon. G.J. CRAFTER: The timetable is not April 1991; it is in fact at the commencement of the 1992 school year for students in year 11 and in 1993 for students in year 12, that is, those year 11 students who will continue into year 12 in 1993. So the first South Australian Certificates of Education will be issued at the beginning of the year 1994. This matter has of course been the subject of considerable discussion between the SSABSA board and the director of SSABSA and the respective education systems in this State now for some time and it has been very carefully monitored. This is a substantial task. The Government has provided very substantial funding for the implementation of SACE as well, in the past two budgets. This work has been going on now for some time and, indeed, the work of the Gilding committee commenced five years ago, so one can hardly be accused of rushing this issue. I think that the best advice the Government can take is from the SSABSA board and from the education systems, and all I can say is that the best advice I have is that it is believed that the timetable that has been provided can be maintained and met.

When the honourable member referred to correspondence from the South Australian Institute of Teachers, he did not refer to the fact that the institute has threatened industrial action with respect to the implementation of the South Australian Certificate of Education. That would be a negative and destructive approach to what is a great fillip for our education system and for its standing in the community.

That would not bring great credit to the union or to those who participate in that way and it would cause harm to students, their families and our whole community. It would also affect the work of the many people in the education community, not only teachers but also other people who have done a great deal to see us provide SACE in the form that we all want and who want to ensure that we have a rigorous and the best system that we can establish in this State.

As to the timetable with respect to the extended field frameworks, the broad field frameworks and the various policies that need to be approved, there is a strict time line that is underway at present, and it will continue through the early part of next year. That timetable is on schedule. Extensive training programs are being undertaken by the respective education systems and by SSABSA, and a series of seminars is currently underway throughout South Australia. It is believed that they will help overcome some of the fears that individual teachers or schools may have with respect to their own ability to embrace the required changes.

None of us under-estimate the substantial task ahead. All I can add is that the Government is taking the best advice it can from those working in the field and, to simply delay the measure because of concerns expressed by some sections of the education community, may well also have detrimental effects. They have to be balanced out in the process. Delay for delay's sake may not necessarily be a good thing either. This is a matter that will be kept under close attention and it will be monitored by the SSABSA board.

Mr BRINDAL: I acknowledge the Minister's reply and apologise to him for referring to April 1991: I misread my notes and I acknowledge that the program is due to commence in 1992. Also, I point out to the Minister that, in the correspondence that my colleague has had with the South Australian Institute of Teachers, no reference was made to industrial disputation over this matter. I hope the Minister will accept our assurance that we did not, and still do not, know of that, apart from the Minister's statement that that matter is on the institute's agenda. As the Minister said, the Opposition, like the Minister, wishes to see a rigorous and the best possible system implemented for senior secondary students in South Australia. That was the gist of the question as I first asked it.

I concur with the Minister that delay for delay's sake might not be good. However, I have been privileged to see some of the extended subject frameworks (the Minister might have to correct some of my terminology, because the subject is new to me), which I believe are called exemplary teaching practice, or the like. They are excellent documents. Our only concern, which I believe is a legitimate concern of the Opposition and of the Minister, is that nothing should be rushed, that it is better to delay for a year, not for the sake of delay but for the sake of bringing in this important change to South Australian education in a coherent way that provides for the best possible development of materials within a realistic framework.

I point out to the Minister, as he has pointed out to the Committee, that this has been a protracted process, a process which, unfortunately, has been somewhat impeded by time scales that have been extended. Consultation is never an easy process, as the Minister will be aware, but we would hate to see, merely for the sake of getting something implemented by 1992, this fine project and the great work that has been undertaken by so many people diminished in any way. I emphasise my question in its original form: will the Minister assure the Committee that he will delay the implementation of this Bill if he is not satisfied that the extended subject frameworks and all other relevant material have not been developed to the necessary standard? Will he then delay for as long as is necessary so that this new certificate can come into our schools with the best possible preparation for our students?

The Hon. G.J. CRAFTER (Minister of Education): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. G.J. CRAFTER: I note the concern of the Opposition in this matter. As I said earlier, I will most certainly continue to monitor this matter, as will SSABSA and certainly all the interested groups in the education community. I can assure the honourable member that, if there is clear evidence that the development of this initiative cannot be achieved in the timeframe, we would have to consider amending that time schedule or altering components of it in such a way as to make adequate provision for education in the form that is required by the community.

This is not a matter that can be left simply to flow unattended, and it is an important issue. Standards have to be maintained and information must be in the possession of students, their teachers and their schools generally in the broader community. These are fundamentally important issues. I can give an assurance to the Committee that I will continue to monitor these matters carefully.

Mr BRINDAL: I thank the Minister for his assurance.

Clause passed.

Clause 3—'Interpretation.'

Mr BRINDAL: I seek some clarification in respect of the definition, as follows:

'senior secondary education' means year 11 level and year 12 level of secondary education:

I seek the Minister's clarification as to whether this means that there is some academic prerequisite for somebody embarking on year 11 or year 12. I believe that normally in education parlance and in education legislation a student who has reached his eleventh year of education is in year 11 and a student who has reached his twelfth year of education is in year 12. Therefore, I seek some information from the Minister as to why the word 'level' appears after 'year 11' and 'year 12'. Is it some sort of academic level or standard that must be attained and, therefore, will there be some entry requirement before a student can embark on the new SACE courses?

The Hon. G.J. CRAFTER: I think the simple explanation of this is one of common usage in the language. It is not necessary that the person be in their eleventh or twelfth year of study. As I explained earlier in the debate, people may come back to study who have been out of school and may not have completed their secondary years of education and may not have completed that number of years. If so, to put this in a more appropriate form of terminology, the year 11 level or the year 12 level is seen as more understandable and appropriate terminology for use in the community. There is certainly not a prerequisite number of years that need to be accommodated prior to eligibility for embarking on the SACE requirements.

Clause passed.

Clause 4—'Membership of board'.

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

Page 1, line 27—Leave out 'twenty-four' and insert 'twenty-six'.

The amendment seeks to increase the number of persons who will form the Senior Secondary Assesssment Board of South Australia from 24 to 26. As I indicated earlier in the

debate, the Government has received representations from tertiary institutions in recent times which indicate that the universities require additional representation on the SSABSA board. I can advise the Committee that this was the subject of considerable discussion and consultation during the deliberations of the Gilding inquiry. Since then, and during the drafting of this legislation, it has been seen as appropriate that the overall representation of the tertiary institutions was reduced and that other representation was slightly increased. But the overall size of the board, which is a very large board indeed, was reduced. I think most members would see merit in reducing the overall size of the board, but the question of the proportion of representation and fairness in that reduction is difficult to balance.

Undoubtedly, the tertiary institutions have a vital role to play in the work of SSABSA. As I acknowledged earlier, that has been a very valuable and constructive role which has extended beyond the work of SSABSA with a greater interest in the tertiary sector in our schools. That is something I welcome and, for those reasons, I believe it is appropriate that the composition of the board be increased from 24 to 26 members. That will provide for two members representing each of the three universities in South Australia.

The Government previously proposed that there be one representative from each of the universities and a fourth person nominated by the organisation that combines the activities of our tertiary institutions (SAGE), but it is believed that the interests of the universities can be better expressed and represented by there being simply two representatives of the University of Adelaide, of the Flinders University of South Australia and of the University of South Australia. For those reasons I commend this amendment to members.

Mr BRINDAL: The Opposition opposes this amendment, although we accept much of what the Minister says. As I said in my second reading speech, we commend the Minister on his reducing the size of the board from 30 to 24. We think that is a very good move. We also concur in what the Minister seeks to do, that is, to add two persons from each of the universities. In that respect, the Opposition and the Government are in accord.

However, we believe that the Government's original intention to have a board of 24 was a good one, and I have amendments on file seeking to retain a board of 24 by changing the representation from the United Trades and Labor Council and the Chamber of Commerce and Industry in each case from two to one. That would allow for two representatives from each university and at the same time would keep the board level at 24.

As I said before, we commend the Minister on the reduction. It is a reduction of 20 per cent, if my maths are correct, and that is excellent. Although we agree with the Minister that two from each university is a good idea, as an Opposition we would rather see that the Minister kept to 24 and trimmed the board elsewhere rather than creeping up to the original 30. The Opposition, therefore, opposes the amendment.

Amendment carried.

Mr BRINDAL: I move:

Page 1, line 29—Insert 'and at least one of those four a practising teacher' after 'Education'.

I believe that I canvassed the reason for this amendment during my second reading speech. Practising teachers can and should make a valuable contribution to the work of the SSABSA board. As I said earlier, the new pay structure that the Minister has recently seen implemented in his department endeavours to ensure that some of our finest teachers will remain practising teachers at the classroom level and will not therefore, have experience either as administrators within schools or administrators in the wider Education Department.

To keep that expertise on such valuable instrumentalities as the SSABSA board, we believe that the legislation should provide that some of these people be practising teachers. The Director-General is entitled to nominate four persons, one of whom we believe should be a practising teacher. That represents only 25 per cent of the total number, and I therefore commend the amendment to the Committee.

Mr S.J. BAKER: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. G.J. CRAFTER: The Government opposes this measure, as it places an unnecessary restriction on the nominations of the Director-General of Education. Prudent administration and decision-making will see the practising teacher or classroom teacher, if that is the Opposition's definition of that term, well and truly represented on SSABSA. That has been the case in the past and I believe will continue to be so.

The definition proposed here is an imprecise one and would not be very helpful, anyway. What is a practising teacher? Is it a teacher who has practised in the past or intends to practise in the future; someone who has a certificate of registration as a teacher; a teacher who has practised for many years but is now in administration; and so on? That is an imprecise definition and does not really help to achieve the aim of the Opposition.

It is important that maximum flexibility be available to those who are nominating people to serve on the board, so that overall balance can be achieved—a gender balance and a balance of persons in various dimensions of our education systems in the State, people who can bring varying expertise and experiences to the work of the board. To provide for it in this way may, in fact, even be counterproductive and may see built into practice a limitation to only one of four of those nominations being a teacher who is practising, and I use the word in the broadest sense of my understanding of its definition. Whilst the sentiments expressed are laudable, the way in which the Opposition is going about this is quite inappropriate.

Mr BRINDAL: I should have thought that someone as educated as the Minister would understand the meaning of the word 'practising'. The meaning is quite clear in the dictionary and in normal English usage. I think that even a lawyer would understand the meaning of the word. It is someone who is actually engaged in the pursuit of his or her profession.

If the Minister were to ask Parliamentary Counsel, they would accept that. Therefore, I do not think that the word 'practising' should in any way be in question. The Minister further said that any constraint would unnecessarily fetter the Director-General of Education, but I would say to the Minister that many in South Australia believe that fetters on the current Director-General may not be misplaced. Therefore, I again ask the Government to accept the amendment.

The Hon. JENNIFER CASHMORE: I support the amendment and the arguments of the member for Hayward. The word 'practising' is a critical word to be included in this clause. Without it, the risk is run that a teacher who has a teacher's certificate but who may not have been in a classroom for years—in other words, a professional bureaucrat not in touch with the classroom, the school, the students or the real issues that should concern the board—could be appointed to the board. That would be a pity when there are so many hundreds of teachers in South Australia who

are desperately concerned that the issues that are relevant to them be well understood by authoritative bodies such as this board.

If that is not the case, the very existence of the board and its purpose and value is diminished. It may be only marginally diminished, but it is diminished in a practical sense, and an opportunity which should be given to the board to have input from teachers who have a direct relationship with the classroom would be lost. The Opposition does not want to see that risk run and therefore urges the Committee to support the amendment.

The Hon. G.J. CRAFTER: I do not wish to prolong the debate on this matter but, for the benefit of members, I explain to the Committee that I hold a practising certificate as a lawyer but I do not practise.

The Hon. Jennifer Cashmore interjecting:

The Hon. G.J. CRAFTER: I am not sure whether the legal profession would want to see me appointed to the Legal Practitioner's Board as a practising solicitor to represent them. In fact, the Supreme Court would prohibit me from practising because I do not have the necessary insurance, but they are very keen that members maintain their practising certificates. The definition of what is a practising teacher may not be quite as simple as members believe. For example, there are many principals who teach one or two lessons a week, and that is a good thing. Are they practising teachers?

The Hon. Jennifer Cashmore interjecting:

The Hon. G.J. CRAFTER: There are not too many people these days who sit in Flinders Street. The honourable member may be interested to know that, of the 17 floors, only four floors of that building are occupied by people administering the Education Department. The reality is that the point made by the Opposition cannot be overlooked. It would not be a prudent Director-General of Education who overlooked that issue. Of course, the board does need to have on it people who are predominantly spending time in the classroom, and that will be taken into account. However, it does not require an amendment of this type to ensure that that occurs.

Amendment negatived.

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

Page 2, lines 1 and 2—Leave out subparagraph (iii) and insert subparagraphs as follows:

(iii) two must be persons nominated by the Council of The University of Adelaide;

(iiia) two must be persons nominated by the Council of The Flinders University of South Australia;

(iiib) two must be persons nominated by the Council of The University of South Australia;

This amendment, which is consequential on the previous amendment that the Committee has passed, provides specifically for two persons to be nominated by the councils of the University of Adelaide, the Flinders University of South Australia and the new University of South Australia. I do not need to reiterate the intentions of the Government in bringing forward this amendment at this time.

Mr BRINDAL: The Opposition commends the Minister on this amendment. It concurs word for word with the amendment proposed by the Opposition, so we support it with much pleasure.

Amendment carried.

Mr BRINDAL: I move:

Page 2, line 10—Insert 'and at least one of those two a practising teacher' after 'Teachers'.

Again the issue at point is much the same as that which was canvassed in the amendment before last. The Opposition believes that, of the two persons nominated by the South Australian Institute of Teachers, at least one must be a practising teacher. This amendment is moved for exactly the same reason as we proposed that one of the nominees of the Director-General should be a practising teacher. However, in this case, we believe that it is perhaps even more important. As the Director-General is in charge of educational administrators, it is true to say that the Institute of Teachers is in charge of a union and a group of union officials.

In this case, the board is not well served if both nominees of the Institute of Teachers are in fact union officials and, as the Minister quite rightly pointed out, may not for many years have practised their profession of teaching. Whilst the Opposition is not insensitive to the arguments put by the Minister as to the discretionary powers of the Director-General and his ability to be able to choose the best people for the job, as the Minister knows, and as he has told us in this place today, it is very difficult for him to tell the Institute of Teachers what to do in any matter at all.

The Opposition believes that it would be most prudent to include in this Bill a provision that at least one of the two nominees of the Institute of Teachers should be a practising teacher. That will ensure that, if they want a union official on it, that will occur. There should also be one of what is termed 'grass roots' membership: one of the shop stewards, one of the people from the floor, one of those who is not in the ivory tower on Greenhill Road but who is actually in there with the chalk and dust and everything else actually teaching kids. That would be to the benefit both of the institute and its nominees and the board. Therefore, I commend this amendment to the Committee.

The Hon. G.J. CRAFTER: For the same reasons as I have expressed earlier, the Government opposes this amendment. It is inappropriate to place this restriction on the teachers' union. It is not a restriction that the Opposition seeks to place on the association of non-Government Education Employees, the union covering those teachers in the non-government school sector. It is interesting to note that the Institute of Teachers' nominations to the board currently are a classroom teacher and, I think, an acting principal. I do not believe that the honourable member's concern is real. I should point out that there is also a proposal before the board of SSABSA to create a teachers' liaison group to advise the board generally. That may be another way of overcoming some of the more general fears expressed by the Opposition about the involvement of classroom teachers in the work of SSABSA.

Whilst that can be provided for in direct membership, it can also be provided for in other forums that can also relate to the board of SSABSA. That teachers liaison group will be one way that the board will be considering to enhance the advice it gets from teachers, not simply from teachers who are on the board but also from those who can represent city and country interests, the independent school sector, the Catholic school sector and the Education Department sector as well. There is a variety of ways of ensuring that SSABSA receives this information and advice and has that participation and involvement by classroom teachers who, of course, are so vital to the success of its work.

Mr BRINDAL: It is one thing for a board to get advice; it is another thing for a board to act. A board can receive as much advice as it likes but, as the Minister well knows, it is the composition of the board which gives it a dynamic and which determines its considerations. Therefore, it is one thing to get advice from practising teachers: it is quite a different thing to have them on the board.

I am a little nonplussed by the Minister's response. Both yesterday and today the Minister has had some very strong and very stern words to say about this same Institute of Teachers, which he now appears to trust almost completely.

I am nonplussed by that. I do not believe that the amendment the Opposition is moving in any way fetters the Institute of Teachers. The Minister points out that already on the board there is a principal and a practising teacher. This amendment seeks to enshrine the provision that one of those people be a practising teacher. It does not preclude in any way the nomination of any other person. Indeed, two practising teachers could be nominated. I believe that the amendment is worth supporting. I note with dismay that the Minister can say one thing to this House during Question Time today, in front of the media and the television cameras, and then come in here tonight and adopt an entirely different attitude with respect to the same organisation. I commend the amendment to the Committee.

The Hon. G.J. CRAFTER: I certainly will not be restricted in speaking out about irresponsible behaviour on the part of unions, but that is a different thing from prescribing in legislation matters of this nature. The honourable member does not seek to prescribe that nominations of the Chamber of Commerce and Industry, come from a certain sector of industry, commerce or employment, or involve certain experience criteria, and I think that this is a most undesirable precedent, despite the honourable member's concerns about the merits of that organisation. The union should not be judged by its leadership—

Mr Lewis: But you are going to trust that same leadership.

The Hon. G.J. CRAFTER: —because there are votes of its membership for these positions, there are ballots for the nominations to the SSABSA board.

The Hon. Jennifer Cashmore interjecting:

The Hon. G.J. CRAFTER: No, a great majority of teachers are members of that union and are fine, upstanding people who provide a very valuable service to education and to the community at large. To cast aspersions on them and to generalise in that way is unfair to the broad membership of the union, which has had fine traditions of service to education in this State. Nevertheless, I feel unrestrained to criticise them when I feel that that is appropriate. I understand that you, Mr Chairman, have expressed concerns about this measure and, indeed, support the Opposition's amendment in this regard. I note your reservations about this matter.

Mr LEWIS: I find that incredible. It is not really Donald: it is Daffy. The Minister stands here and says that, whereas there are prospectively four places that could be occupied by people who are competent and practising in the process of instruction, development, conferring, stimulating and developing the acquisition of skills in students—people called teachers—none of them, not one of the four, might end up being people who actually work in the classroom with current, relevant, day-to-day experience of that process. The Minister is happy to accept that, even though the current board membership does include someone from that background, he does not necessarily want to insist that that should be so in the future. In fact, he is prepared not only to take a chance on it but to argue that the converse is a legitimate state of affairs, in spite of what the Opposition has put to the Parliament. I do not think that is sensible.

As I said, it is Daffy: it is not Donald. In fact, it is not donkey: it is mule— stubborn and stupid. Why is there not at least one place reserved for someone who is actually working in the business of teaching the adolescents of today at the senior secondary level and who understands the pressures on them and the way they respond to that in the classroom—the way that it happens? That person should be there to tell the rest of the board members in their deliberations exactly what it is all about. Why does the Minister want to be seen by the community to be a mule?

The Hon. G.J. CRAFTER: If the member for Murray-Mallee wants to participate in the debate he should, first of all, get his facts right. We are talking about two persons, not four. We are talking about—

Mr Lewis interjecting:

The Hon. G.J. CRAFTER: We are talking about the clause before us and the representatives of the South Australian Institute of Teachers. My point is that, if the Opposition wants to fetter the ability of that organisation as to whom it should nominate to the board, it should be consistent and relate those amendments to all the other organisations that make similar nominations to the board. The Opposition chooses not to do that for others, but it does it for this particular organisation. I think that that is inappropriate. The board has, as we have been told in this debate tonight, provided a very valuable and effective service to the community in the past and its membership has included practising teachers, teachers who have had considerable classroom experience, and I have no doubt that it will have that representation in the future, and rightly so. Further, I added that to prescribe representation in that way might, in fact, be counter-productive, because it might restrict the number of those persons eventually appointed to this board.

Amendment carried.

Mr BRINDAL: I move:

Page 2, line 21—Leave out 'two must be persons' and insert 'one must be a person'.

The Opposition believes that the appropriate number of members on this board is 24. This amendment will achieve that. Therefore, we seek to make this change to the Bill. We cannot see why in a board which the Minister has carefully diminished from 30 to 24 members and, consequential on amendments this evening, increased back to 26 members, two protected areas should have their membership increased basically by 100 per cent. One is the United Trades and Labor Council and the other is the Chamber of Commerce and Industry. Let the Minister not say that we are beating the unions as a movement, because we are equally concerned that the Chamber of Commerce and Industry has had its membership doubled. The Opposition believes that in a diminished board one person from the UTLC is more than adequate representation. I therefore commend the amendment to the Committee.

The Hon. G.J. CRAFTER: I believe that the Opposition is making a grave error in reducing the representation of the Chamber of Commerce and Industry and of the United Trades and Labor Council in the way that is proposed. As I mentioned in my second reading speech, I believe that we have made considerable progress in recent years, particularly following the year designated as the Year of School and Industry, in increasing the interest and involvement of industry in the life not simply of our secondary schools but of all schools. That is very important for the relevance of education, the general support of our education system and the well-being of our community. The relationship between young people and the world of work is very important, and the relationship between teachers and persons working in industry and between the leadership of our schools and our education system and of industry is also very important.

There has been trenchant criticism by industry and by employers generally in the past of the relevance of education, of the isolation of educators in our schools system and of the isolation and nature of the teaching profession from the world of work. Perhaps not all of the criticism was valid, but I think that what has been achieved in recent times has shown that there is a willingness on the part of our school system, employers and, of course, the unions to

become more prepared to move into a closer working relationship.

The tripartite group that visited Europe during the Year of School and Industry brought back new ideas, approaches and enthusiasm for this aspect of education. The Advisory Committee on the Year of School and Industry continues its work, and the many practical programs that have developed in individual schools and across the education system to enhance this element should not be detracted from in this way. The demanding role that Chamber of Commerce and Industry and United Trades and Labor Council representatives have played on SSABSA in the past has been very valuable. Therefore, it is appropriate that there should be two nominees from each of those organisations so that this enhanced role can be accommodated without placing too great a burden on those nominees. For all those reasons, I oppose the amendment which seeks to reduce the membership of these organisations on SSABSA.

Mr BRINDAL: In view of the Minister's answer and the fact that, as previously discussed, we have seen fit to change the number on the board from 24 to 26 members, and as these amendments were consequential on the number being 24, I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

Clause as amended passed.

Clause 5—'Procedures, etc., of board.'

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

Page 2, line 29—Leave out 'Fifteen' and insert 'Sixteen'.

This is a consequential amendment to enable the quorum of the board to be increased from 15 to 16 persons.

Mr BRINDAL: Why, having drafted the Bill with 15 members, is the Minister increasing the number to 16? Having looked at the principal Act, I can see no problem with it.

The Hon. G.J. CRAFTER: Having increased the composition of the board in an earlier amendment from 24 to 26 members, this amendment will provide for that same balance with respect to the quorum.

Amendment carried; clause as amended passed.

Clause 6—'Functions of board'.

The Hon. E.R. GOLDSWORTHY: I see that this clause delineates the functions of the board. Is the Minister a reader of the *Adelaide Review*? If so, did he read the November issue in which there is an article by somebody who calls himself Giacomo Lasch? I do not know where he is from, I think that Brendan Lasch writes on education fairly prolifically and most of his stuff is close to the bone, in my judgment. Whether Giacomo is the same fellow or not, I do not know. The first thing I ask is whether the Minister has read that article and, if so, whether he gives any credence to the fears that Mr Lasch has about the way in which syllabuses are to be constructed, basically by schools approved by the board, or whether he thinks that this article is fanciful and far fetched. I must say that some of the changes which have taken place in education since I have been in this place have not been for the benefit of students. Is the Minister aware of that article and does it cause him any concern?

The Hon. G.J. CRAFTER: I have read the article, I very much enjoy reading the *Adelaide Review*. However, it does not help the Committee for me to make a literary comment on articles which may appear from time to time in the *Adelaide Review* on this or any other topical issue. I can say that what is taught in our schools in the preparation of curriculum has and probably always will be a matter of controversy, dispute or varying opinions. That article expresses one view, and I think that it should be regarded as such, I think that one would be better assessing the forces that SSABSA marshals to make the decisions that it does with respect to the approval of syllabuses. The people who serve this State through SSABSA, as I have said earlier, deserve particular commendation by us, because they have served this State very well.

There has been broad acceptance by the community of the work that they have done. They have brought together a very large number of people who have helped to prepare the material, particularly in this current process where the board is considering an enormous amount of new material in the establishment of SACE. There will be criticisms of that process and of the content with which SSABSA is dealing with respect to the establishment of new syllabuses, but I can only be guided by the views that I hear across the education community and in the broader community and, indeed, the views of the general public in the acceptance of the performance of SSABSA in years gone by.

The Hon. E.R. GOLDSWORTHY: I guess that the Minister is prepared to take a step or leap in faith in this new structure, but I was particularly concerned about what was said with regard to the teaching of the English language and the way that these syllabuses are to be constructed. I recounted to the House during the debate on the university Bill my experiences as a secondary school teacher in the late 60s, before I came into this place, when the new mathematics was all the go and the new English programs—

Mr S.G. Evans: And open space.

The Hon. E.R. GOLDSWORTHY: Yes, open space was all the go and, if it was new and innovative, it was good. As I recounted to the House, I was attempting to teach matriculation physics to the top classes in the fourth biggest high school in the State. Having taught the physics on one occasion and got down to the last line which was basically a mathematical computation with three factors in the numerator and three in the denominator—which I sat down and worked out by the contracted methods I had been taught at school many years before and got an answer—after 20 minutes (and they were highly intelligent students in the top class) I could not get three answers to agree. When the maths consultant turned up at the school—the person who was coordinating the introduction of the new maths to the Education Department—I suggested to him that there was something wanting in this new course if able students could not do basic computations, to which he waved his arms airily and said, 'What does it matter? They are getting ideas.'

It seems to me that there has been a fair emphasis in the development of syllabuses on getting ideas so that students know a little about a lot and not much about anything. If they cannot handle their mother tongue fluently or do basic computations, they are crippled in their education, in my judgment, for the rest of their days, and that leads to the necessity for remedial English classes, and the like, at university. So, I say to the Minister that I found this article fairly disturbing in the way the syllabus is to be constructed in these various subjects.

In the light of my experience (I will admit, a good many years ago now) I find these trends disturbing. I have followed the education debate in the *Weekend Australian*, particularly where teachers write gloatingly of the fact that their children understand the greenhouse effect and the ozone layer and all the rest of it, when the scientists themselves have not come to any realistic conclusions about them. From time to time we are inundated with letters from disturbed youngsters in primary school classes whose teachers have frightened them about the atom bomb. I used to get a heap of letters about the bomb; now teachers frighten children not about the bomb but about the greenhouse effect

or some other trendy topic about which no firm conclusions have been reached scientifically. Nonetheless, they are politically topical and teachers constructing their own programs jump on the band wagon. I find all this highly disturbing.

There is not much we can do about it, of course; the Bill will pass into law, but I would just urge on the powers that be that there be a fair bit of concentration on the content of these courses. I remember the great Jones manifesto, 'Freedom and Authority', for which we hung medals around Alby's neck in the 1970s and we had money pouring out of Canberra faster than we could spend it. I for one do not think we turned the youngsters out of the school system any better equipped at all, if as well equipped, to handle the sort of problems they would face in their further education. So, I simply urge caution and say that I found the article fairly disturbing and I hope my fears are groundless.

The Hon. G.J. CRAFTER: I believe that the honourable member's fears are groundless. He is right; it is a long time since he was teaching in a school and I acknowledge that he has been interested, as I know his whole family is interested, in education and that he has a very proud record in education service in this State. So, I hope the honourable member's reading is a little wider than the odd article in the *Adelaide Review*, as interesting as they are, particularly on a matter as important as this. While reasoned comment on what is occurring in the field of education is fairly hard to find in the popular press, there are certainly plenty of people in the community with whom the honourable member could talk and who could give a broader view of what is occurring in this area.

This legislation should not pass simply because of the numbers being on one side of the House or the other; this legislation deserves the support of every member of both Houses, because it is dealing with an issue that is fundamental to the well-being of our community. The compulsory element of the study of English has been reintroduced in this legislation and in the SACE requirements that will come about as a result of this legislation. There is a literacy assessment that has not existed previously; there is the requirement of students to study a language-rich subject in year 12 studies; and there is a literacy requirement across all subjects that has not existed previously.

All these are recommendations coming out of the Gilding inquiry. Indeed, I think the honourable member may misunderstand this legislation, because it now provides for the authority of SSABSA over years 11 and 12; the South Australian Certificate of Education embraces years 11 and 12. It brings an umbrella over those years where that has not occurred in the past, and I believe that provides a much better assessment of student performance—of the outcomes of our schools—than has been the case in the past. It provides a better articulated senior secondary education system and, of course, all the work going into the enhanced curriculum offering to the syllabuses that will be available to our schools must improve our education system.

The honourable member would be pleased to know that there are over 800 people serving on SSABSA curriculum committees and they bring a wealth of knowledge from schools to other sectors of our education system, and from the broader community to the development of the work of SSABSA and its impact on our schools. I therefore believe we have in this State a very valuable and effective structure. Yes, it will be open to criticism, and rightly so, from time to time, and we should always be receptive to criticism, but it should be weighed up alongside other criteria and other comment as well and should not be seen in isolation, as I fear the honourable member may see it if he reads that article alone.

Mr BRINDAL: I think the Minister does not quite bring accuracy into this debate. While we commend much of what he has said, as I have indicated previously, to say that this Bill puts an umbrella over years 11 and 12 as if it were something new is not quite accurate. The Minister attended schools as I did at a time when the Public Examinations Board provided an umbrella over the years Intermediate to Leaving Honours, so we are returning to that system rather than embodying a new concept. However, my question is in relation to proposed new section 15 (1) *(a)* and, in particular, the words (within brackets) 'which may consist of a detailed structure or a more general outline'. My colleagues and I here and in another place have little worry about a syllabus that may have a more detailed structure, but we are worried about what may be embodied in a syllabus which contains only a general outline.

I question how one can access or examine something that has only a general outline in the beginning and we therefore would seek the Minister's explanation of that part of new section 15 (1) *(a)* in parentheses. While we realise that the extended subject frameworks are quite detailed and are to be applauded and that a more general outline may be applicable to some other part of the structure of this Bill, I believe it could be interpreted to mean that a syllabus of a general outline might be approved by the board, and I therefore seek the Minister's clarification.

The Hon. G.J. CRAFTER: The honourable member should be aware of the structure that SSABSA is establishing and all of the work that is going on with respect to the extended subject frameworks. They provide a more general structured program for the needs of students at Year 11 in our schools, but they provide, and rightly so, for teacher input into those curriculum materials. I must add that there are established and approved guidelines within which teachers can provide that input.

It is vital that there be teacher input into those materials, and that is the essence of the quality of education that is provided. The essence of being a good teacher is not simply being able to transfer what is provided in a curriculum to students; it is the life that a teacher can breathe into that and all the elements of the teacher's knowledge and skill as a teacher that ignites a student's interest in the subject being taught. It develops in them the thirst for knowledge and an excitement about the subject that they are studying. So, those guidelines and that structure is established in the work of SSABSA and, of course, that is monitored.

Mr BRINDAL: I return to my previous question. I have some extended subject frameworks and I can see that the teacher has a great deal of input. I can see that those extended subject frameworks are couched in such a way as to give the teacher parameters within which to work and to allow the teacher to use teaching expertise to develop those themes and parameters.

That being the case, I still wonder why, if we are going to have extended subject frameworks with this flexibility allowed for teachers within the extended subject frameworks, the board might then approve 'a more general outline'. I believe that the extended subject frameworks are themselves a compromise between a highly detailed structure and a more general outline, and I cannot see why the words 'a more general outline' are there. I believe that at some later date it could be wrongly interpreted and could give rise to a certain sloppiness in what might be asked for approval by the board, although whether or not it would approve it remains to be seen.

The Hon. G.J. CRAFTER: I do not think that the fears that the honourable member expresses are real. The broad field frameworks have to be taken into account and approved

as well, but it is important that teachers can contribute to the development of curriculum and to their own programs to meet the needs of children in particular circumstances in their schools. It is true that SSABSA does provide illustrative programs to guide teachers where that is appropriate and required, but I think that that degree of flexibility is important and is a strength of the structure that SSABSA is creating.

Mr BRINDAL: As to new section 15 (1) *(a)*, I notice that the board has the function of approving syllabuses submitted to it by 'a school, institution or other authority'. Certainly, I can understand a syllabus being submitted to the board by a school, but will the Minister indicate to the Committee which institution or other authority might present a syllabus to the board? It is a concern of the Opposition as to which other institution or authority might put a syllabus before the board which would then be approved and which may well be studied in our schools. Will the Minister clarify what he means by 'institution or other authority'?

The Hon. G.J. CRAFTER: The principal provision here is for the Department of TAFE, which may provide for courses which can be cross-accredited.

The Hon. E.R. GOLDSWORTHY: Will the Minister comment on the differences that will arise in terms of what is taught in our high schools? In seeking this flexibility and the ability of schools to develop their own syllabuses, the Minister would have to concede that this will lead to diversity and differences in what is taught at our various secondary schools. The Minister would have to concede that some of our secondary schools enjoy a high reputation, while others are less well thought of. This sort of flexibility will lead to an acceleration of that sort of regard by the public. If I am wrong, I would like the Minister to tell me not only that I am wrong, but also why I am wrong.

The Hon. G.J. CRAFTER: The point the honourable member overlooked in his earlier contribution and again now is that Year 11 comes under the umbrella. It is true, as the member for Hayward said, that years ago there was provision for the Intermediate Certificate and before that the PC and the QC. We are now embracing those senior secondary years in a most constructive way, but it does bring down greater controls than previously existed. In fact, there are no curriculum boundaries with respect to Year 11 in existence at present across all of the education sectors. It was a sector decision and, in some cases, a school by school decision.

As the honourable member would know, in States like Victoria curriculum is a school-based matter. We have never had that situation in the Education Department in this State. We have had a strong curriculum commitment in our schools, and a very effective one. In fact, our curriculum materials have been used right across Australia because of that commitment to the development of curriculum and curriculum materials, and indeed our professional development commitment to teachers has been strong in this State as well.

We are now enhancing that in this way and formalising it to an extent that it has not been formalised before. It is quite the converse of the concerns expressed by the honourable member that there is a *laissez-faire* attitude in this area. That is certainly not the case and, indeed, we have close articulation at Year 11 and Year 12 and now a purposeful and clearly directed curriculum with respect to Year 11 that has not been in place in that formal sense in the past.

Mrs KOTZ: Can the Minister explain the nature of the literacy studies undertaken as part of SACE? Specifically, are they literacy or communications based and, if both, what is the balance envisaged between each type?

The Hon. G.J. CRAFTER: For the first time across Year 11, coming out of the Gilding inquiry, there is a requirement that there be a literacy audit of a student's work in Year 11. It embraces a study of the written work of students in four subjects in year 11. So, for the first time there is an assessment of students' literacy across the curricula rather than in the past its simply being emphasised and built around the study of English. Although English was not a compulsory subject in the past, there is now a compulsory requirement with respect to English in year 11 studies.

The Hon. H. ALLISON: Will the Minister advise the Committee more precisely of the nature of 'science studies' under the new legislation? It seems to be a very broad ambit. What type of science will it comprise? Will it be maths or chemistry specifically, or a general type of science which is far less specific and far more general, and therefore accommodate the more average student rather than the more academic and specifically science-oriented student? It is possible for science to be a fairly dilute course as opposed to the more specific science-oriented courses which traditionally one associates with the physics and chemistry courses studied at matriculation level.

The Hon. G.J. CRAFTER: This is a most important matter, and I think perhaps it is a matter that has been undervalued in our education system in the past. There are many throwaway lines, but it has often been pointed out to me that there are eight times more science graduates in Japan per capita than there are in Australia. It has also been pointed out to me that there are eight times more law graduates in Australia per capita than there are in Japan. That may say something about our respective nations' values and aspirations. I think that the work of the Gilding inquiry has been particularly valuable in this area, and the concerns that have been expressed in the tertiary sector have flowed through to the work of SABSSA and to the education system.

I very much appreciate the collaboration we now have with the science faculties, particularly in the creation of professional development programs. Our maths and science focus schools I think are the basis of a very successful turning around of attitudes of children in the primary years towards maths and science. The way in which those students receive an understanding and indeed an enjoyment of learning in those subjects will, I think, stand us in good stead in the future. The participation of girls in maths and science is now much greater than it was in the past as a result of some of these specific concerns being addressed.

With respect to SACE, there is now an articulation between the compulsory requirement for three units in the year 11 curriculum of science, mathematics and technology, and two units in year 12 that are of a maths and science nature, or determined as quantitative and experimental in nature. That carries across those general maths and science-based units that are available in the year 12 curriculum. So, here the Gilding inquiry recommendations have been translated into the SACE requirements, and I believe they will serve our students and our schools very well and will build the basis to meet some of the unmet need that there is in Australian society at the moment with respect to these very important areas of endeavour which I believe have been undervalued in the past.

The Hon. E.R. GOLDSWORTHY: What is the basic concept and thrust of the Australian studies unit? What time will be given to it in years 11 and 12?

The Hon. G.J. CRAFTER: In year 11 students will be required to take Australian studies for one semester, which

is the equivalent of one subject for half a year. As I said earlier, there was a great deal of discussion, particularly arising out of the bicentennial year and also our own sesquicentenary year, about the need for a requirement in our education system for students to have an understanding of the nation in which they live, the structures that exist in our nation and the development of a pride or a sense of belonging to this nation. Indeed, many people in our community believe that, formerly, that has been overlooked in our education system.

A great deal of work is going on in respect of the development of a curriculum in this area. It is true that in many schools this is embraced in part of the studies, but perhaps in others it is not. It is seen as something that should be a fundamental part of our education system. It is certainly a feature of education in many other nations. I think we often look with some sense of regret at the fact that our students perhaps do not have the same sense of pride of nation and understanding of the history and structures that provide for the governance and components of our nation to the extent students do in schools in, for example, the United States, Canada and many European countries.

Indeed, if we are, in this isolated country and in this isolated State in this vast country, to have some sense of belonging to a global village and having commitments to it, I think the first component of that is to understand our own nation, to have some commitment to it and understanding of it and where we fit into that nation. So, it is something that is I think fundamental to mature citizenship and to a sense of nationhood.

The Hon. H. ALLISON: Paragraph *(e)* is unusual in that it provides that the board will:

> recognise, if it thinks fit and to such an extent as it thinks fit, the qualifications or experience . . .

Can the Minister give examples of 'experience'? A couple I am thinking of, which may not be relevant, are engineering skills where someone may be particularly proficient at assembling and dismantling mechanical pieces such as an engine; or inate and precocious abilities at art which have not been derived from any tuition in the classroom but which are part of a person's specific makeup. Will the Minister expand on that and say whether I am on the right track or whether there is another alternative?

The Hon. G.J. CRAFTER: The honourable member is correct in the sense that this is to provide specifically for those people—the re-entry students in particular—who have left their formal education, have had a wide range of very valuable experiences in the workplace, perhaps in other training opportunities and the like and may or may not have formal accreditation. It will give them credits of up to 12 units for the year 11 component, so that they can then participate in SACE and be given credit for what has occurred in their out-of-school opportunities in previous times.

I think that is an important element in encouraging and providing for equity of opportunity, and indeed building on that experience. In fact, I went to university as a mature age student, and I think was helped very much by the experiences that I had in the workplace and other learning opportunities outside of my school years, whereas students who had simply attended school and then gone on to tertiary studies perhaps did not have some of the advantages of those who had the opportunity to work and receive training and other educational opportunities which often are not seen as formal in that sense.

The Hon. JENNIFER CASHMORE: I should be grateful for an explanation of the relationship between clause 6 and the role of the board in determining curriculum and the relevant section of the Education Act which gives the Director-General power and responsibility to determine curriculum. Will the Minister explain to the Committee how these two functions are reconciled and what the relationship is between the Minister and the board in the reconciliation of the functions?

The Hon. G.J. CRAFTER: The SSABSA legislation refers to certification requirements at years 11 and 12. It is then the responsibility of the Director-General to provide for the specific curriculum requirements. That is the legal explanation, but in reality there is a very close working relationship between the Education Department and its curriculum development and the work of SSABSA.

That has been a feature of the cooperation that has existed in this State. The best components and resources available to the education community are marshalled in this way with respect to years 11 and 12. With respect to the other years, of course, they are the responsibility solely of the Director-General of Education and of the other education systems to their own structures.

The Hon. JENNIFER CASHMORE: As I understood the Minister's explanation as it applied to years 11 and 12, the board sets the certification and then the Director-General approves the curriculum. I think that anyone would describe that as putting the cart before the horse. If it is the Director-General's overall responsibility to set the curriculum, it appears that he does so in response to the board's certification. Is my interpretation correct? If it is, it would appear that the certification overrides the Director-General's responsiblity for setting the curriculum.

The Hon. G.J. CRAFTER: It must be understood that the Senior Secondary Assessment Board certifies for all sectors of education, one of which is the Education Department.

The Hon. JENNIFER CASHMORE: I do not think that that response, which is relevant, actually answers the question. It leaves unanswered my statement that the certification in effect determines the curriculum which the Director-General then approves, whereas under the Education Act the Director-General is responsible for determining the curriculum.

The Hon. G.J. CRAFTER: It is simply not as black and white as the honourable member might portray in trying to develop some spectre of conflict. It is a matter of consultation and discussion, and in this area the influence of the Education Department and other sectors of education is very important as well, because the Education Department is the major provider of curriculum materials and of the professional development of teachers, indeed of the source of teachers in this State for the non-Government sector as well.

One simply cannot exist without the other or they would find themselves in a position of conflict where there is clear collaboration and cooperation in the development of curriculum materials. Of course, with respect to its schools, the Education Department must have a line management structure where the Education Deptartment, through the Director-General, approves of teacher programs and articulation work right across the years of education.

Of course, the Director-General must be mindful that the approvals and directions he gives will lead to the end result, that is, the certification of requirements that are provided by SSABSA. The end result of the prescribed patterns of study undertaken in our schools must lead to the certification process provided by SSABSA under this legislation.

The ACTING CHAIRMAN (Mr De Laine): The member for Coles has asked three questions.

The Hon. JENNIFER CASHMORE: According to my count, I have asked two. Does the Chair insist that I have asked three?

The ACTING CHAIRMAN: Quite clearly it is three.

Clause passed.

Clause 7—'Regulations.'

Mr BRINDAL: New subsection (2) *(a)* of section 23 provides that, without limiting the generality of subsection (1), the regulations may prescribe specified subject patterns of study and other requirements. I am at a loss. Will the Minister explain what he means when he says that the board will prescribe a pattern of study? As the Minister knows, the question of assessment has been perplexing educators for many years, and I know that now we have many forms of assessment, but I wonder what the Minister means by 'patterns of study' and how the board can prescribe patterns of study.

The Hon. G.J. CRAFTER: It is the pattern of subjects over years 11 and 12, in effect, a compulsory component of those studies over years 11 and 12; indeed, that pattern that is required for articulation in order to meet the requirements of the South Australian Certificate of Education.

Mr BRINDAL: I refer also to new subsection (2) *(b)* of section 23. I realise from the Minister's second reading explanation that the idea of providing for and regulating fees for goods and services is to ensure that SSABSA can sell its expertise overseas. That is an excellent idea and something that I know the Minister has encouraged the department to do. However, I question whether the Minister feels that that provision in that form might not mean that the board might be tempted to charge the schools it is primarily set up to service (the schools in South Australia) for goods and services.

I think that the Minister would agree that that would not be a good situation. It is one thing to allow a board to sell its expertise overseas but another thing if the board were to be tempted to charge a fee for service to the students and education systems of South Australia. I seek the Minister's clarification of that matter and, hopefully, his assurance that that position would not, under this Government, ever be used for that purpose by the board.

The Hon. G.J. CRAFTER: First, this power is designed to allow for the effective marketing of the services SSABSA currently provides in terms of the examinations conducted in the Northern Territory and in certain parts of South-East Asia. That is an expanding market and one for which I believe we should accept the challenge of serving.

The board also charges for some of its curriculum materials, its syllabuses and the like, in certain circumstances. Although there is now a well established pattern of not charging examination fees and for the costs of materials, there were fees in the past. I cannot say that there will never be fees in the future, but there is no proposal to charge fees for these services. Of course, to do that would require not only a decision by the board of SSABSA but also, in essence, a decision by the Government, However, I can say that there is no proposal before the Government to charge fees.

Mr BRINDAL: I do not wish to detain the Committee for much longer.

Mr Ferguson: Feel free.

Mr BRINDAL: I will if I feel that it is necessary to seek the Minister's clarification, because he is more patient than is the member for Henley Beach. In relation to the point that the Minister raised, having set this in law and having given the board this power, there would obviously be some way in which the Minister and the Government could keep a watching brief on the fees and regulations charged by the board. What is the mechanism by which the Government can ensure that this is kept in some sort of proportion and to the satisfaction of the Government of the day?

The Hon. G.J. CRAFTER: There are many checks and safeguards built into statutory bodies of this type, particularly in relation to a very large board that represents a wide cross section of the community and, of course, the school community. Therefore, I can assure the honourable member that fees and costs will be scrutinised carefully at board level and at Government level and, of course, in the due processes of the Parliament itself.

The Hon. JENNIFER CASHMORE: Clause 7 refers to regulations that may prescribe specified subjects, patterns of study and other requirements of senior secondary education. This gives me the opportunity to pursue the issue I raised with the Minister under the previous clause relating to the reconciliation of responsibilities of the Director-General and of the board for curriculum. If there were a hypothetical situation in which the Director-Geneneral disagreed with the certification requirements of the board in respect of the nature of the curriculum, whose views would prevail—the Director-General's or the board's? It seems to me that in the answer to this question lies the answer to all the previous questions I have asked on this issue.

The Hon. G.J. CRAFTER: I think the difficulty the honourable member has, (and I am sorry that I have not explained myself clearly) is that the board provides the certification process. Therefore the Director-General of the day can, I guess, direct that all sorts of elements of the curriculum be provided. However, I think it is much more appropriate that the Director-General have the final say on curriculum than the Minister, as occurs in other jurisdictions, and I do not think that it serves the education systems very well. However, at the end of the day, those students who want to progress through years 11 and 12 and receive the appropriate certification, will do so under the requirements provided under this legislation by the Senior Secondary Assessment Board of this State.

Clause passed.

Schedule and title passed.

Bill read a third time and passed.

LAND ACQUISITION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

PERSONAL EXPLANATION: MULTIFUNCTION POLIS

The Hon. B.C. EASTICK (Light): I seek leave to make a personal explanation.

Leave granted.

The Hon. B.C. EASTICK: Very briefly, on 18 October 1990, in talking to a motion by the member for Coles on the multifunction polis, I drew attention to a course of action that could be taken to excise the amendment that had been put forward by the member for Price and for that amendment to then go forward as a motion in its own right. In speaking to the motion on 15 November 1990, the member for Napier indicated that I had 'sought to pick up the suggestion to incorporate the amendment into the motion of the member for Coles under Standing Orders 161 to 167.' Those who listened to the debate would appreciate that there was no such suggestion and that it was very clearly

an action taken to submit two motions to the attention of the House, rather than one combined motion with the amendment being incorporated into it. I believe it is important, because of the nature of the debate that will take place, that the correct position be put forward.

PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 September. Page 786.)

The Hon. B.C. EASTICK (Light): I am not the lead speaker, but I indicate that the Opposition has some remarks to make on this Bill. I will now conclude my remarks so that the member for Murray-Mallee can be the lead speaker.

Mr LEWIS (Murray-Mallee): The Pipelines Authority of South Australia owns, operates and maintains the Moomba to Adelaide natural gas pipeline and associated facilities through which it transports and sells natural gas purchased at the Moomba treatment plant. Because it is likely that interstate sources of gas will be required to supplement gas supplies from the South Australian sector of the Cooper Basin, the Government believes, and the Opposition agrees, that it is desirable for PASA to be involved in pipelines that may need to cross State borders. However, the Act is believed to limit PASA's pipeline activities to within South Australia.

The Bill proposes to amend the principal Act in such a way as to ensure that PASA is able to acquire, construct and operate pipelines for conveying petroleum either solely or as a joint venture to, from or within South Australia. A new provision is supposed to confer on the authority the power to dispose of any pipeline or petroleum storage facility or interest in any pipeline or storage facility within its control as well as the power to convey and deliver petroleum through any pipeline under its control.

There is also an amendment to section 10aa to the effect that the powers conferred on the authority by subsection (1) thereof may be exercised within or outside South Australia. A further amendment has the effect of removing the requirement that the pipelines authority invest only in interests related to the purpose for its existence. This amending Bill removes that requirement, and it would enable the Government to invest its (PASA's) profits as capital in any other venture that it chose. The Opposition is concerned about that aspect of the proposal and for that reason has drafted amendments of its own to ensure that the pipelines authority at no time, even with ministerial consent, could contemplate investing its profits in any venture unrelated to the principal reason for its existence.

The Government understood the Opposition's concern and, as I am now advised, has placed on record amendments of its own which may go all the way towards ensuring that the pipelines authority cannot do what the Opposition does not want it to do. The Opposition definitely does not want the pipelines authority to be free to invest in any venture that it chooses. That is the only concern that the Opposition has about what should be a very simple measure. If the Minister understands that, the Bill will get a swift passage through this House.

There is one other thing that I want to say. If the Government of the day, regardless of what it may be from time to time, wants legislation, it ought to be good enough for that Government—indeed, its Minister more particularly—to be present to see the legislation through the Chamber in which the Minister at least sits and not engage in what I consider to be the cynical exercise of abuse of its power by simply deciding to let the Minister go where it is politically convenient for him or her to be and expect someone else to have the responsibility for the carriage of this measure. Whilst I acknowledge the right of any human being from time to time to take a nap, it strikes me as particularly odd that the Minister, who is not the Minister responsible for this Bill, should nonetheless enjoy that privilege in this Chamber at this time.

The Hon. FRANK BLEVINS (Minister of Transport): I thank the member for Murray-Mallee for his response to the second reading on behalf of the Opposition. There was discussion prior to this debate being brought on which I believe fully resolved the concerns of the Opposition, and, of course, I will in Committee move the amendments that have been circulated in my name.

In regard to the absence of the Minister, the member for Murray-Mallee ought to know that he is at a very important conference of Police Ministers in Alice Springs. For as long as I have been a member of Parliament, irrespective of whether I have been in Government or in Opposition, that is the first time I have ever heard anyone criticise a Minister for attending a ministerial meeting. I would be surprised if that had come from anyone else, but I am not surprised that it came from the member for Murray-Mallee.

There were some discussions earlier in the week between the Leader of the House and the Deputy Leader of the Opposition in relation to this program. Some parts of the program were not agreed to at the end of those discussions and other methods were substituted in order to assist both sides of the House. That is why I am dealing with this measure, which is a very simple one that does not require the Minister's understanding. It is not very complex and, again, I am surprised that a measure such as this should evoke, in my view, that quite improper comment from the member for Murray-Mallee. I thank the Opposition for its support for what is a very simple measure, and I repeat that in Committee I will move amendments that I believe will fully deal with the Opposition's concerns.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr LEWIS: When does the Minister expect that the Act will come into operation?

The Hon. FRANK BLEVINS: As soon as practicable.

Mr LEWIS: I do not know what the practicalities are. Nothing in the Minister's second reading explanation indicated what the time constraints were likely to be. Given that the Minister at the table did not understand the nature of the amendments that he moved to the Bill, and given that in due course he discovered that it would be appropriate for him to make amendments to the Bill, I would like to know what the Government means by 'as soon as practicable'. I do not expect to be given a date, but I would like to know whether it will be one month, six months or a year, and what the matters affecting the practicality are.

The Hon. FRANK BLEVINS: I know of no impediment to this Bill being proclaimed as an Act as soon as practicable.

Mr LEWIS: It is just as I suspect. The Minister at the table, who is responsible for the carriage of this matter, is simply pinch-hitting for the absent Minister as a matter of convenience for the Government. He does not know a damn thing about the measure; he is being very polite. So, I will be polite and thank him for his disinterest and his courage in attempting to make the matter look presentable for the

Government by standing in for the Minister without any real knowledge of what the measure is about.

Clause passed.

Clause 3 passed.

Clause 4—'Powers of the authority.'

The Hon. FRANK BLEVINS: I move:

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Line 2—Leave out 'under the authority's control'.

Line 3—After 'subsection (1)' insert 'and substituting the following paragraphs:

(e) acquire shares or other interests in a body corporate that has an interest in a pipeline or petroleum storage facility and deal with, or dispose of, any such shares or other interests;

(ea) enter into a partnership, joint venture or other form of co-operative arrangement with regard to the construction or operation of a pipeline or petroleum storage facility;'.

After line 7 insert paragraphs as follows:

(da) by inserting after paragraph *(a)* of subsection (2) the following paragraph:

(ab) acquire shares or any other interest in a body corporate under subsection (1) *(e)*, or enter into a partnership, joint venture or other form of co-operative arrangement under subsection (1) *(ea)*, without the approval of the Minister.

Mr LEWIS: What do these amendments mean?

The Hon. FRANK BLEVINS: There has been some debate on this matter prior to this evening. The member for Murray-Mallee apparently thought that the Bill was deficient in some respect and that it would permit the Pipelines Authority to invest in other than pipelines for the carriage of petroleum products. For example, the member for Murray-Mallee believed that it was theoretically possible for the Pipelines Authority to invest in a chocolate factory in Tennant Creek. There has been some debate about whether that was possible, and some advice has been given to the Minister that the member for Murray-Mallee is simply wrong and that the investment made by PASA can only be within the scope of the Bill. It is clearly intended for the Pipelines Authority to invest in pipelines.

However, nobody is particularly interested in the debate with the member for Murray-Mallee, for reasons that everybody in the Committee would be aware. So, it was just seen as easier, if it made the member for Murray-Mallee happy, to have it spelt out virtually in words of one syllable, even though there is a school of thought which says it is unnecessary. Then the Government, being accommodating as always, decided to make crystal clear through these amendments the purpose of the Pipelines Authority of South Australia and its ability to invest further than its present scope which is as stated in the second reading, Pipelines of South Australia. I do not see that the Committee can be in any doubt about what the Government is trying to achieve. It may well be that the argument that it is superfluous is right, but the Government is not particularly concerned about arguing the point. The Government knows better than to argue with the member for Murray-Mallee.

It is possible, had we been dealing with somebody else, that we would have reasoned it through, but that clearly has not been possible in this case. So, we have gone to all the trouble of spelling it out in words of one syllable so that there can be no misunderstanding. It was in the expectations that, having spelt it out in words of one syllable, the member for Murray-Mallee would have made some attempt to act as other members of this Chamber would act. However, as I say, that was a vain attempt, but a worthy attempt, from the people concerned and I thank them for it.

Mr LEWIS: Notwithstanding the gratuitous abuse, which I detected was part of the content of the Minister's comment, I would be pleased to learn from the Minister if he could give the Committee an assurance, one, that there will be no circumstances in which PASA will invest in anything other than pipelines that carry gas or liquids across South Australia, wherein as part of the process they are for the purpose of allowing South Australia to get some benefit from them into South Australia, for the same reasons, or out of South Australia, equally for commercial reasons.

That is the nub of our question. If the Government has no difficulty with those questions, neither do I and neither does the Opposition. There is one other matter: are there any circumstances in which the Government would contemplate directing or allowing PASA covertly or overtly to sell its assets in pipelines to some other financier in a defeasance arrangement?

There are defeasance arrangements for our power stations. Parliament was not advised about them at the time and it still has no knowledge of them. It is left to us to deduce how much we owe the Austrian Superannuation Fund and the Japanese financiers who provided that money for the powerhouses in this State. We want to know whether the Government would overtly or covertly encourage, agree or otherwise acquiesce in the face of a proposal to allow any of the pipelines, once established by PASA, to be the subject of a defeasance arrangement?

The Hon. FRANK BLEVINS: I can give the assurance that neither PASA nor the Government will act outside the scope of the Act or any other Acts by which the Government has to abide.

Amendments carried; clause as amended passed.

Clause 5 negatived.

Title passed.

The Hon. FRANK BLEVINS (Minister of Finance): I move:

That this Bill be now read a third time.

Mr LEWIS (Murray-Mallee): The Opposition, with the assurance the Minister has given us, finds no difficulty with the Bill, understanding from that assurance that there are no circumstances in which this Bill—indeed the Act as amended now—will be able to allow the authority to invest its funds in anything else but shifting gas and liquids around this State. Equally, we want to ensure that there are no circumstances in which the authority would sell any of its pipelines or other assets in a defeasance arrangement to any financier, either having the South Australian Financing Authority or any other agency acting in the process of arranging such defeasance agreements. Accordingly, the Opposition is willing to support the third reading of the Bill. We thank the Minister for the frankness with which he gave us that assurance.

The Hon. FRANK BLEVINS (Minister of Finance): Just in case I have not been frank enough, I would like to give the House some further frankness. I made perfectly clear in Committee that neither the Pipelines Authority nor the Government will act in any way outside the scope of this Act or any other Act of Parliament.

Bill read a third time and passed.

The Hon. FRANK BLEVINS: Mr Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. FRANK BLEVINS (Minister of Transport): I move:

That Standing Orders be so far suspended as to allow the sittings of the House to be extend beyond midnight.

Motion carried.

Midnight

LANDLORD AND TENANT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1263.)

Mrs KOTZ (Newland): This Bill was dealt with in some considerable detail in another place. Therefore, I will briefly deal with the general outline and certain aspects of it. One recognises that small business people as tenants have some faith in this legislation to give them what they would regard as an equitable right, that is, an interest in the premises in which they conduct their business.

There is no doubt that some landlords are unscrupulous. Whilst they are in the minority, nevertheless, they have coloured the commercial leasing environment such that the sort of legislation that we have before us and the principal Act becomes necessary, because not only must the unscrupulous be regulated but also the expectation of tenants is that they will be properly protected from those unscrupulous landlords. The difficulty is that it catches all landlords and all tenants, even though in the majority of cases there is a reasonable relationship between the two.

The other difficulty is that, once a form of regulation is introduced, everyone expects it to continue and, from time to time, to be tightened or loopholes closed. That is really the object of this Bill. Another difficulty is that, in an economic environment where operating costs are high and where customer numbers are down, when Governments are constantly increasing taxes and charges, and where there is constantly a flow on of, say, increases in petrol prices and other Federal Government charges, tenants become more and more vulnerable and their businesses frequently become more and more borderline.

There has to be some balance between the rights of landlords and the rights of tenants. If the balance falls completely in favour of the tenants, it will stifle development. On the other hand, if all goes the way of the landlords, then more and more tenants will look towards insolvency. It is a fact of life that when landlords are required to bear costs, ultimately those costs flow through into the rent, and that will be one of the difficulties that will have to be addressed when we consider a second Landlord and Tenant Act Amendment Bill that seeks to prevent landlords from passing on land tax to tenants.

This happens to be a very neat way for the Government to avoid its responsibility for land tax which is dramatically increasing year by year. The fact of the matter is that, even though the legislation will be considered, and even if it is passed, the tenants and, ultimately, the consumers will pay that in one form or another, probably through increased rents, so there is a distortion in the market which is likely to occur as a result of those costs being passed on. I do not think there is any way in which one can prevent those costs in one form or another from being passed on to tenants and, ultimately, to the consumers.

Naturally enough, the Bill is controversial. It seeks to limit existing rights of landlords and confer new rights on tenants. It seeks also to widen significantly the scope of current legislation relating to commercial tenancies. I suggest that perhaps one of the most controversial provisions of the Bill relates to the minimum five year term—an original term plus a renewal which in total is not less than five years. In addition, it extends the rent level from $60 000 to $200 000 per annum. There is a view that the increase to $200 000 is quite dramatic. Certainly it is not in line with inflation and most probably is not in line with the escalation in rentals.

Notwithstanding that the $200 000 seems to be quite extraordinarily high, it is a matter of debate as to what the proper figure should be. It depends on a number of other issues, such as the power of the commercial tribunal and the consequences which flow from bringing tenancies into the ambit of this legislation. Many business and professional bodies where the rent is very much less than $200 000 per year are considered competent and capable enough of looking after themselves. They read the lease and negotiate, and believe it is unreasonable that they should gain the benefit of the provision. Again, in relation to the $200 000, the Liberal Party is opposed to that figure being increased by regulation, as that is an extremely convenient way of hiding an increase from time to time.

It is a matter of principle to make any changes to the threshold by statute and making a positive decision about it rather than doing it by regulation. This in itself is a very significant issue discussed within this Bill, and I welcome the amendment passed in another place which means that any amendments to this threshold will be made by statute and not by regulation. The principal Act binds the Crown where it is a landlord, so a body such as the South Australian Housing Trust, in its letting of retail premises, is bound. However, the Crown at both State and Federal levels also gets the benefit of legislation where it is a tenant.

Many tenancies would involve less than $200 000 where a Government agency is the tenant. If it is good enough to be considered to be excluded from the operation of this legislation, and I refer to public companies and subsidiaries of public companies where they are tenants, it should also be good enough to exclude State and Federal Government departments and agencies, as they are big enough to carry enough clout to look after themselves. In the same context, it should also be appropriate to exclude local government because that is another level of government that is quite capable of looking after itself.

I turn to the matter of the discussion on the minimum five-year term. The concept in this Bill is to provide, effectively, a guarantee of a minimum five-year term. If a tenant and landlord wish to negotiate some shorter period, they are entitled to do that, but that negotiation is not binding on the tenant because, within 90 days at the end of the period shorter than five years which might have been negotiated, the tenant is able to insist upon an extension of the term for the full five years from the date of commencement of the tenancy. That means that the landlord is in a very difficult position, particularly where the landlord might have other plans for the tenancy.

On the basis that the tenant had two years, the landlord might have decided to demolish or renovate the premises or let them to some other sort of business which might provide a different mix for the shopping centre. The ability of the tenant to insist upon a longer period, having sampled the initial negotiating period of, say, two years, provides very real instability as far as the landlord is concerned. I acknowledge, as I think we all do, that tenants want some security of tenure, and five years gives them that opportunity. Indeed, three years would be adequate for that purpose.

One must remember that, for tenants, it is something of a two-edged sword. Tenants can benefit from a short-term lease, particularly in difficult economic circumstances, and get out of the lease in, say, two years. If they run into

financial difficulties after one year, they know that they have only one year to go and can possibly struggle through for the balance of that term. However, there is a difficulty if they have negotiated up front a five-year term rather than a short-term, two-year type lease with a view to looking for an extension later.

If they negotiated a five-year term, they are at risk if the business does not do well and they have to get out. They might find that they are liable for the rent and all expenses relating to the tenancy until an alternative tenant can be found. In difficult economic circumstances, that will not be easy, so it may be that, if the tenant is unable to find another tenant to take over the tenancy or continue the business so long as it is necessary to meet the obligations under the tenancy agreement, the tenant might end up bankrupt. In that respect, it is a two-edged sword.

Landlords argue that, in a shopping centre context, the five-year fixed terms prevent landlords and managers from having the flexibility to vary the centre's tenancy mix to ensure the success of the centre.

Landlords argue that, in a shopping centre context, the five-year fixed terms prevent landlords and managers from having the flexibility to vary the centre's tenancy mix to ensure the success of the centre. It will prevent the assessment of a tenant's potential at the start of a lease, and then they will be stuck with that person for five years, even if the performance is inadequate. The Bill excludes from this five year provision the landlord's spouse, parent, grandparent, step-parent, child, grandchild, stepchild, brother or sister or the spouse of the landlord's child who may be a tenant.

It also excludes tenancies of two months or less where the tenant has received independent legal advice, and tenancies between certain related corporations which may be landlord and tenant. I do not think that this provision adequately considers the different needs of tenants, on the one hand, and the fact that landlords provide the facilities that are tenanted, on the other. I suppose that landlords are likely to decide just to keep the premises vacant until the major long-term tenant enters, and ultimately that will lead to a further increase in rents.

I wish to refer briefly to a couple of other matters. The first is the question of cost. Because the practice at the moment is that the landlord and tenant negotiate on who should pay the costs, generally speaking it is the tenant. The Bill provides for a rather complex system where in some cases the tenant pays the cost when the tenant requires the lease to be in registrable form, and the landlord pays the costs in circumstances in which the landlord requires a written tenancy agreement. That is quite confusing. There is no doubt as to when the request for a lease in registrable form should be made, and the timing of that determines the person who pays the cost.

We ought to start from a point at which all leases over, say, one year should be in registrable form. It is in the interests of landlords and, particularly, of tenants, to have written tenancy agreements or leases. More disputes arise where there are no written tenancy agreements than in relation to just about any other matter. In those circumstances, I take the view that we ought to cut through all that confusion and relate the registrable form provision to any lease to be not more than one year. We should leave it to the landlord and tenant, either together or separately, to determine whether or not the lease is to be registered.

If the lease is to be registered, the cost of registration, stamp duty, registration fees and the consent of the mortgage will be payable by the tenant. The landlord and tenant will share the cost of the preparation of the lease, which will normally be done by the landlord for the sake of consistency. Particularly where there is a number of premises in the one complex or block of shops, it is important that there be consistency. That is a compromise with what happens now. It is a compromise with what is in the Bill. It will overcome many of the problems that might be experienced presently by tenants. I know that it places an additional burden on landlords, but it is not as great a burden as has been placed on landlords by this Bill.

The Bill also sets out a code for dealing with abandoned goods. It overrides any agreement between the landlord and tenant. I do not deny that there may be a need for a code for dealing with abandoned goods. I am told by landlords that that has rarely been a problem, but I suggest that the code apply only in the absence of any agreement between the landlord and tenant. Frequently, there is an agreement between them as to how these abandoned goods should be dealt with, and that agreement is either in the lease or in supplementary documentation. If provision is to be made in the Bill for abandoned goods, and if the goods are to be stored and subsequently advertised for sale (but the former tenant seeks to recover them before they are actually sold), any costs and expenses until the point of sale should have to be paid by the tenant in addition to the costs of removal and storage. The Opposition will move further amendments to this Bill, and in Committee other aspects of the Bill will be canvassed.

Mr GROOM (Hartley): I will be as brief as possible. I want to say from the outset that, once again, the Opposition reveals its true colours. The contribution of the member for Newland displays a lack of understanding of the needs of small business. When it comes to the crunch between big business and small business, the Opposition, every time, elects to support big business against the interests of small retailers. Make no mistake, when the honourable member started dealing with the fact that the $200 000 level was too high, she showed a complete lack of understanding about what is occurring in the marketplace. Members should go to Rundle Mall and find out what sort of rents people are required to pay there. They will find that the rents that tenants are required to pay in certain sectors of the city of Adelaide are approaching that level already. Of course, the power to regulate has been taken away in another place.

The other aspect the honourable member dealt with was the attempt to reduce the minimum five year period of a lease to three years. That puts small business back at the mercy of big business. In Victoria the minimum term is five years. When one purchases a business and wants to get a loan, financial and banking institutions require a minimum of five years before they will advance finance. The short term leases have been used by big business and by unscrupulous landlords to deal with tenants in the most appalling ways. The reality of the situation is that they have granted short-term leases—even large institutions—for nothing more than to have the opportunity to whack up the rent at every conceivable point—after two or three years.

That is the reason for a minimum period of five years—to give small retailers security of tenure in the marketplace, to enable banks and financial institutions to properly advance money on adequate security and to enable people to sell their business in the marketplace, where they have some security. Of course, if the tenant opts for a short-term lease—under five years—he or she has the right to approach the tribunal to have that short-term lease extended to a five-year minimum period, because that is basically the standard that financial institutions require. I have seen many small business people being required to take exorbi-

tantly high interest rates simply because they do not have an adequate lease.

It is the only means of their obtaining finance—paying more. This legislation will give excellent protection to small business, the best possible protection available. I make those criticisms of the Opposition, because when it was in government it did nothing to help small business. In 1981 the Liberals commissioned a report to look into iniquitous practices.

An honourable member interjecting:

Mr GROOM: I know it is painful for the honourable member to hear about the Liberal Party's very poor record in relation to small business. But the fact of the matter is that the Tonkin Liberal Government, when it had the opportunity to intervene in the marketplace to protect small businesses, it did nothing. Small businesses were being ripped off; they were required to pay up to 50 per cent of their goodwill on the sale of a business, percentage rents, and key money to go in, but what did they find when the Liberal Party was in government? It did nothing. It found that there were no iniquitous practices. It whitewashed the whole problem and it left small business at the mercy of big business in the marketplace. It left small retailers vulnerable in the marketplace. The honourable member's comments tonight are nothing more than a regurgitation of that 1981-82 period when the Liberal Party was in government.

The fact of the matter is that it has been this Government that has led Australia in relation to support and protection of small retailers, because our economy depends largely on the success of small businesses and small retailers. As a Government, we have sought to ensure that we have a very viable small business community. This legislation gives small retailers a minimum tenancy of five years and adequate protection in relation to rental levels. No longer will there be clauses in leases that provide that a tenant can be moved to the back of a shopping centre at a moment's notice.

Lessors will be required to give tenants adequate notice, and there will be the right to approach the tribunal. There are major reforms in this legislation, apart from the lifting of the level from $60 000 to $200 000, and the granting of minimum leases. Why are minimum leases required by small retailers? It is because, since the passing of the 1986 legislation, lessors have looked for loopholes and dodges and created rackets. They have said to people, 'You can have a one year or a three years lease.'

I can quote example after example where this has occurred to the deprivation of small retailers. Even though they say, 'We will tell your bank or financial institution that you can be in for five years', it is aimed at nothing more than keeping small retailers under control so that rents can be put up at will. This Bill greatly advances small retailers in Australia. Once again, it is pioneering legislation which I believe will be copied in many respects throughout Australia.

The honourable member also wants to reduce the benefits which are gained in this legislation in so far as costs are concerned. The honourable member should get out into the market place and speak to small retailers. She will find that the lessors prepare a lease, say, 'Here is a bill for $1 000', and, if they negotiate, not only do the lessees have to pay the lessors costs, but also they must pay their own brokers or solicitors costs for the preparation of the lease. When there are any negotiations—never mind about free bargaining, there is no free bargaining in the market place—lessees are told, 'Here is the lease. You sign it and pay all the costs associated with it.'

The honourable member, in her remarks, wants to take away the benefits which are being given in this Bill because a more equitable position is being put in relation to the sharing of costs in so far as leases are concerned. Do not think for a moment that there is free bargaining in the market place.

Members interjecting:

Mr GROOM: They have not supported small business adequately. They pretend that they do, but when it comes to the crunch, they will support big business on every occasion. Small business can always look to this Government for protection in relation to their viability, economic health and well-being. This Government introduced legislation in 1983 which was mirrored in many other States in Australia. This legislation likewise will be picked up and copied in other States.

I do not think that this is the end of reforms in this area. Consider what is in leases. In a typical lease tenants are required to pay all rates, charges and other levies as well as all rates, taxes, charges, assessments and impositions—anything placed upon the land. They are responsible for the cost of repairs to and maintenance of the shopping centre, not being repairs of a structural nature; the fees and/or premiums payable to specialist contractors; all insurance premiums; the cost of operating and supplying services; the cost of maintaining gardens and landscaped areas; and (wait for it) the costs of managing, controlling and administering the centre, whether such costs consist of wages, allowances or anything else. In other words, they are paying for the shopping centre manager, the security guards and any other expenses reasonably incurred.

Many lessees are required to provide the lessor with their gross receipts. A typical lease says that a lessee shall keep on the demised premises (or at such other place as may be approved) and shall preserve for a period of not less than one year after the end of each fiscal year accurate records sufficient to determine the value of the gross receipts. Such records shall include all sales slips, dockets, agreements and bank deposits.

Members interjecting:

Mr GROOM: The fact is that the lessor presents the lessee with a lease and says, 'Here it is. Of course, we will not invoke many of these clauses, but you sign it or you do not get a renewal of your lease; or, otherwise, you do not get the business.' They are required to have a certificate signed by the lessee's auditor so that they cannot cheat on gross receipts. However, there is no corresponding obligation on the part of lessors. They are not required under their leases to prepare statements for lessees to show how viable the shopping centre or business is. There is no corresponding obligation. Only the lessee under these leases is required to furnish monthly trading figures and auditor's reports.

In relation to trade names, many leases say that the lessee will trade only under such name as is approved in writing by the lessor. These are unreasonable intrusions in the market place. Governments must intervene to redress the imbalance that can otherwise develop. When the Liberal Party was in Government, when it knew of all these iniquitous practices, because the Small Retailers Association was complaining year after year during the 1970s, it set up an inquiry, and whitewashed the whole problem.

They left small business to the mercy of big business to be exploited and to be taken advantage of in the marketplace. This Government, more than any Government in Australia, has pioneered legislation to intervene in the marketplace to redress the imbalance and to bring about competition so that we will not have monopolistic practices and so that we will have a healthy small business sector.

I commend this legislation to the House. It is to the Government's credit that it has introduced legislation of this nature; it will be mirrored by other States—I have no doubt about that—and I hope that this House rejects the amendments moved by the Opposition.

Mr S.J. BAKER (Deputy Leader of the Opposition): We have just heard another tired and pathetic contribution by the member for Hartley. It is the same sort of contribution that we have heard for the past eight years that I have been a member of this Parliament. It lacks substance and direction, and it is another contribution of which I doubt anyone would be proud, particularly the member for Hartley, because it contained nothing new and, of course, it was full of untruths.

If the member for Hartley wishes to measure the success of this Government in small business, I suggest that he and his colleagues go to the shopkeepers, if we wish to use shopkeepers as the standard. Perhaps they should go along Unley Road where there are 64 vacant shops. I am told that one can get leases very cheaply along Unley Road, as one can on a number of other major roads.

The success of the Government's approach is in the eating not in the rhetoric put forward by this Government. This Government's record in relation to the destruction of small business is there for everyone to behold. Have a look at the land tax record. How can anyone in this House stand up and tell the Parliament that the Government has had a very constructive policy to assist small business in this State? Have a look at the bankruptcies. Land tax has increased at three times the rate of inflation, yet the member for Hartley suggests that the Government is somehow trying to assist small business—by sending them broke! Have a look at the bankruptcies in the past eight years since this Government came to power. They have escalated—gone through the roof.

There have been record bankruptcies; in fact, one-and-a-half times, sometimes twice as much, as the national average for bankruptcy has occurred in South Australia. That is what this Government has done for small business in this State. Let us have a look at the record of WorkCover. How much is the Government assisting small business by pushing up WorkCover rates? How much has this Government assisted the poor people—

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: How much has this Government assisted the small business people by backing the high interest rate policies of the Hawke Labor Government? With real interest rates travelling at 15 per cent, how can anyone survive in that environment? That policy has been backed up by this Government, so how can anyone talk about small business? The contribution by the member for Hartley was tired, hopeless and horrible.

Let us go back to the Bill and not waste the time of the House for one second longer. It is absolutely vital that when we are talking about landlords and tenants we have a balance between those people who will provide the premises and those who will utilise them. As soon as that system is out of balance either one of the other party suffers. If it happens to be the tenant who is suffering, major disruptions and problems are caused for small business people. If the landlord is unfairly affected, then we have a diminution of investment in this State.

We will not blame the high rate of bankruptcy on the amount of rent being paid because members will appreciate that the amount of rent paid by most tenants is much lower than it was in real terms two years ago; this is because they have been affected by the market. In relation to investment, we really need to look at the position of this State, which is about half the national average *per capita.* So, we run a very real risk in whatever we do that we will scare away vital investment from this State.

It is important that whatever we do by way of legislation maintains that balance. The Liberal Opposition has put forward a very strong point of view in relation to this legislation which says that the Government was getting out of balance. The member for Hartley said that someone should walk along Rundle Mall to find out what is a reasonable rent.

If the member for Hartley wanted to use the measure of what is a reasonable rent and how we would gauge small business according to the rent paid, there are diverse measures. In the case of $200 000 a year, the rent involved is $4 000 a week, and millions of dollars of turnover would be required to pay such rental. The honourable member is not talking about small business; in many cases he is talking about corporations, which have shop fronts, as members would appreciate, and he is also talking about extremely large businesses run by multinational corporations that are renting premises. If they are not big enough to look after themselves, I do not know how the Commercial Tribunal can assist. We do not need the Commercial Tribunal to look after the interests of big business in this town. There are many premises in Adelaide—I suspect at least 30 or 40 per cent—in the $200 000-plus category that are conducted by large businesses. It is rubbish to say that the Government is legislating to somehow protect big business in this town.

We believe that the five year term involves difficulties. The debate has been well researched. The explanations have been promptly given, and I commend the member for Newland for her lucid explanations about some of the downsides of this legislation. Obviously, the balance between the supplier and user of premises has to be maintained. If we break that balance, then in this case it will exacerbate a problem that already exists, involving a lack of investment confidence in this State.

However, that is on the Government's head, and in the past eight years we have simply gone backwards. As the member for Newland so correctly pointed out, the major provisions contained in the Bill include the five-year term, and we have some difficulty with that although, as the Government acknowledged, five-year terms exist in other jurisdictions. Certainly, the $200 000 limit will bring large businesses under the purview of the commercial tribunal. Indeed, we will find big corporations being protected by a tribunal when the small business owners of the property may well be the losers under such circumstances. That is a strange turnaround.

Mr Groom interjecting:

Mr S.J. BAKER: We would like to be in a position to legislate and, with the 52 per cent of the vote obtained, we should be able to do so. However, that is not why we are here now. The point is that changes have been made. I am pleased to report that most of the anomalies in the Bill have been sorted out in another place, and the Opposition supports most of the provisions, although it has some extreme reservations about certain aspects.

The Hon. G.J. CRAFTER (Minister of Education): I do not wish to speak at any length on the measure, which has been thoroughly canvassed in another place and I have noted the contributions made in this debate. This is an important Bill. The Government is confident that the amendments in the Bill enhance the effectiveness of this important legislation and allow it to serve more effectively

that sector of the community to which it is aimed, and that the Commercial Tribunal's operations will also be enhanced.

It was with some great degree of dismay that I noted the honourable member who has just spoken indicate that the Opposition would abolish the Commercial Tribunal in this State. That would be a retrograde step. The effect of the deregulation of this area of commercial tenancies would, I suggest, create uncertainty and instability in this important sector of our economy, involving service delivery in this State, and would only accentuate concerns that the honourable member was expressing. The Opposition intends to introduce in this Chamber the series of amendments that it introduced in another place, and I note that all of those amendments were rejected in that other place. I commend this Bill to members.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Application of Part.'

Mr S.J. BAKER: This clause deals with the prescribed limit. Obviously, a matter of prescribing by regulation anything that takes it outside the direct control of the Parliament is of concern to the Opposition; it is absolutely vital that it be under the control of the Parliament. However, I note that that power has now been removed. What does the Minister have in mind as to where this legislation will go in the future, given that he now cannot prescribe by regulation? What does the Minister see as the future of the tribunal in terms of the limiting sum that will apply?

The Hon. G.J. CRAFTER: As the honourable member indicated, this matter will no longer be attended to by regulation; it will be by the direct decision of the Parliament. That is seen to be an advantageous position.

Clause passed.

Clause 5 passed.

Clause 6—'Insertion of ss. 61a and 61b.'

Mr S.J. BAKER: I move:

Page 3, lines 29 to 35—Leave out subsection (1) and insert new subsection as follows:

(1) Subject to this section, the terms of a commercial tenancy agreement must be embodied in a lease in registrable form.

The Minister would be aware of the Opposition's stance on this matter. The Minister and the member for Hartley say that they are standing up for the rights of small business, yet this legislation provides no requirement for a prescribed form which in fact can be registrable. We know that many of the problems that lessees get themselves into are caused because they do not have a registered lease or it is not in the appropriate form: they have not gone through the processes that will allow them to secure their rights. The Government rejected this amendment in another place bt I wish to pursue it here.

I believe that it is a matter of principle. It is important that everyone drawing up a lease goes through a process whereby they understand their rights and obligations. The final document relating to a lease must be in a form that is registrable. It should not be something that the proverbial bus can be driven through but it should be in a form which is understood by both parties and which protects the rights of both parties. Whether either party wishes to register that lease is another matter. We want to protect the rights of the individuals concerned; it should not be left to chance. For the benefit of the member for Henley Beach, it is not a further regulation. It is a form of safeguard to protect the rights of the individual concerned.

The Hon. G.J. CRAFTER: The Opposition's amendment is not agreed to by the Government for the simple reason that it is not so much regulations to which the honourable member refers but it is costs as well. The thrust of this provision is to require a structure whereby registrable agreements are the requirement which brings into play very considerable legal costs. We believe that that is not the correct approach in these matters. We do not want to increase costs for small business providers and we do not want to involve people in unnecessary legal relationships as determined by the Opposition's amendment. We believe that there should be an empowerment of the tenant in these situations, and where the tenant requires the lease to be in a registrable form, then so be it, but not simply as a total requirement across the board.

Amendment negatived.

Mr S.J. BAKER: My next amendment was consequential on the first amendment passing, so I withdraw it. The following amendment is also consequential, so I will withdraw that, too. I move:

Page 4, lines 1 to 24—Leave out section 61b and insert new section as follows:

61b. Where a lease embodying the terms of a commercial tenancy agreement in registrable form is prepared:

(a) the costs of the preparation of the lease must be shared equally between the landlord and the tenant; and

(b) any costs or expenses related to preparing or filing a plan of any premises for the purpose of registering the lease must be borne by the landlord,

but otherwise the liability for any related costs or expenses (including costs or expenses related to stamping or registering the document) will be determined by agreement between the landlord and the tenant.

This amendment refers to the cost sharing arrangement. It is important that there is an equitable distribution of costs, particularly when it protects both parties to the lease.

The Hon. G.J. CRAFTER: The Government rejects the Opposition's amendment in this matter. I do not need to explain the reasons for that opposition.

Amendment negatived; clause passed.

Clauses 7 to 9 passed.

Clause 10—'Insertion of ss. 66a and 66ab.'

Mr S.J. BAKER: I move:

Page 7—

Line 18—Leave out 'five' and insert 'three'.

Line 22—Leave out 'five' and insert 'three'.

For the reasons canvassed during the second reading debate by the member for Newland and me, the Opposition suggests that the balance between the landlord and tenant tips unfavourably and will affect possible investment opportunities in this State as a result of that change. The scales tip in favour of the tenant and, remembering that a large number of landlords are small business people in their own right, on behalf of the Opposition I have moved to amend the term to three years rather than five years as a more appropriate leasing arrangement.

The Hon. G.J. CRAFTER: The Government opposes the Opposition's amendments. It is very hard to fathom the rationale behind the amendments in this matter because it is out of line with what is happening in other States of Australia. It is also out of line with what the majority of responsible landlords are seeking. They are seeking secure tenants and viable businesses. These amendments would simply put at risk the viability of the ordinary small business people in our community and provide only for security of tenure for three years, putting at risk the goodwill in businesses and all the other elements that comprise value in a business, detracting from the viability, good management and prudent leasehold arrangements for the small business sector. As I said, it is very difficult to fathom the Opposition's logic in advancing these amendments.

Amendments negatived.

Mr S.J. BAKER: I move:

Page 7, lines 25 to 28—Leave out paragraph *(a)* and insert new paragraphs as follows:

(a) if the term of the tenancy is six months or less;
(ab) if the tenant has before entering into the agreement sought and received independent advice from a legal practitioner and the legal practitioner has signed a certificate in the prescribed form as to the giving of that advice.

This amendment is quite clear. If people have received professional advice on the nature of a lease, one assumes that it should not be subject to further scrutiny by a tribunal.

The Hon. G.J. CRAFTER: This amendment is also opposed. I notice that the honourable member did not refer to the massive loophole that this amendment would create for the unscrupulous landlord to set up a series of short-term tenancies and thereby negate the protections that we are attempting to provide through the passage of this legislation. That situation is simply intolerable for the Government.

Amendment negatived.

Mr S.J. BAKER: Although the remaining amendments to this clause that I have on file stand on their own, they follow from the earlier amendments, which have been lost. In view of what has transpired, I do not intend to proceed with the amendments.

Clause passed.

Clause 11—'Abandoned goods.'

Mr S.J. BAKER: I move:

Page 11, after line 12—Insert new subsection as follows:
(12) This section operates to the extent to which a commercial tenancy agreement does not provide for the removal, destruction or disposal of goods that are left on the premises that were subject to the agreement (and the resolution of any dispute that may arise in respect of such goods) and, notwithstanding any other provision of this Part, in the event of an inconsistency between a provision of a commercial tenancy agreement and a provision of this section, the provision of the commercial tenancy agreement will, to the extent of the inconsistency, prevail.

This amendment is to make it quite explicit that an agreement on the disposal of goods in the event of a breakdown of a tenancy shall have precedence and, if that fails, the terms and conditions of this section shall prevail.

The Hon. G.J. CRAFTER: The Government opposes the amendment. The provisions in the legislation are designed to introduce an element of fairness in dealing with abandoned goods. There is a problem with the current law, in that fairness cannot be obtained in a number of cases. It is regarded as fundamental that there be balanced and fair treatment of this question, and it has been pointed out to the Government that there are lease agreements in existence which indicate a very real problem in this area. Some quite draconian provisions are incorporated in leases, and by this measure the Government seeks to eliminate such provisions and to introduce the all important element of fairness.

Amendment negatived; clause passed.

Clauses 12 and 13 passed.

Clause 14—'Summary proceedings.'

Mr S.J. BAKER: I move:

Page 12, lines 3 and 4—Leave out 'two years' and insert 'one year'.

This is quite a simple amendment, and the Government should applaud it. It means that, if action is to be taken for breaches of the Act, it should be undertaken within 12 months, rather than allowing the unpalatable situation prevailing today in which court proceedings wander on for a year or two and justice is never done. By the time the matter reaches the courts, no-one knows who is guilty, whether it is the law or the participants. Justice dealt with swiftly is true justice. We do not believe that it should take two years to get around to prosecuting someone for a breach. We believe that it should be pulled back to 12 months, which is the impact of this amendment.

The Hon. G.J. CRAFTER: The Government opposes this amendment. Clearly, an appropriate time frame needs to be provided, and I refer to the honourable member some of the examples quoted in the other place. It may help members to realise the impact the Opposition's amendment would have in denying right of access to the appropriate tribunal to have these sorts of matters resolved. In one case, a security bond was paid by a tenant on 1 February 1988 at the time the agreement was entered into. The landlord's failure to pay the bond into the tribunal came to the attention of the department only in January 1989 when the tenant lodged an application for orders of the tribunal. The application disclosed that the landlord took several months to refund bonds, which is the major reason for requiring landlords to pay bonds into the tribunal.

In another case, a security bond was paid when an agreement was entered into in September 1986. The landlord's failure to pay the bond into the tribunal came to light only in March 1988, when the landlord applied for orders for compensation for losses flowing from the tenant's abandonment of the premises in November 1987. These examples show that very often the situation will not come to light until a dispute arises between a landlord and a tenant. It can often be one or two years down the track after an agreement has been entered into that a problem comes to light. This issue should be taken up by the Commissioner for Consumer Affairs and a prosecution pursued. To deny tenants or all parties a right to pursue a matter in this way is really quite unfair and inappropriate.

Amendment negatived; clause passed.

Remaining clauses (15 to 18); schedule and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 24 October. Page 1357.)

The Hon. D.C. WOTTON (Heysen): The Opposition supports the legislation. We have some concerns with regard to some provisions of the Bill and we will seek to amend the legislation at the appropriate time. This legislation seeks to extend the powers of the Registrar or a member of the Police Force or any person authorised by the Registrar to inspect a motor vehicle where an application to register a motor vehicle is made. This inspection is designed to determine whether the vehicle complies with legislation regulating the design, construction or maintenance of such a vehicle or whether it would put the safety of other road users at risk if it were driven on the road.

At present, South Australian legislation requires only pre-registration roadworthiness inspection of buses, country-based taxis and commercial vehicles for which registration is sought under the Federal interstate registration scheme. However, in March this year, the Government introduced a scheme of random on-road inspections of heavy vehicles. That move has been supported. The condition of all other vehicles is monitored by on-road observation by police officers, which can lead to the issue of a defect notice. Under section 24 of the Act, the Registrar has the power to refuse to register a motor vehicle in certain circumstances.

All other States have more stringent inspection requirements. For example, New South Wales requires that all passenger vehicles four years and older undergo an annual inspection. In those circumstances, the age of vehicles,

between three and four years, has been extended in recent times. In Victoria, and I understand in Queensland, vehicle inspection programs operate on change of ownership.

The Bill also extends the Registrar's powers and those of other authorised persons to enter premises at any reasonable time to search for vehicles for the purposes of implementing the proposed inspection provisions. I think that every member of the House will be conscious of the current nationwide zeal to promote road safety initiatives. The subject of unsafe vehicles on our roads is raised constantly as an issue to be addressed. In South Australia the area of particular concern is older vehicles which do not pass inspections in other States and which are being dumped here, because the Registrar has no powers to enforce an inspection.

That matter was referred to in an article in the *News* only a week or so ago. It is interesting to consider that item, because it indicates where the Minister stands in regard to the compulsory inspection of second-hand motor vehicles before they are sold privately. Of course, the Minister has rejected that outright. In this article the Minister is quoted as saying that the benefits of such a system were minor for such a large increase in costs to motorists. That matter has been debated by the Executive Director of the Motor Trade Association of South Australia, Mr Richard Flashman. The Minister went on to say:

> Any such system would be open to abuse with cars being done up for a day to pass a test and then being returned to their original state for sale.

The Minister also said:

> Stories of people borrowing the wheels from cars of friends to allow a vehicle to pass inspection were common interstate.

The article further goes on to say that there were some suspicious circumstances in which it was believed that cars were being brought to South Australia as they could not pass tests in other States. There is general concern that vehicles are being brought to South Australia and dumped here because the Registrar has no powers to enforce an inspection.

The Minister, in his second reading explanation, said:

> Initially, it is proposed that vehicles transferring from interstate and manufactured more than seven years before the date of the application to register in South Australia will be subject to the inspection procedure.

However, the Bill does not reflect this limited intention, nor is it confined to the inspection of vehicles previously registered in other States, of which there were about 14 000 in 1989, including approximately 9 000 over five years old. Following amendments to the interpretation of the term 'registration' in April this year, the inspection provisions of this Bill could apply at the time of any registration or re-registration transaction, no matter the age of the vehicle.

The open-ended nature of the amendments to this legislation is a potentially contentious issue. Certainly, the merits of compulsory inspections on a periodic or change of ownership basis are controversial. I have already referred to the fact that the Motor Traders Association has, for a long period of time, lobbied for the compulsory inspection of all motor vehicles of a certain age on an annual basis, as is the case in New South Wales. More recently, the MTA has amended its call to a compulsory inspection of vehicles at the time of a change of ownership, as in Victoria. The MTA argues that the ownership of environmental/pollution laws, increases in LPG conversions and our sad economy make it imperative that vehicles be inspected.

The RAA is totally opposed to this proposition, arguing that compulsory inspection schemes for road worthiness cannot be justified on a cost benefit basis. The RAA points out also that vehicle defects comprise a very small contributing factor in accidents—they suggest that it would be about 2.5 per cent—and that whilst bald tyres are recognised as a problem it is the experience in New South Wales that annual inspections do not pick up these problems because offending owners beat the system by borrowing sound tyres from another vehicle.

The RAA also believes that there is no evidence that South Australian vehicles are worse than those in States where compulsory inspections are carried out. In fact, some studies suggest that, overall, South Australian vehicles are in a better condition than those in New South Wales. Finally, the RAA points out that compulsory inspections negate the on-going responsibility of an owner to maintain the vehicle in a sound condition.

In a report in 1986, Dr Jack McLean of the NHMRC Road Accident Research Unit for the South Australian Division of Road Safety supported the RAA's contentions and recommended that:

> Vehicle inspection at change of ownership should not be made mandatory on cost effectiveness grounds.

The South Australian police endorsed this conclusion, noting that a defect played a definite major role in only one per cent of crashes and a lesser role in only 5 per cent of crashes. I note also that in answer to a Question on Notice from the member for Hanson, on 27 March this year the Transport Minister stated:

> The regular, compulsory inspection of classes of vehicles other than heavy goods vehicles would result in a cost to motorists which would not be offset by commensurate benefits in terms of road safety and cannot therefore be justified.

The Liberal Party's transport policy at the last State election did not address the issue of vehicle inspections. However, considering the experience of New South Wales and the evidence which identifies that both periodic and change of ownership inspections cannot be justified on either a road safety or a cost benefit basis, it seems sensible to me—and I commend it to the House—that it would be unwise to support the Bill in its present form, and also that it would be irresponsible to do so considering that the Bill provides for inspections at the time of re-registration yet does not stipulate any age limits for vehicles nor does it address the responsibility for the conduct and cost of operating the scheme.

Finally, clause 139 of the Motor Vehicles Act 1959 provides:

> The Registrar, an inspector, a member of the Police Force or a person authorised in writing by the Registrar to examine motor vehicles for the purposes of this Act may—
>
> *(a)* examine any motor vehicle for the purpose of ascertaining any facts on which the amount of the registration fee for that motor vehicle depends or for the purpose of verifying any particular disclosed in an application to register or to transfer the registration of any motor vehicle;
>
> *(b)* for the purpose of any such examination enter and remain in any premises at any reasonable time and search those premises for motor vehicles;

It goes on with paragraphs *(c)* and *(d)*. No structure is set down to determine how this should happen, and we believe it is essential that that shoud be the case. The Opposition supports the legislation but we believe, for the reasons outlined, that there is a need for amendment of the legislation, and that will be moved at the appropriate time.

The Hon. FRANK BLEVINS (Minister of Transport): I thank the member for Heysen for his response on behalf of the Opposition and also for his support of the Bill. The member for Heysen gave quite a detailed explanation of some contentious issues that surround the question of inspection of motor vehicles. It was a fair and balanced explanation by the honourable member, who quoted not just the Motor Traders Association, which is in favour of periodic inspections, or inspections on the change of ownership of a vehicle. I do not wish to be uncharitable, but the association has something of a vested interest as its members would gain the extra work and revenue from such a policy.

The RAA opposes such a measure, and that was explained by the member for Heysen. I do not intend to go through the RAA's opposition, which was clearly stated. I believe that the second reading explanation was a good one. The honourable member did go into some detail for the benefit of the House as to some of the problems in terms of interstate vehicles, but that was only one example. Members will see that the first two words of the third paragraph are 'for instance'. That was only one example, but we could have given hundreds of examples about the powers of the Registrar who has the power to refuse to register a vehicle but who does not have the power to inspect, and that is odd. I would have thought that it was perfectly logical that the Registrar should have the power to inspect if he has the power to refuse to register. If the Registrar had the right to inspect a vehicle it would assist him greatly in coming to an informed opinion about whether he ought to register a vehicle. I would have thought that that was a perfectly logical power for the Registrar to have.

The question of interstate vehicles appears to be a problem. This measure will give us the authority to ensure that all interstate vehicles are inspected before they are registered in South Australia. At the moment it is the Government's view that that provision should be applied only to vehicles over seven years old. The measure is a small but important one that will assist the Registrar greatly in deciding whether vehicles ought or ought not to be registered, and I commend the Bill to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Inspection of motor vehicles.'

The Hon. D.C. WOTTON: I move:

Page 1, lines 15 to 21—Leave out all words in these lines and substitute new paragraph as follows:

(ab) Where an application to register a motor vehicle—

(i) currently or last registered in another State or a Territory of the Commonwealth or in another country; and

(ii) first registered (in any jurisdiction) more than five years before the date of the application,

has been made, examine the motor vehicle for the purpose of ascertaining whether it—

(iii) complies with any Act or regulation that regulates the design, construction or maintenance of such a motor vehicle; or

(iv) would, if driven on a road, put the safety of persons using the road at risk;;.

I have already indicated in my second reading speech the reasons for the amendment. We seek to amend the Bill so that it reflects the Minister's stated intention, namely, that vehicles transferring from interstate and overseas that were manufactured more than five years and not seven years before the date of application to register in South Australia be subject to inspection. I believe that that is quite clear. It is a sensible amendment, and I commend it to the Committee.

The Hon. FRANK BLEVINS: I oppose the amendment. The second reading explanation was quite specific. It very clearly stated that it was the intention of the Bill to provide power across the board for the Registrar to compel an inspection of a vehicle prior to registration. The question of interstate vehicles coming into South Australia was given purely as an example; the second reading explanation stated that quite clearly.

As I mentioned in my response to the second reading debate, I could give any number of examples why it is necessary. I will give another one. If the amendment were passed, it would limit the Registrar's power to interstate vehicles, and that would be a pity because on many occasions the Registrar requires this power in relation to a local vehicle that has been rebuilt by the cut and shut procedure, requiring that the Registrar have the vehicle inspected. I think that that would be in everybody's interest.

I am happy to restate for the benefit of the Committee that the Government is not persuaded by the MTA or any other body that either periodic inspections or inspections at the time of change of ownership would benefit anybody in this State if road safety was the object of the inspection. As the member for Heysen stated during the second reading stage, there is little or no evidence that this measure would appreciably assist our road safety campaigns. Therefore, I believe, as was stated in the second reading explanation, that it is necessary for the Registrar to have this unfettered authority to complement his authority, which is also unfettered, to refuse registration of any vehicle that does not comply with the Act.

The Hon. D.C. WOTTON: I am disappointed that the Minister is not prepared to accept the amendment. As I said earlier, when one considers the New South Wales experience and the evidence which identifies that both periodic and change of ownership inspections cannot be justified on either a road safety or a cost-benefit basis, one recognises that it would be unwise to support the legislation in its present form. I regret that the Minister will not accept this amendment.

The Committee divided on the amendment:

Ayes (21)—Messrs Allison, Armitage, P.B. Arnold, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy and Gunn, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton (teller).

Noes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins (teller), Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Ms Lenehan, Messrs McKee, Peterson, Quirke, Rann and Trainer.

Pairs—Ayes—Messrs D.S. Baker and Ingerson. Noes—Messrs Klunder and Mayes.

The CHAIRMAN: There being an equality of votes, I give my casting vote for the Noes.

Amendment thus negatived.

Mr MEIER: I have a point of concern with respect to vehicle inspections. What guarantee can the Minister give that the officers who conduct these inspections will not use a tactic whereby, when the vehicle which has been brought in and perhaps requires several matters to be attended to is brought back in for further inspection, they find one or two more things that need attention? The Minister would be aware that that happens from time to time with commercial and other vehicles. Will a fiasco situation develop in these circumstances?

The Hon. FRANK BLEVINS: We do not have fiascos. An inspector would be remiss in his duty if on a second inspection he found something that he did not pick up on the first inspection. He would be derelict in his duty. All members opposite would not want to see a vehicle on the road—

Mr Becker interjecting:

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS: I am sure that no-one here would want to see a vehicle on the road that is unroadworthy because an inspector would not on a subsequent inspection report a defect in that vehicle.

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 1.27 a.m. the House adjourned until Thursday 22 November at 11 a.m.