HOUSE OF ASSEMBLY

Wednesday 8 April 1992

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

Members interjecting:

The SPEAKER: Order! There have been many complaints about members not being able to hear the Clerk read petitions. I draw the attention of all members to the background noise that is being created.

PETITIONS: GAMING MACHINES

Petitions signed by 702 residents of South Australia requesting that the House urge the Government not to introduce gaming machines into hotels and clubs were presented by Messrs D.S. Baker, M.J. Evans and Matthew.

Petitions received.

PETITION: HILLCREST HOSPITAL

A petition signed by 24 residents of South Australia requesting that the House urge the Government not to close Hillcrest Hospital was presented by Dr Armitage.

Petition received.

PETITION: CITIZEN INITIATED REFERENDA

A petition signed by 274 residents of South Australia requesting that the House urge the Government to hold a referendum to implement all aspects of citizen initiated referenda was presented by Mr Matthew.

Petition received.

MINISTERIAL STATEMENT: SACON

The Hon. M.K. MAYES (Minister of Housing and Construction): I seek leave to make a statement.

Leave granted.

The Hon. M.K. MAYES: I wish to make a ministerial statement relating to claims that the Department of Housing and Construction (SACON) has wasted $1.3 million on consultancy fees for its computer system. The *Advertiser* newspaper of 6 April 1992 ran an article entitled 'Government department wasted $1.3 million of fees: Libs' in which the Opposition Leader in the Legislative Council, the Hon. Rob Lucas, is reported to have made the claim in relation to consultancy expenditure on computer systems in SACON. In relation to the computer system, the $1.3 million to which the Hon. Rob Lucas refers is the total expenditure to transfer the interface existing computer systems from the ageing Cyber computer at the Government Computing Centre to the new IBM equipment. Approximately $450 000 of this was for specialist consultant advice, contract programming and training.

Therefore, the claimed consultant expenditure of $1.3 million on this interim system—the FMS—is in fact incorrect. Consultants were paid approximately one third of this amount. Also this conversion led to computer processing cost savings of approximately $210 000 per annum. To provide further background, SACON, in reviewing its information needs in 1988-89, considered that its systems, particularly the financial system, were not effective for its needs. The Auditor-General confirmed this and required the department to improve its information systems and to achieve economies of operation. SACON considered the total replacement of its existing systems to be the most cost-effective approach. However, that process would have taken at least another two years to implement. Therefore, as an interim solution to address immediate problems, SACON's current financial system—the FMS—was created by interconnecting then existing systems to enable the passing of information from one system to another.

In the report of 1991-92, the Auditor-General recognised that this plan to interface the existing systems was a practical interim solution designed to meet the immediate need to overcome deficiencies and inefficiencies in existing management information systems. The FMS system will continue to operate until at least December 1993. In its corporate plan for 1989-90, SACON had identified that one of its objectives was 'to provide a business-like service' to its clients. The longer term information systems of the department were therefore planned considering this objective.

Due to its changing relationship with its client agencies, the time frame of SACON to operate as a competitive enterprise involved in the business of providing a service to Government clients in property asset management, as outlined in the 1991 Government Agency Review submission, has been brought forward. As from 1 July 1992, SACON will be totally reliant upon fees earned from the services it provides. This has resulted in the need to accelerate implementation of a new integrated information system. This system is an essential part of the overall commercialisation process within SACON which, when fully implemented, is expected to save the Government at least $11 million per annum.

After seeking and obtaining Government Management Board endorsement, SACON has sought public tenders for a fully integrated commercial system through the State Supply Board. It should also be borne in mind that Cabinet approval in principle only has been granted and that the final proposal will need Cabinet approval. The $2.5 million figure stated in the article for this stage, however, is not a consultancy figure and, while including some consultancy costs, is primarily for packaged computer software and hardware. SACON is seeking commercially available packages that will minimise the time and cost required for implementation. I am not prepared to provide a more detailed breakdown of the estimated costs as tenders are currently being sought and I would not wish to compromise the tendering process further than it has been by the honourable member's statement.

I turn now to other consultancies, a matter which was also referred to in the newspaper article. Over the past three years SACON has expended less than $400 000 on management consultants. The largest item of $145 000 related to the engagement of consultants to assist and train all employees in a customer service program. This program was aimed at providing training to better equip employees with the skills of providing customers/clients with better service and it was consistent with the commercialisation objectives of SACON. I do hope the honourable member, in calling for a crack-down on consultancies, is not referring to the professional work that SACON traditionally commissions to the private sector on a project by project basis. In 1990-91, SACON provided commissions for design and documentation work with a fee value of $5.5 million to the private sector. To date this year, in line with the stated objective of maintaining the share of work to the private sector, commissions of about $2.8 million have been commissioned. With the depressed state of the market now a reduc-

tion in these consultancies or commissions would be disastrous for the private sector.

MINISTERIAL STATEMENT: TANDANYA DEVELOPMENT

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I seek leave to make a statement.

Leave granted.

The Hon. S.M. LENEHAN: Yesterday the member for Heysen asked why the Government had not required an environmental impact statement for the proposed tourist development at Tandanya, and I provided an appropriate response, which explained that the environmental issues associated with the project were being addressed through the planning process and that an EIS was not considered to be necessary. The member for Heysen, in his capacity as shadow Minister for Environment and Planning, then released a press statement headed 'Lenehan betrays public interest on Tandanya development'. Included were a number of scathing comments on my integrity as Minister, such as 'Ms Lenehan has once again abrogated her responsibility' and 'Ms Lenehan fails to honour her promises'. It also contained the innuendo that 'one can only presume that the Minister has some reason for not wanting to call for an EIS regarding this development'.

I regard these unsubstantiated allegations very seriously and believe that they are part of the Opposition's puerile campaign to oppose any sustainable development in this State and to launch personal attacks on the credibility of Ministers.

The following are the facts in relation to the process of planning approval for the Tandanya project. Interest in the locality goes back to tourist accommodation studies in the early 1980s when the Tandanya kitchen, with its small caravan park, was established by Gibbs. The National Parks and Wildlife Service identified the site as having potential for accommodation in 1986 following a survey of several sites. A Government decision not to allow further development at Rocky River in Flinders Chase National Park then focused interest on the next best site—Tandanya.

Paradise Developments then bought this site in 1988 and lodged a development application on 22 December 1988. The Department of Environment and Planning agencies did not consider that the proposal warranted an EIS, and the application was consented to by the District Council of Kingscote on 13 March 1989. The Nature Conservation Society then appealed to the Planning Appeals Tribunal, which overturned the council's approval. However, the Supreme Court of South Australia then confirmed the council's decision to consent to the proposal. Justice Jacobs in his judgment of 12 June 1990, regarding the Paradise proposal, questioned the need for a large-scale investigation to solve all environmental matters when these could be secured by conditions attached to any consent.

In March 1991, Paradise Developments sold to System One, and the Kingscote council took the opportunity to introduce an SDP over the land, which was then zoned general farming, to provide a better framework under which the inevitable development proposal could be considered. The supplementary development plan is very rigorous with respect to environment, siting and safety requirements. Any application which largely complies with the SDP policies would not require an EIS as impacts on social, environmental and economic issues are foreseen and limited by the supplementary development plan. Finally, it should be noted that the Paradise Developments application is still current and can be acted upon until 11 December 1992.

I totally reject the presumption by the member for Heysen that there is some untoward reason for my position that an environmental impact statement will not be required for this project.

QUESTION TIME

LOTTERIES COMMISSION

Mr BRINDAL (Hayward): Has the Premier been advised that an Auditor-General's inquiry is under way into potential conflicts of interest involving a senior officer of the Lotteries Commission? In May last year, the Lotteries Commission purchased a property at 24/26 Payneham Road, Stepney. The purchase price was $635 000. An inspection of the property today does not reveal, from the outside, that the commission even owns that property. It is not evident what it is being used for, and I understand it was on the market for some time before the commission purchased it.

I have been advised that there is an investigation under way within the Auditor-General's Department related to a potential conflict of interest because of a relationship between a principal of the real estate company which sold the property and a senior officer of the Lotteries Commission. I also understand that this investigation covers the commission's general insurance arrangements.

The Hon. J.C. BANNON: This matter has come to my attention. In fact, I understand that the honourable member telephoned the person involved to make some inquiries about this matter. I should have thought that, in consequence of that call, he would not find it necessary to raise the question publicly. Nonetheless, he has. All I can say is that I understand it relates to the purchase of a property, there is some tenuous connection that may or may not be appropriate but, as far as approvals, valuation and all other aspects were concerned, from the information that I have, it was an absolutely straight transaction which was appropriate commercially for the Lotteries Commission. As I said, I would have thought that the honourable member's inquiry would have ascertained that.

As to what the Auditor-General may or may not do, obviously one of his briefs is to look at any of these transactions, and he will report on the matter if he believes it is warranted. I have no further information that I can offer at this stage.

FOUNDATION SOUTH AUSTRALIA

Mr QUIRKE (Playford): Will the Minister of Recreation and Sport detail the benefits of Foundation South Australia to sporting clubs, and take up with the foundation its profile in the smaller metropolitan clubs? Constituents have asked me about the role of this body and the benefits that are claimed. They have commented that the foundation does not appear to be of much benefit to sporting clubs, as peak bodies gobble up the funds provided.

The Hon. M.K. MAYES: I thank the member for Playford for his question. It certainly is an important one, and one which I think would have entertained quite a few members, because many clubs have sought the advice and support of local members as to how funding can be arranged for the local club, whether it be for recurrent or capital expenditure. The honourable member has shown initiative in bringing up this issue because of his concern about

funding for his local clubs and for sport as a whole in this State.

At the outset, it is important to record the background and establishment of this organisation. It was established through this Parliament to be at arm's length from Government: that was a very clear direction, and it is part of the legislation. Consequently, it is up to the trustees to determine how those funds are spent. They have contact in particular with the senior Minister, the Deputy Premier, who has the responsibility of overseeing the budget in general terms, that is, in terms of allocation, not in terms of the detailed allocations. The principal function, or the charter, is to promote and advance sport, culture, good health and healthy practices, and also to prevent and detect at an early stage illness and disease related to tobacco consumption.

Although at the moment there is some discussion in the community about the application of Foundation SA and its meeting its charter, it is fair to say that it has carried out those functions fairly successfully. The foundation has been involved in many areas of sponsorship, such as arts, health functions, the promotion of good health and preventive programs, as well as sporting organisations.

Our estimate is that the foundation is spending more than three times as much on sport and recreation sponsorships as did the tobacco companies. A huge myth was generated by the Tobacco Institute about the funds that were being put into sport. When it came to actual replacement, my guess (and I think my guess is recorded in *Hansard*) was accurate: the amount put into sport was much larger than the amount allegedly cited by numerous community leaders and the community as a whole. The same can be said for the arts.

The honourable member raises the important question of the application of funds, particularly to local clubs and associations. It is an issue that we have raised with foundation trustees from time to time, and it is a matter which needs to be meshed with what happens with other funds going into sporting organisations in this State. There needs to be, at the least, a fairly close correlation between what, for example, the South Australian Sports Institute, the Australian Sports Commission and the Australian Institute of Sport are actually putting in and what might come from Foundation SA. A good example of how things can go astray is the situation in Victoria: there was not a tight relationship between funds from the Victorian Anti-smoking Campaign Foundation and the Victorian Department of Recreation and Sport because of a breakdown, and that led to overlap and confusion.

I will certainly raise the issue with the foundation, again indicating quite clearly that it is a matter for the trustees to decide, and I am sure they will make that decision, given the evidence that has been put to them. I am happy to put the matter before them, conveying the honourable member's concern about funding and, hopefully, the honourable member will see some satisfaction following his raising the question in the House.

LOTTERIES COMMISSION

Mr BRINDAL (Hayward): My question is directed to the Premier. As the Minister responsible for the Lotteries Commission, will he confirm that he personally approved the commission's purchase of a property on Payneham Road, Stepney in May last year? In seeking some information about this matter, last week I telephoned the Conveyancing Officer of the commission. The outcome of this initial approach was that within half an hour the senior commission officer, who I believe is being investigated in this matter, telephoned me from the United States and in the course of that telephone conversation he advised me that the Premier had personally approved the purchase of this property.

The Hon. J.C. BANNON: Yes, that is correct.

Mr D.S. Baker interjecting:

The Hon. J.C. BANNON: The Leader of the Opposition groans. It is an appropriate process of government—

Mr D.S. Baker interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: In order for the commission to make such a purchase it must seek approval. It is a major capital expenditure. The process by which that is done is that the Lotteries Commission would put its proposal to the Treasury and the Treasury, in turn, would forward that proposal to me with a recommendation, a recommendation on which I act—and that is exactly what happened in this case. The property was one that was purchased for storage purposes, for consolidating the commission's storage facilities that were scattered in a number of locations and to house the commission's technicians and their workshops, because they were having problems using the Rundle Mall head office and getting access to that.

It was part of the sensible consolidation of activities of the Lotteries Commission. Apparently it was looking for some considerable time for an appropriate warehouse—and that is what we are talking about, a warehouse for the commission—and it finally identified this particular property. The commission therefore resolved that it should purchase it. That recommendation then went to the Treasury which, naturally, in the light of the information given, supported purchase of the property. The property was obtained at a price well below replacement cost in the current market, as one can imagine. It was a pretty good deal as Treasury thought, and indeed as the Lotteries Commission thought, and it had all those other advantages. So in receipt of that advice and that recommendation I gave my approval as required for such a major capital purchase—and we are talking here of just over half a million dollars.

ETHNIC BROADCASTING

Mr FERGUSON (Henley Beach): Will the Minister of Ethnic Affairs make representations to the Federal Government concerning the level of funding available from the Public Broadcasting Foundation for community based ethnic broadcasting in South Australia? I have been approached by two people who are prominent in the ethnic community in my constituency and who are very worried about the fact that budgeting for ethnic affairs radio in South Australia may well be affected. I raise this matter with the Minister to find out whether that is true or not.

The Hon. LYNN ARNOLD: I thank the honourable member for this very important question. I, too, have received a number of representations, first, in my capacity as Minister of Ethnic Affairs and also in my capacity as a local member in the area that Northern Stereo 5PBA broadcasts into. There is real concern that funding available to community based ethnic broadcasting in South Australia could be under real threat. The situation is that the Public Broadcasting Foundation, which comes under the Federal Government, is responsible for giving moneys to ethnic broadcasting in Australia, and it has in recent years been cutting back funding available to stations in South Australia.

For example, in the case of 5EBI, it received $205 000 in 1988-89 but that figure fell to $158 000 in the 1991 financial

year, and it received only $72 000 in the first six months of this financial year. In fact, the actual rate of money has been cut per hour of broadcasting from $40 per broadcast hour in 1991 to $37 per broadcast hour in the current financial year, and, in addition, there has been a cap put on how many hours a week can be broadcast to a particular ethnic community group.

If the station chooses to go in excess of that, the community group has to find its own funds. In the case of the Greek radio programs, where they broadcast for 15.5 hours a week, the maximum payable funding is for only seven hours, so the balance has to be found by the Greek community itself. The problem is exacerbated by other proposals around the place for the duplication of SBS radio services in Melbourne and Sydney. Because there have been some disputes in Melbourne and Sydney about the number of hours per week available for various community groups, it has been proposed that there be a second SBS radio station in each city. The worry of community groups in South Australia is that the funding for those extra radio stations will come entirely out of the Public Broadcasting Foundation and hence mean even less funds available for South Australia for community broadcast efforts.

Mr Ferguson interjecting:

The Hon. LYNN ARNOLD: Yes, it is shocking. If that were to take place it would be a very poor recognition of the valuable work that community groups have done in South Australia over many years, remembering that 5EBI was one of the first two community ethnic broadcasting stations in Australia. That pioneering work would be receiving very little tribute if this took place. In the case of a station such as Northern Stereo 5PBA, which presently broadcasts 17 hours per week to non-English speaking background communities, its grant has been reduced from $40 per broadcast hour to $39. If the funding were to be further taken away, naturally the funding available for those community groups would be even less. I intend to make strong representations to the Federal Government about this, and the honourable member's constituents can be assured that, to the extent that we can do something about this, we will be resisting such cuts.

MINISTER OF TOURISM

Mr D.S. BAKER (Leader of the Opposition): As the Premier is now implicated in the presentation of misleading information to this Parliament about conflict of interest issues involving his Minister of Tourism, will he now instruct the Attorney-General to immediately initiate an independent inquiry and, if not, why not? On 24 March the Premier told this House that an association between Mr Jim Stitt and International Casino Services had no relevance to South Australia because they had only offered their joint services for the introduction of gaming machines in Victoria. This is untrue. The Attorney-General has now been provided with a company prospectus which, in clear terms, shows that International Casino Services is involved with interests seeking the introduction of poker machines in South Australia and that Mr Stitt is directly associated with this company in its South Australian activities.

The Hon. J.C. BANNON: The information I put before the Parliament was the information that I had to hand. If further information needs examination then, as I said yesterday, the Attorney-General will look at it.

NORTHERN SUBURBS LETTER

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Ethnic Affairs advise whether he is concerned about the tone of the contents of a letter circulated in the northern suburbs which can only be described as racist? I was given a letter by a constituent who was outraged by the letter that she received entitled 'Australia—Very Clever Country'. In part the letter states:

> After World War II, non-English born immigrants, refugees who came to Australia, with university degrees, were forced to work as janitors, street cleaners, rubbish collectors, etc. Today's immigrants and refugees are janitors, street cleaners, rubbish collectors, etc. (and worse . . .), they are invited to work in Government offices as decision makers.

I understand that the Minister has also received correspondence on this matter.

The Hon. LYNN ARNOLD: I have had correspondence from a school in my electorate that received this scurrilous piece of literature, which does no credit at all to its anonymous author. Naturally, of course, the author is anonymous, because such people do not have the guts to stand beside this sort of scurrilous statement. The document makes a number of statements which, apart from being racist in the extreme and containing examples of vilification designed to incite division—and that is clearly what is meant to happen—and antagonism between communities in South Australia, are quite clearly wrong.

This document seems to attack the Italian community or South Australians of Italian birth or descent. It refers to an agreement that has been reached between my colleague the Minister of Education and the South Australian Italian Consul, Dr Francesco Azzarello, concerning the appointment of a new language adviser to South Australian schools. I believe that the Italian Government is to be commended for the work that it does in supporting not just in principle but financially the extension of Italian language services in many parts of the world, including Australia. Its support for the programs that we have in South Australia is also to be commended in that light.

The suggestion that in some way a foreign government representative is trying to interfere with or distort what is happening in our system is entirely wrong. It is a complementary program that is taking place here not just in respect of the Italian language, but there are other examples as well such as the Spanish language, the Greek language and a number of others. The anonymous author of this document goes on to make references about those people living in Australia and taking our benefits. By the same token, those living in Australia are contributing to the benefits that this country is able to give. It is quite scurrilous to try to divide one section of the community from another, to say to all that we must contribute to this country but to some, 'You can't draw from this country; you can't get benefits from this country; you must be regarded as somehow being on the outer.'

The document makes a factual error where it says, 'How many Australians and other nationals live in Italy and receive special services?' Obviously, the anonymous author does not realise that we have bilateral agreements with many countries in, for example, the areas of social security and Medicare payments at the Federal level, and these agreements provide that Australians resident in a number of countries are able to receive those sorts of benefits just as nationals who are resident in this country and where a bilateral agreement exists are able to do the same. The reality is that in recent years we have seen considerable numbers of people moving from Australia to a number of these countries. In fact, in some years it looks as though

there has been a negative flow: in other words, more people have been going from Australia to particular countries than from those countries to Australia.

The other matter that needs comment is that a number of supported scholarship programs exist to encourage people to go to countries such as Italy. For our part, we try to encourage such scholarship programs in return. Presently, we have one available for medical students from the Campania region and there are programs in Italy in various regions such as Campania, Siena and Lazio. This sort of document does no credit to its author. It is designed to vilify and antagonise. I believe that all people in the community who want to build a proper united community would oppose it. I hope that we see the end of material such as this being distributed anywhere but especially to our schools, where it is designed to poison the minds of young Australians as they build their attitude for the future of this country.

GAMING MACHINES

Mr MATTHEW (Bright): Is the Premier aware that International Casino Services Pty Ltd, which has been engaged to give advice to hotels and clubs in South Australia on the introduction of poker machines and their attendant computer control system, in its South Australian prospectus offers its services in return for equity or managerial interest in lieu of fees; and, given Mr Jim Stitt's direct relationship with International Casino Services, does this not indicate that Mr Stitt, at the very least, stands to gain financially from the introduction of poker machines in hotels and clubs?

The Hon. J.C. BANNON: A lot of supposition is involved there. Let me start with what I know. As far as I am aware I have not seen the prospectus that the honourable member describes. I suggest that, if he believes that it implies these things and sets up such connections, he should do what he did with the other material—albeit very reluctantly—and send it to the Attorney-General and he will look at it.

OVER 50s EXERCISE CLASSES

Mr HAMILTON (Albert Park): Is the Minister of Health in a position to respond to my correspondence in relation to cut-backs in funding for over-50s exercise classes in the western suburbs? I have received correspondence from a constituent in Coral Avenue, Semaphore Park, expressing concern about cut-backs that impact upon over-50s exercise classes.

The Hon. D.J. HOPGOOD: Yes, I have a response, and I have the honourable member's letter in front of me. Of course, we are talking about a response to the costs of award restructuring. As is common to all agencies, it has been necessary for the costs of award restructuring to be absorbed, and for the most part this has been achieved by changes in the administration processes of the scheme. In fact, I understand that there has been a reduction of one hypotherapy class, which had an average attendance of five. That means that nine exercise classes are still being conducted each week with about 150 attending. There has been no retrenchment of the physiotherapist, nor is there any intention of ceasing the over-50s exercise classes. As for the details of the changes to the administrative structure, I will incorporate those in a written response to the honourable member. I can certainly assure him that the classes will continue at, or very close to, the level of service that has been enjoyed in recent times.

SPORTS INSTITUTE

Mr OSWALD (Morphett): Does the Minister of Recreation and Sport condone the administrative practice that allowed 15 members of the Sports Institute staff to be issued with American Express credit cards, to authorise payments of their own monthly accounts without verification from a superior and without having to itemise or justify these expense claims, and will he advise the Opposition by next Tuesday what amount has been transacted on each card since July 1990? The financial procedures audit of the Sports Institute of 20 December 1991 noted the personal issue of 15 American Express cards to institute staff. The auditors noted that, since no details of expenditure were given, it was impossible to say whether expenses were claimed in accordance with the Commission's Determination No. 9. This leaves a credibility gap over the Minister's statement last Wednesday, as follows:

> . . . all the advice to me indicates that there has been absolutely no impropriety by officers of the SASI in relation to the issues concerned by this audit.

The Hon. M.K. MAYES: I will be happy to provide a report for the honourable member. However, given his previous accusations and allegations regarding expenditure, I have to question the accuracy of this, but I am certainly happy to obtain a report for him.

DATA PACKAGES

Mrs HUTCHISON (Stuart): Will the Minister of Mines and Energy inform the House of the exploration industry's response to the data packages prepared by the Department of Mines and Energy following the recent drilling program in the Tarcoola region? Several weeks ago the Minister provided the House with some information on the results of the drilling program. At that time he stated that packages of geological and geophysical data would be available for the exploration industry towards the end of February.

The Hon. J.H.C. KLUNDER: I thank the honourable member for her continued interest in this area. I can confirm that the data packages went out as planned in late February, and it is a measure of the industry's interest in the area that 12 data packages have already been sold to major exploration companies. As members will be aware, the Tarcoola drilling programs and the upgraded data flowing from it is just one aspect of the extensive work load being undertaken under the umbrella of the National Geoscience Mapping Accord—a joint venture by the Federal and State Governments to improve the data available to the mineral exploration industry.

The South Australian Government has specifically committed $1 million to mapping accord programs in the current financial year and this is in addition to normal expenditure within the Department of Mines and Energy on this kind of work. The department expects there will be further sales of these packages and anticipates in due course an increase in exploration in the area as a result. However, this is not the only data release which has attracted the interest of mineral explorers. I am advised that eight copies of data packages relating to the Pitjantjatjara lands have been purchased by explorers and five sales have been made of data relating to the prospects for Mississippi Valley type lead/zinc deposits in the Northern Flinders Ranges. Considerable exploration industry interest is also expected in the near future when the department releases major reports and data on the mineral prospects of the State's Kingoonya region.

ST JOHN AMBULANCE SERVICE

Mrs KOTZ (Newland): Does the Minister of Health agree with Ambulance Employees Association officials that they have had a total victory over management with the Government-negotiated resignation of the St John Ambulance chief executive officer, Mr Bruce Patterson, and the possible return of Alf Gunther, whose position of State Superintendent was terminated in controversial circumstances? The Minister will be aware that yesterday the Chairman of the board, Dr James Young, announced to an unsuspecting management the resignation of Mr Patterson following a long and bitter industrial dispute between the union and the St John management. I am told that, apart from Mr Patterson's resignation, the terms of the agreement state that Mr Gunther will be free to apply for the senior management position and that St John will discontinue all legal action against the AEA. I am also told that these arrangements were made without reference to the board, which raises serious questions about the Minister's part in the negotiations.

The Hon. D.J. HOPGOOD: That last bit is complete and utter nonsense. Let me rehearse for the honourable member what happened, which is by no means unusual in these matters.

An honourable member interjecting:

The Hon. D.J. HOPGOOD: Of course I have been involved; I do not deny it. Both Mr Young and the union asked that the Minister of Labour and I should be involved. They asked for a meeting with us. We did not require them to come to a meeting, nor can we. There is no legislation to provide for that. Again, I have to make the point to this House that the Liberal Party has to make up its mind whether the Government should or should not be involved in these matters. Is the ambulance service a service that the Government should run and be directly responsible for or is it a service that the Government should only fund and otherwise keep out of?

Members interjecting:

The Hon. D.J. HOPGOOD: We will see legislation very shortly but, until such time as that legislation hits the deck, what I am able to do, what the Minister of Labour is able to do and what the Premier is able to do is set down such legislation as we have. We have in no way breached that legislation. We have merely responded to requests from the union and the chair of the board for assistance and advice. I go back to this mysterious business about the board not being informed.

When there is a dispute, be it industrial or not—and there is still an issue as to whether this is or has been an industrial dispute, so I am not going to get into that, and I will leave it for those who can judge these matters to bring down a judgment on that—one does not have every Tom, Dick or Harry or Mary for that matter, who is part of management, and a similar group who are part of the employees along for the negotiations. One has a small group representative of others and they discuss the matter. If they can come to an agreement, it is on the understanding that they have to be able to sell that agreement to their constituencies. In fact, there are two levels of constituency in this matter. First, the people negotiating on behalf of the union have to convince their executive that what they have agreed to is reasonable and then in turn, I assume, under the rules of the union, the executive calls a meeting of the general membership to see whether the general membership agrees. That is the democratic process.

By the same token, the negotiators, on behalf of the board representing the employers, have to report to their board. So, there is nothing sinister about Mr Young's saying to the Minister of Labour and to the union secretary, 'Well, this seems a reasonable proposition to me, but I will have to report to my board.' There is nothing sinister about Mr Palmer's saying, again to the Minister of Labour, 'This seems reasonable to me, but I will have to report to my executive.'

This is the very reason why nobody associated with the union, or so far as I am aware nobody associated with the board, was prepared to say publicly what was in it: they felt it was not reasonable that it go into the public domain until the people whom they represented in those negotiations had had a chance to say whether the outcome of those negotiations was appropriate to the situation. Furthermore, premature disclosure of anything in that agreement could also make it very difficult to come to such an agreement. At this stage, because I have not been given approval by the people whom my colleague and I attempted to assist, I am not prepared to disclose any aspect of that agreement, tentative as it was, because of the machinery that I have explained to the House. I am not prepared to say that at all. What I am prepared to say is that the honourable member, by speculating as to the content of that agreement and, therefore, putting it in the public arena, could quite possibly have put at risk—

Mrs Kotz interjecting:

The Hon. D.J. HOPGOOD: The honourable member is now compounding her sin.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I am saying that the honourable member, by speculating on the content and putting it in the public domain, is merely putting at risk a resolution of this dispute. When I chastise her with this, she goes further and says, 'It's not speculation: it's in fact what's in the agreement.' In other words, she is utterly shameless as to the role she is playing in this, and one has to ask the question—

Mrs KOTZ: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! There is a point of order. The Minister will resume his seat.

Mrs KOTZ: I take a point of order on the ground of relevance, regarding Standing Orders. The Minister is questioning my motives and is classing me as shameful. I believe that that is unparliamentary.

The SPEAKER: Order! I do not uphold the point of order, but I ask the Minister to draw his response to a close.

The Hon. D.J. HOPGOOD: I was about seven words from the finish, Sir. The honourable member's acting in this way has to raise a very large question in our minds as to whether the Liberal Party really wants to see this dispute settled.

ELIZABETH WEST PRIMARY SCHOOL

Mr GROOM (Hartley): Will the Minister of Education advise the House on the time frame for redevelopment of the Elizabeth West Primary School? Following discussions with the member for Elizabeth, I visited the school in March. The current poor state of facilities and the timeframe for the redevelopment of the school on the present site are of major concern to the local school community and warrant the Minister's attention and response.

The Hon. G.J. CRAFTER: I thank the honourable member for his interest in schools in that part of the metropolitan area. I am aware of the discussions that have occurred within that school community and with officers of the

Education Department about the future configuration of that school. My colleague the member for Napier has also raised this issue with me on a number of occasions—

Members interjecting:

The SPEAKER: Order!

The Hon. G.J. CRAFTER: —and there are acknowledged problems with respect to the general community using the grounds of the school as a thoroughfare to an adjoining shopping centre and also to gain access to public transport. That has caused management difficulties within the school community, apart from the difficulties to which the honourable member referred with respect to the deterioration of some of the buildings associated with that school.

I can advise the House that a number of considerations must be taken into account before determining what the time frame will be for the refurbishment or replacement of that school. Last week the honourable member asked about the Andrews Farm new subdivision and the provision of an educational facility to serve that community, and I can say that similar considerations are now in place with respect to the future of education facilities in the Elizabeth West area, because it is understood that the Housing Trust may be considering an urban redevelopment program in that area and there is the possibility also of Urban Land Trust involvement in the Smithfield West area, which also impacts on the catchment area of Elizabeth West Primary School.

So before any decision is made about the Elizabeth West school and the future use of the site, consultations are occurring with the Housing Trust and the Urban Land Trust and the other appropriate authorities with respect to possible changes to the demographics in the area and the best way in which we can respond to the changing needs of the community. I can say that the Education Department does accept that there will have to be changes to that particular school, and they will be dealt with in the appropriate consultative manner and as expeditiously as possible.

333 COLLINS STREET, MELBOURNE

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is to the Treasurer. Has SGIC increased lease incentives at 333 Collins Street to include not only long rent free periods but also paying rent obligations on tenants' existing premises? SGIC acquired 333 Collins Street, Melbourne last year following the exercising of a $520 million put option, approved by the Treasurer. This is costing the commission about $50 million a year in holding costs. The *Financial Review* has recorded that the Deutsche Bank has moved into 333 Collins Street, because SGIC has offered it not only rent free accommodation but help in paying its unfinished lease at 1 Collins Street.

The Hon. J.C. BANNON: As the honourable member would know, there are some very good deals going on the property market at the moment—

Dr Armitage interjecting:

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

The Hon. J.C. BANNON: —and, of course, it really is a tenants' market at the moment. There is a lot of very high quality office accommodation in all CBDs in Australia, and the crucial thing is, for those who wish to—

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order!

Dr Armitage interjecting:

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

The Hon. J.C. BANNON: For someone who believes in the capital system, the honourable member would applaud the way in which the market forces are operating. I do not know whether or not that particular deal has been offered to that tenant, but I would hope and I believe that the SGIC is doing all that is competitively commercial to get that building let up. The latest figures were approaching 50 per cent letting tenancy, and indeed it will make an enormous difference—

Mr S.J. Baker interjecting:

The Hon. J.C. BANNON: It is very surprising: I thought the honourable member's knowledge about how these things work was a little better than that. In fact it is not a matter of thinking that—I know, because I have been present when it has been explained to him that there are arrangements made whereby one looks at the length of the tenancy and a number of other things, such as the actual rate at which payments are made, which taken over the course of that time return the economic value that is wanted. The member has had that explained to him very carefully indeed but obviously he has shut it off from his brain. The fact is that SGIC is doing whatever is appropriate commercially to ensure that the greatest value is made available to 333 Collins Street. I repeat: there are some very good deals going and if the honourable member is interested in some space he should shop around. I think he will find that that is the case.

INTERNATIONAL HERITAGE AWARD

Mr De LAINE (Price): Will the Minister of Housing and Construction inform the House of details of the international heritage award recently won by the Department of Housing and Construction?

The Hon. M.K. MAYES: I thank the honourable member for his question, as it is important to acknowledge—

Mr S.J. Baker interjecting:

The Hon. M.K. MAYES: You only have four days to go, so what are you worried about? It is important to acknowledge what is being done by SACON in this area. In particular, it has been awarded the grand gold award by the Pacific Asia Travel Association (PATA) for its historic buildings conservation program. It is a significant award in terms of the historic buildings conservation program which this Government has been strongly supporting, and actively supporting financially, as well as making all efforts to preserve important heritage items within this State.

A number of items have been renovated to a significant level. Moreover, it is the program that has been identified, and our officers have been involved in that not only in this State but also interstate. There are also opportunities overseas. The historic buildings conservation program has been developed by the Government to give us the opportunity to restore and retain our historic buildings. It is a conservation program that will provide ongoing renovation of our assets and maintain for future generations the enjoyment of those assets.

The heritage unit of SACON has been responsible for administering the program, and I congratulate the officers involved, as they do a magnificent job. They are at the forefront nationally and, given what I have been told by people on the international scene, they are also at the forefront internationally in terms of this sort of program. Their conservation work has gone through a variety of stages of development, but a rough figure indicates that about 30 heritage assets have been listed and renovated to their original state, indeed structurally to a state even more substantial than the original.

In submitting an entry for the award, SACON highlighted the impact of the program on both the environment and tourism in this State. It goes beyond the metropolitan area and into the regional aspect, even through to western Victoria because of the impact on those areas: it is internationally known and recognised, and people from South-East Asia and Europe come to South Australia to look at what we are doing in our program. It has an ongoing impact, because it attracts both tourists and people who are interested in the cultural aspects of our community. It is a backdrop for our wonderful festivals, such as the Festival of Arts. The program is very important not only because of its aesthetic impact on our community and the fact that it secures our assets for future generations to enjoy but also because it offers us the opportunity to assist other communities to restore their historic assets, thus benefiting those communities.

LAND TAX CHARGES

Mr LEWIS (Murray-Mallee): What explanation can the Minister of Lands give for an increase of 1 500 per cent in land tax charges against 100 members of a non-profit shackowners group called South Punyelroo Progress Association when she has claimed that Government charges will not exceed CPI increases; and what will she do to redress this iniquitous situation? I have been informed that members of this association, and two other associations—Teal Flat Holiday Homes Association and the Marks Landing Progress Association—have been billed these extraordinary increases, to the surprise even of the Valuer-General. Members of these associations are required to pay land tax, unlike all other shackowners, presumably because inadvertently they were compelled by planning laws some years ago to make a once only payment for their shack sites to obtain a form of freehold perpetual lease to their sites. Members of the South Punyelroo Association paid land tax last year of $2 400 and this has now been increased to $40 000.

The Hon. S.M. LENEHAN: I will have the veracity of the question checked out, seek advice from the Minister of Finance and provide the honourable member with an answer.

Mr LEWIS: I take a point of order, Mr Speaker. I understand the word 'veracity' to mean credibility and truth; that is impugning my reputation.

The SPEAKER: Order! Does the honourable member have a point of order?

Mr LEWIS: Yes, Mr Speaker.

The SPEAKER: I ask the honourable member to make his point of order.

Mr LEWIS: By using the word 'veracity' in relation to the substance of my question, the Minister implies that I would tell a lie in this place.

The SPEAKER: There is no point of order. The honourable member for Mitchell.

SMALL VEHICLE DAMAGE

Mr HOLLOWAY (Mitchell): Is the Minister of Transport aware of research that indicates that Australian small cars are unable to withstand low speed collisions of up to 8 km/h without unacceptable levels of damage and, if so, will he support changes to Australian design rules that make it mandatory for Australian cars to be fitted with bumpers able to withstand impacts of up to 8 km/h without damage?

Australian Associated Motor Insurers (AAMI) has claimed recently that a test by Monash University's Civil Engineering Department has revealed that, in general, Australian small cars are unable to withstand low speed collisions without unacceptable levels of damage. It is also claimed that that damage results in Australian motorists having to pay through their insurance companies unnecessary repair bills in excess of $280 million a year.

The Hon. FRANK BLEVINS: The suggested introduction of an Australian design rule (ADR) for bumpers that will satisfy an 8 km/h impact standard will need to be considered by the Australian Transport Advisory Council (ATAC). The Vehicle Standards Advisory Committee of ATAC is responsible for Australian design rules and this State is represented on that committee.

The matter of repair costs needs to be considered in the overall context of the total scene. As indicated in this very good report, insurance claims for low speed accidents represent approximately 20 per cent of all claims and 14 per cent of the total crash repair cost. The fitting of bumpers capable of withstanding an 8 km/h impact will reduce the repair cost of low speed impacts, but may very well result in increased repair costs for the majority of impacts that occur in excess of 8 km/h. That would be due in part to the need to replace the more complex and expensive bumper systems. Nevertheless, I am sure that the House would agree that it would certainly be desirable to eliminate or reduce the repair cost of vehicles involved in low speed impacts. I have requested the South Australian representative on the Vehicle Standards Advisory Committee to seek to have the subject of low speed impact tests placed on the agenda for discussion and recommendation.

CONTAINER TERMINAL

Mr INGERSON (Bragg): My question is directed to the Minister of Marine. What is the status of negotiations with the current lessee of the container terminal following the Government's decision to resume the lease, and can the Minister confirm that negotiations to find a new terminal operator are sufficiently advanced to allow a smooth transition between operators on 21 April?

The Hon. R.J. GREGORY: The answer to the last part of the honourable member's question is 'Yes'. In response to the first part of his question, I have not been advised of the stage that the negotiations have reached because the matter is being dealt with by legal officers of the Crown and legal representatives of the current lessees.

GULF ST VINCENT PRAWN FISHERY

Mr QUIRKE (Playford): My question is directed to the Minister of Fisheries. What is the survey data showing from the Gulf St Vincent prawn fishery, and what progress is being made by Government to implement the findings of the parliamentary select committee into that fishery?

The Hon. LYNN ARNOLD: On the matter of survey data, the survey that should have taken place in the March period has not taken place at the request of the Gulf St Vincent Prawn Boat Owners Association, because it suggested that it would be premature to have a survey take place prior to the establishment of the research committee that has been recommended by the select committee. I previously advised members in this House of the difficulties that were raised in the establishment of that committee, entirely because the association had difficulty nominating its own representative to that committee.

The Australian Electoral Commission has now conducted the ballot, and I understand that the 10 members who made up the constituency elected, by a vote of eight to two, Mr Florian Valcic as the representative. So, it is very pleasing to see that the Australian Electoral Commission was able to deal with that problem. Now that that is in place we should be able to have this committee up and running ready for the next survey, which I believe is due in September.

There are no data available at the moment. However, as I indicated previously, we will not be at a loss for the want of this particular period of survey, because we will have a March survey in 1993 as well, prior to the re-opening of the fishery at the end of 1993. On the other matters, I can advise that Cabinet has basically accepted the recommendations of the select committee. The necessary processing of that in terms of regulations and any legislative changes is under way, and I hope to have those changes before the House at the earliest opportunity.

I also take this opportunity to point out another feature of the Government's decision. The decision to close the gulf applies to all who would take prawns from Gulf St Vincent; it applies not just to the commercial fishery but also to the recreational fishery. I think there might have been a bit of confusion that it was only closed to the commercial fishery, but it is closed to everyone. No-one is permitted to take prawns from the Gulf St Vincent during the two-year closure period. The simple reason for that is that the hatchery areas would be the most likely site of recreational fishing for prawns. Clearly we want this fishery to be restored as soon as possible, and during this two-year period these fisheries cannot therefore be subject to any human impact.

ROXBY DOWNS

The Hon. E.R. GOLDSWORTHY (Kavel): This is indeed the ultimate question; yesterday's question was, in fact, the penultimate question. Does the Premier still believe in mirages? This question does not need a lot of explanation, but I seek to explain it briefly. In 1982, when I negotiated an indenture, which was introduced in the Parliament, the Premier described the Roxby Downs mining project as a 'mirage in the desert'. Now, of course, the project employs many thousands of people and brings tens of millions of dollars in royalties into the South Australian economy. The Premier is an English scholar of some note.

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

The Hon. E.R. GOLDSWORTHY: I am just explaining the question. The Premier would understand that according to the dictionary a mirage is something illusory or unreal. Now, as I said, the project is achieving all these things. This poses the question whether the Premier has revised his view of mirages and whether the MFP will emerge from being a mirage in the mangroves.

The Hon. J.C. BANNON: I have often reflected on that statement—indeed, the honourable member has often required me to reflect on it—so it is probably appropriate that this should be his ultimate question. One looks back and tries to put a statement in context; as we all know, hindsight is a great advantage, and one can redefine things. It may have been that I was a bit confused about the true meaning of 'mirage'. I have not in fact consulted the dictionary as the honourable member has suggested. I was aware of those defence force aircraft, for instance, which I understand have now been replaced by Phantoms—whether or not that means anything in relation to the project to which the honourable member referred.

While I must admit that it is a terrible and unprecedented thing for any politician to do, I would have to recant on that particular statement in response to the honourable member and say that the project, with which he is and will be very closely associated, is a very tangible and productive reality. Certainly it was spawned amidst great controversy and required an enormous amount of political and other steering. I think the honourable member, as he retires, would concede that at the end of the day, despite the fact that it was primarily his efforts that got the indenture through the Parliament and got the Parliament going (indeed, he has been acknowledged appropriately on every occasion when something significant happens in relation to that project), it was also true that, faced with the reality of the project and the fact that it had ceased to be a mirage, my Party and eventually Government wholeheartedly took up the responsibilities imposed by the indenture and the project and discharged those responsibilities.

That is a great example, if you like, of conversion or a bipartisan approach. I would like to believe that it is an example of continuity and the recognition that, no matter how controversial, once an issue becomes reality, one must simply put aside the controversy and get on with the job. Indeed, I would like to believe that in his valedictory question the honourable member is drawing attention to his achievement in those circumstances and saying, as far as the MFP is concerned, 'Go for it, because whatever I and my colleagues have said about it, at the end of the day we will be backing it 100 per cent, too.'

EDUCATION DEPARTMENT BUDGET

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Education advise the House whether there have been cuts to the Education Department's budget for school works? In today's *Advertiser*, in an article written by Rex Jory, headed, 'Schools' budget "cut $6 million" ', the member for Hartley, who unfortunately is not present at the moment, is quoted as saying of the Education Department:

> They have taken $6 million allocated last year for school maintenance and used it for bureaucratic expenses.

The Hon. G.J. CRAFTER: I was most surprised when I saw the *Advertiser* this morning—it did not get here last night before I left this place—to read the blazing headline, 'Schools' budget "cut $6 million" ', and to see the credence that is given by that newspaper, on the evidence that it asserted in the article written by the political editor, Mr Jory, to these alleged cuts. I would suggest they do great damage to the reputation of our Education Department, to officers of the department who administer these funds and, indeed, to the standing of our schools in the South Australian community. The reality is that there are no cuts of this type. In fact, it is indicated that additional moneys may be available for expenditure on these minor works programs because of prudent management and the efficient use of resources within our education system.

If evidence is available to the member for Hartley, who raised this matter with the press, I would like to receive that information so that it can be properly investigated. I was rather surprised to see that the member for Hartley was quoted as saying that 'they'—presumably the Education Department—'have taken $6 million allocated last year for school maintenance and used it for bureaucratic expenses.' I have today written to the honourable member and asked him to advise me of the factual basis on which he made that statement. I will most certainly have the matter investigated when I receive the factual basis on which that allegation is made.

It surprises me that the *Advertiser* is prepared to accept the word of people who make these allegations, particularly where the information is coming from the teachers' union, which is obviously campaigning prior to the settling of this year's State budget on the funding available for works programs in our schools, and give those views great prominence in the newspaper as against the information provided by the Education Department. That does a great disservice to the important work that our schools do, to their standing in the community and, indeed, to the confidence the South Australian community has in our education system. So, I look forward to receiving the factual basis on which these most serious allegations have been made.

PERSONAL EXPLANATION: SOUTHERN CROSS HOMES

Mr ATKINSON (Spence): I seek leave to make a personal explanation.

Leave granted.

Mr ATKINSON: During debate on the Gaming Machines Bill, I mentioned that Southern Cross Homes, through Caritas Pty Ltd, held a one-third share in the Adelaide Casino. I referred to Southern Cross Homes as the church's Southern Cross Homes. Members may have inferred that I believed that the archdiocese of Adelaide had a conflict of interest in opposing gaming machines in licensed premises while holding shares in the Adelaide Casino, which already has gaming machines. Father Joe Grealy and Father Robert Carey have telephoned me to say—

Members interjecting:

The SPEAKER: Order! Leave was granted for the honourable member to make a personal explanation.

Mr ATKINSON: —that Southern Cross Homes is owned by laymen and is not part of the Adelaide archdiocese. I accept the distinction they make.

MEMBERS' RESIGNATIONS

Mr D.S. BAKER (Leader of the Opposition): I move:

That the House notes the impending resignation of the member for Kavel (Hon. E.R. Goldsworthy) and places on record its appreciation of his 22 years of service.

I am honoured to lead the tribute to the member for Kavel, and when I conclude I will also make some remarks about the member for Alexandra. Roger Goldsworthy was one of the 18 members of the Class of '70—those who were elected to the enlarged House in 1970. After this afternoon, only four members of that class will remain: the Deputy Premier and the members for Hanson, Light and Eyre. Quite rightly they could be called the fathers of this House. But I also acknowledge the members for Davenport and Chaffey, who were elected in 1968, so they would be called the grandfathers of this House.

I am concerned about some reports in the media that say that senior members should retire from this place. Since I have been here, I have always believed that individual members and Parliament collectively does benefit from the experience of senior members. They represent the continuity of past Parliaments; and they encourage all of us to recognise the precedents and conventions of past Parliaments. I believe it is most important that those traditions are upheld and that those of us who are the younger members of this place do not forget what has gone on before. So, I think the Parliament is always richer for having in this place people who have had considerable experience.

Roger Goldsworthy's parliamentary career spans three distinct political periods. For much of the 1970s he was arguing, in Opposition, about the economic and social policies of the Dunstan Government. In his maiden speech he made some comments about one of the leading academics of the day, and, quoting from that speech, he said of him 'The occasional university professor who likes to dress up like Buffalo Bill.' I do not believe, though, that that was a cheap political shot. It was indicative of Roger's concern at the decline in community standards. During his whole time in this House he has shown that concern about the decline in community standards. He has referred to this not only in the community but also in this House.

Roger became Deputy Leader of the Party in 1975 and played a very important role in the election of a Liberal Government in 1979. I am reliably informed that he was not always confident of that victory. I think we would all acknowledge that Roger has not been noted during his term in here as buying a round of drinks out of turn, and members may be surprised to learn that Roger promised to throw a garden party if the Liberal Party won that election. Of course, he made that promise in the knowledge that the polls did not look too rosy at the time. I think they showed the Liberal Party at about 35 per cent and the Leader at about 25 per cent—very much different I must tell the House from the polls today, which show the Liberal Party at about 55 per cent and the Leader at about 35 per cent. However, Roger duly held the garden party. Some people who want to be cynical may say that that was a brief and fleeting moment of euphoria after Roger received his first ministerial salary cheque; but from that time on Roger never looked back in this Parliament.

As Deputy Premier and Minister of Mines and Energy from 1979 to 1982 he played a very key role in two important projects in South Australia and, of course, they were the subject of a question today, and I refer to the Stony Point liquids scheme and Roxby Downs. Roger also played a very important role in the indenture agreements for those two projects. Company executives have said to me how impressed they were with the way that Roger negotiated on behalf of the taxpayers and the Government of South Australia, with the position that was arrived at and with the fact that those negotiations were not undertaken as a passive participant but as an active one on behalf of everyone in South Australia. He spent endless hours in detailed negotiations, and I believe that both indentures have stood the test of time very well. Both of those projects have ensured that South Australia has grown in significance as those projects themselves have grown.

As member for Kavel, Roger was a leader in the uranium debate and tried to take some of the heat out of it. He persistently advocated and argued the facts and how the future development of South Australia was very much reliant on energy. He has continued over the years to do that. Some members opposite may have said that he was a gung-ho miner, that he was insensitive in his views, that he did not take all the social and environmental matters into consideration when he was arguing those views; but I do not think that all members fully understand the amount of work he put into forming those views. He visited Japan and, above all other countries, that is one country that should be most concerned about the safeguards of uranium enrichment and uranium mining. He also visited Israel to look at solar energy and at new technologies.

At the end of those visits Roger was convinced that if we were going to share our resources responsibly with the rest

of the world we could have a real influence in this country in making sure that the safety that follows with that would be in South Australia's and Australia's best interests. I think everyone would acknowledge the sincerity with which he went into those negotiations and with which he, as Minister, carried out his duties. In only three years as Minister he achieved very much for South Australia.

In more recent years, Roger has been a loyal Deputy Leader of our Party. He has been an invaluable source of advice to new members. I was fortunate enough to come here in 1986 and I have had very many friendly lectures from the member for Kavel. I believe that most people would say it is a tragedy that he was a Minister in this State for only some three years. He is leaving us now because he wants to do all he can to give his Party colleagues who remain in this Parliament the opportunity that he has not had, namely, to take the Government benches for at least one term and, most decidedly, for a second term. I am sure that the member for Kavel would not be offering to give garden parties on the next two elections in South Australia.

We on this side of the House will all miss Roger with his wise counsel. He has been very supportive to all of us on this side when times get tough, and he has been a very loyal servant not only to the Party but to this Parliament and to South Australia. Our loss, of course, will be his family's gain. He has had tremendous support from Lyn and the family, and no doubt in the future he will be spending much more time with them.

I conclude my remarks with one comment, and it happens to be a comment made by my physics master when I was at college. On reviewing the answer to a question I had given, he asked me how I arrived at the answer. I told him, 'Well, I assumed,' and I have never forgotten his answer: he said, 'Anyone who assumes is a fool.' Tonight I assume that the member for Kavel will be buying the drinks.

The SPEAKER: Order! The Leader is not reflecting, I hope.

Mr D.S. BAKER: I must now make a few comments about the member for Alexandra, who came into this House in 1973 and served the people of Alexandra for 19 years. He was a Cabinet colleague of Roger Goldsworthy in the Tonkin Government, and no-one could deny that he fought very hard for his beloved Kangaroo Island. The spirited fight he put up before the Electoral Commissioner to try to stop Kangaroo Island from being moved further west on the electoral map made everyone admire his tenacity.

He was a Minister of Agriculture and an effective voice in agriculture in South Australia. He was Minister when I was talking a role in agro politics, and on many occasions we had vigorous discussions with the UF&S, and at other times he and I had discussions. We all know that the member for Alexandra had a very unfortunate car accident some years ago which severely affected his health. We know that in more recent times the ramifications of that accident have become more severe. We trust that that will not unduly hamper his retirement or impede his fishing exploits on Kangaroo Island.

The Hon. D.J. HOPGOOD (Deputy Premier): The Premier has asked me to respond to this motion on behalf of the Government because, as the Leader of the Opposition has indicated, the member for Kavel and I share one thing in common, namely, we were elected to this place on the same day. It is *mirabilise* that a large number of new members flooded into this place and quite transformed many of the aspects of the way in which the place operated. I am very pleased to have this opportunity to comment. I had not quite been aware, until the Leader of the Opposition spoke, that there was another very close resemblance between the member for Kavel and me, namely, our closeness with the dollar. There would be those on this side of the House who might want to testify to that being one of my attributes also. I have not done sufficient research to determine whether the member for Kavel set a record for deputy leadership of a political Party, but I know that he was the Deputy Leader of the Liberal Party, in and out of government, for something like 14 years, and that is a considerable accomplishment.

The Hon. E.R. Goldsworthy: Fifteen years.

The Hon. D.J. HOPGOOD: Fifteen years: I would not want to short change the honourable member in any way, particularly on this occasion. That is certainly testimony to the way in which the honourable member was able to attract and hold the support of members of his Party. It is true, as I have said, that he and I are amongst only a very small number of members who were elected at that time. I will correct the record in one respect as far as the grandfathers are concerned: the member for Chaffey had three years off for good behaviour on one occasion, so I think he is actually one year behind us in terms of parliamentary service. No doubt, at the appropriate time, that matter will be referred to in the valedictories.

It is an engaging part of human nature that at times like this people are prepared to put aside differences and to pay respect to an individual. I think it is a very wise individual who is able to so organise his life and affairs that he is actually around to hear the valedictories when they are expressed. As the honourable member well knows, I intend to take a leaf out of his book but at what I would regard as an appropriate time.

I will not duplicate what the Leader has said about the way in which the honourable member exercised his portfolios. Obviously, he did so with a great deal of efficiency and competence. I did not ever sit in the same Cabinet room as the honourable member—that would have been an extraordinary situation—but my dealings with the member for Kavel were more in relation to the business of the House. Those of us who have been in this place for many years could say that most of the changes that have occurred in the Standing Orders, and more importantly in the way in which we approach the discharge and the efficient dispatch of our duties, have been very much for the better.

There was a good deal of fun about being able to sit around here for hours and hours at night waiting for a report from a conference of managers, because under the Standing Orders members were not allowed to go home. It was a lot of fun for a 32 or 33 year old (as I was) in his first two or three years in the Parliament, but I would not regard it as any sort of joke these days. It could be a bit of fun sitting until two or three o'clock in the morning, but I am rather glad from my own standpoint that that no longer occurs, and I am sure the honourable member would agree.

The member for Kavel had a lot to do with that because, for a good deal of recent parliamentary history, he and I negotiated the business of the House. I always appreciated the frankness with which the honourable member approached that task. It is a difficult task for a Deputy Leader of the Opposition because, on the one hand, he has to be cooperative while at the same time not in any way appearing to sell out his Party's interest in terms of its being able to mount an effective opposition, if that is what it wants to do, to matters before the House. I always appreciated the way in which the honourable member discharged that duty. As I say, it was certainly to the benefit of all members, because the program, which has continued under his successor, of our being able sensibly to negotiate the business

of the House has been to the benefit of all members, and we must accept that every time we walk out the front door and note that it is 11 p.m. and not 2 a.m. I very much wish to place that fact on the record.

I wish the honourable member well in his retirement and I wish Lyn well. I rather imagine that, like most wives, she will be hoping that he keeps himself very busy in a number of spheres outside the purely domestic scene. If he is successful in doing that, I know someone who will probably be ringing Lyn and asking her how she was able to achieve it.

I make the point that the Leader strayed a little from Standing Orders in referring to the honourable member by his Christian name. I assume that that does not mean that the member for Kavel's resignation has already taken place and that there is not a stranger in his place, because we have been wondering about the exact day, the time and the hour when his resignation would hit your desk, Mr Speaker, but that is a matter for the honourable member.

I turn to the member for Alexandra, who also occupied a place here for many years, although not for as long as the member for Kavel. I also place on record my appreciation for the very cordial relationship that I always had with him. I recall one occasion when the honourable member took the not unprecedented but unorthodox step at a meeting in his electorate, at which I was present, of telling all present that I was 'a bloody good bloke'. I appreciated the generosity with which that was said.

Of course, the member for Alexandra often entertained us in the House with his straightforwardness. I recall the occasion on which, as Minister of Agriculture, he complained that too few questions were coming to him from the Opposition benches, and that he sat here every day like a chook on a roost. I believe that that in fact spawned a nickname which persisted for a short time in the then Government circles of his being called 'Chook'.

I can also testify to his affection for Kangaroo Island and for the area and the people of his electorate. I regret the circumstances which have meant that he has had a rather uncomfortable time physically in the past few years following his accident and I admire the courage with which he has been able to bear the residual pain from that accident. I am glad to see that he has regained so much mobility. That is almost as much a testimony to the character of the man as it is to the skill of medical science. I commend the motion to the House.

Mr S.J. BAKER (Deputy Leader of the Opposition): I will be very brief, as much has already been said. However, I would like the House to recognise that rarely is the opportunity available for us to reflect on the contributions of past members. Normally there is a passing reference as we all rush off to fight an election, and I think that is a great shame. On this occasion we have the opportunity to reflect on the grand contributions to the Parliament of two members, one of whom has retired and the other is about to retire.

As a member of the class of 1982 I lived in some awe of Roger Goldsworthy for a considerable time. He had a tough reputation and was a very imposing figure in the Parliament. I looked up to him and thought to myself, 'I won't get in his way.' I suppose that if there were ever a time when he really endeared himself to me personally it was those two occasions on which he accompanied me out of Parliament and he was overcome by emotion at the unfairness of the Speaker who wished to eject me. Roger was kind enough to come with me and I appreciated that support. Those who know Roger, know him as a strong and tough campaigner and totally fearless. He has been a great confidante and a skilled negotiator and adviser. We will all miss him. I had been in the Parliament for about three months and he said to me, 'You will have to speak up.' I hope that I am now speaking up.

Members interjecting:

Mr S.J. BAKER: I thought I should use this opportunity to explain some of my bad habits. Roger has played a major role in Government and in Opposition. He was the longest serving Deputy Leader at the time of the 1989 election. Ted Chapman, also a pretty rough and tough campaigner, has done great things for Kangaroo Island; it has always featured strongly in his representations. He has certainly made his mark on the Parliament. Indeed, it is fitting to remember the contribution both members have made.

The Hon. M.D. RANN (Minister of Employment and Further Education): I think there might be some surprise from members opposite at my joining this very important debate, because there is often a misapprehension and a misunderstanding of the nature of parliamentary politics. There seems to be a feeling, particularly in the community, that Liberal and Labor members do not get on. That has been said particularly about the member for Kavel and me—both in my former role as adviser to the Premier and since I have been in this Parliament. Of course, that is not true.

I believe that the member for Kavel has distinguished himself in this House with his grace, his charm and his wit. I hold him in very deep affection and with great respect and I know that those feelings are reciprocated. It is certainly true to say that as deputy to David Tonkin he provided much needed strength and it is certainly true that as deputy to John Olsen he provided much needed substance.

I should like to reveal to the House an arrangement, in case anyone wants to question us, that the former Deputy Leader and I have made. The other night he asked me if I was prepared in his retirement to be his minder. I think the words were along the lines: as Harry M. Miller is to Bob Hawke, I could be for Roger Goldsworthy in terms of arranging speaking engagements at $1 000 a time at subbranches (Liberal or Labor) or at any other function, with a small 10 per cent earner on the side. I decided that it would be quite improper for me to receive this 10 per cent, so I am prepared to waive that and provide it to Greenpeace, if the member for Kavel believes that is warranted. However, we can be assured that he is prepared to speak on any topic, even though it might be the same speech. It is important to stress that. All of us in this Parliament need security and a sense of stability, and I have found, in listening to the speeches by the member for Kavel over the years, they impart a certain security and stability.

I want to pay tribute to some of the staff who have worked for the member for Kavel over the years. Indeed, two members of my own staff, Marion Brooks and Dawn Thomas, were members of the former Deputy Premier's staff, and I want to pay tribute to his kindness in that role, and I say that with every sincerity. Other staff, such as Richard Yeeles and James Kimpton, also put in very dedicated service to him. Also, I know that Rex Jory, when he was working for both David Tonkin and John Olsen, worked very closely with the honourable member when he was Deputy Leader. Indeed, I am prepared, as my first act as his minder, to approach the *Advertiser* to see whether it is prepared to have a weekly political column from the former member for Kavel, as he will then be, to provide some sense of political balance in that newspaper.

I think it would be remiss of me not to mention the former member for Alexandra. Whilst I said that the member for Kavel had grace, charm and wit, it is also true to say that Ted Chapman impressed me over the years with his sensitivity and style. I worked with him as a member of the Public Works Standing Committee for four years and I believe established a close friendship. We went to sewage works around the State and interstate. It is only on such travels that one reaches a true understanding. I want to pay tribute, too, to his representation of Kangaroo Island. He was a passionate Kangaroo Islander and demonstrated that he was prepared to put constituency and State before Party and petty Party interests. I pay tribute to him for that.

Ted Chapman certainly has a world view in Saudi Arabia, Morocco and Libya and from Tunis to Casablanca. The former member for Alexandra walked tall. He has travelled the world. I am sure we shall hear of him in Monte Carlo as well as Mecca, just as we will perhaps hear of the proposed holiday of the member for Kavel to Chernobyl. If he is prepared to buy me a drink after today's valedictory debate, I am prepared to bake him a yellow cake.

I must say, in summing up, that it is important that in this motion we recognise the member for Alexandra's equal contribution: three years as a Minister, many years as a member of this Parliament and dedicated service. We know that he was selfless in standing down after four or five years of battling illness and injury following his car accident. I know that he made a sincere arrangement with Dean Brown in 1985 to allow him at the appropriate time to return to the Parliament, and I respect him for that. However, it is a great pity that, as a result of some kind of oversight in the moving of this motion, the member for Alexandra was left out.

The Hon. JENNIFER CASHMORE (Coles): I am pleased to support the motion and express my respect and affection for the member for Kavel. I think it is fair to say that the mark of the stature of a politician is that he or she received the respect of not only colleagues but opponents. I feel sure that is the case with the member for Kavel. He has been in Parliament for more than two decades. I know that members on both sides of the House could say that one can rely on the word of the Hon. Roger Goldsworthy.

Reference has been made to the loyalty of the member for Kavel. The role of Deputy requires particular qualities, and loyalty is one of them. The unswerving loyalty of the member for Kavel was nowhere better expressed than in the manner of his retirement from this place. At all times he has put the interests of his Party first and foremost, and he did that in his decision to retire.

The member for Kavel is an extremely astute politician. The only time I have ever seen anyone get the better of him was when he left Adelaide for an overseas tour in the sincere belief that a new building would be constructed for the Department of Mines and Energy, only to find on his return, to his amazement, that the money allocated had been transferred to the restoration of the Museum. I can only say that the extraordinary skill of the Hon. Murray Hill in the Minister's absence was the only time that I saw the Arts portfolio triumph over the portfolio of Mines and Energy in all the time that I have been in this Parliament.

The Hon. Roger Goldsworthy's sense of fair play as well as his sense of loyalty has been one of his outstanding characteristics. In exercising that sense of fair play he has at all times in the Liberal Party room used it continually to support his women colleagues in their advocacy of women's causes. On behalf of my women colleagues, I should like to express our appreciation of that sense of fair play and support.

I know that if David Tonkin and John Olsen could speak here today they would have a great deal more to say about the unspoken, unseen and untiring words of support that he gave to them and also his continuing support to this day for all his colleagues. No matter what our troubles may have been, he has always had a word of friendship for each of us.

Mr De LAINE (Price): I have listened with interest to the contributions by members concerning the member for Kavel, in particular the contribution by the Minister of Employment and Further Education. I agree that this House should similarly recognise the Hon. Ted Chapman. Therefore, I should like to move an amendment to the original motion by adding the words:

and that this House further notes the resignation of the Hon. Ted Chapman, the former member for Alexandra, and similarly appreciates his 19 years of service.

The Hon. H. ALLISON (Mount Gambier): The member for Kavel had a fine career as an educationist before entering Parliament. Since then he has served the people of South Australia as a member, as a Minister and as Deputy Premier with unswerving loyalty and dedication. As Minister for the Crown he promoted affairs of State and the public good before self-interest. I will explain that point. In 1982 he encouraged the rarely precedented recommitment of the Roxby Downs indenture rather than lose that Bill and rather than go to an election which I believe Roger and the rest of his Cabinet colleagues believed we would have won. Instead, Roger saw the future of Roxby Downs as of paramount importance to the State of South Australia and, as the Premier has acknowledged, that decision was fully justified.

Under Roger's ministry, mining and exploration in South Australia blossomed after years of decline. He was also constantly aware when in government of the need for financial care and restraint. Members will realise that the State debt in 1982 was left at $2 billion, as against the $6.3 billion at which it currently stands.

As a member of the State Budget Review Committee, the member for Kavel set an example, he led by example and, even coming up to election, he and his colleagues did not stoop to giving away money simply to buy an election. The honourable member has been a loyal, dedicated and competent servant to the State. His colleagues have appreciated his friendship, his honest, firm and forthright dedication and his wry sense of humour. His other legacies will include the Stony Point petrochemical plant, which is also a great contributor to the State's revenues.

We were given relatively short notice that the member for Alexandra might be included in this eulogy, and I will speak briefly to that amendment, but with no less friendship and consideration towards the honourable member, whose retirement took place a few weeks ago. I wish Ted good health, long life, a happy retirement, and I hope to be able to speak in his praise a little later on. Ted, during that period of Government, was one of the few members of Parliament who found time to accompany me to rallies where 1 000 or 1 500 irate teachers seemed to be protesting for no apparent reason at all, just as they are with the Minister who sits opposite me now. We will never understand the members of the Education Department. At that time, as now, we, the Ministers, thought that they were verging on anarchy. I thank Ted for the wonderful support that he gave me at those meetings and his reassurance afterwards that the rest of the world could be wrong. I wish

both members long life, long happiness and a happy retirement.

The Hon. B.C. EASTICK (Light): Recognising that we are running close to the set of circumstances which beset Cinderella, with a clock that will strike and with certain actions that will have to be taken before that time, I rise quickly to wish both my younger colleagues a successful and happy retirement. The member for Kavel and I have shared a boundary throughout our 22 years in this place. Indeed, when we first came to this place, we shared an office, and we have shared many an experience in the meantime. It has been my pleasure to work with Roger and also to minister to a number of his constituents as he has ministered to a number of mine, because every boundary change has shifted the electorate of Light either into or out of Kavel, so we have had a close relationship in that regard.

The member for Alexandra came here as a new member in the first time that it was my good fortune to lead the Liberal Party to an election. The Hon. Dean Brown and he were the two new members to the electorate at that time, and I have shared many an experience with that member, also. To both of them I express, on behalf of my wife and me, our regard for their friendship and also our hope that they will have a very fruitful retirement.

The Hon. D.C. WOTTON (Heysen): Very briefly, I support the motion in terms of both my colleague and my ex-colleague. I have happy memories of my association with both the member for Kavel and the former member for Alexandra. As far as the member for Kavel is concerned, perhaps some of the memories are not quite so happy, because he tended to give me a pretty hard time in the earlier days of Cabinet. I do not think that the member for Kavel necessarily recognised the close relationship between the portfolios of mines and energy and the environment. It was only on arranging for the then Deputy Premier to open the Seal Bay redevelopment on Kangaroo Island that he came to understand the significance of the environment portfolio. I am pleased that he was able to do that. I have tremendous respect both for Roger and for Ted. I wish both a very happy retirement, and I thank them for the contribution that they have both made in this House.

Mr S.G. EVANS (Davenport): I support the motion. I am not often able to get the member for Kavel to sit down, but I did on this occasion. I will be brief. I was the Whip when the member for Kavel was the Deputy, and we both know that there were good and bad times in that relationship. He would recall that at one time I suggested that he was not over-energetic. However, he would know that, from that point on, we had the greatest of working relationships. If one is to carry out the difficult role of Whip, one needs a Deputy who is reliable, honest and whose word one can trust. That was always the case with Roger. He kept things close to his chest—even his chestnuts. He did not distribute many of them to any of us, but he could be trusted if you wanted him to hold some information for a particular time or for all time. I wish Roger and Lyn all the best in the future with their family, with whom they will spend more time.

I turn now to Ted, the former member for Alexandra. When I had a trouble spot in my life, the member for Alexandra was the first person, with his wife, to go to my home. I appreciate that, and Ted and Coralie know that. Later in life I ran for Parliament as an Independent, which was an action that Ted got a bit browned off about. From that time on he always referred to me as a little bit of brown material—I am unable to use the precise term he used. After that, Ted was always loyal to Dean Brown, and I appreciate that; and he was also trusting of me in matters of confidence. I appreciate that, after he had gone through that patch with me, he was still prepared to trust me as an individual, and I believe that shows that he can be trusted when the chips are down. To Ted, Coralie and his family, I wish them all the best for the future. I hope Ted's health improves, because he has suffered a lot. His suffering has affected his performance in recent years as an individual, and he understands that. I wish him all the best for the future.

The Hon. E.R. GOLDSWORTHY (Kavel): I thank the Government for making this time available; it is a gesture that I appreciate very much. The Government does have a very busy program, and it has given up time for this motion which, as I said, I appreciate greatly. Reference has been made to some of the records I may have achieved in my period in this place. I served for a long time as Deputy Leader—15½ years, or something like that. However, there is one record which I do not think will ever be broken and which is nationwide: I am the only member of Parliament who has ever been named three times within the space of two minutes. I know of no other member of Parliament who has achieved that notoriety. Of course, that must say something about my temperament. I must say that I have enjoyed my time in this place. Despite the attempts of some people in the media to portray us as thieves and vagabonds, over the past 22 years I have known few people in this place who have not been genuinely interested in the people they represent—not only their own constituents but also those in the wider community. Despite the conflict of Party politics, I am firmly of the view that representative democracy is by far the best form of government ever achieved and, believe it or not, it is still alive and well in this country.

I am a firm believer in the system as such, and I pay a tribute not only to my colleagues on this side of the House, for whom I have enormous regard, and for some a particular regard, and they know who they are, but also to members on the other side of Parliament, of whom I also have a high opinion in relation to their integrity and dedication. I have never said that before—because it has never been politic to say it. Someone said to me in my early days, 'You know, Roger, politics is a disease and once you get bitten you are never cured.' I think there is probably some truth in that. As Mr Macmillan, former British Prime Minister, observed, 'It is a battle for men's minds'—and of course now one would have to say 'people's minds'. There is something about politics—the thrill of the chase, the thrust and the unyielding effort to win and get on top of the situation, and the battle for people's minds is there all the time. It is a unique avocation, there is no doubt about it.

I was bitten by the disease early, and I have no regrets at all, except, of course, that we have been Opposition for too long. At the time when my friend Frank Blevins was carrying the last Bill for the passage of the Roxby Downs indenture I said to Frank, 'This certainly is an irony, is it not, with you being the Leader of this faction in your Party and here you are putting through the last bit of legislation which makes Roxby Downs a going concern.' Frank made the observation to me, in his usual straightforward fashion, 'Well, Roger, you win some, you lose some.' I said to Frank that anyone who thinks that politics is fair has rocks in their head. Nonetheless, we made the best of the situation. I have appreciated my contact not only with my colleagues on this side of the House, who have shown me great loyalty

over the years, but also with members on the other side of politics, for whom I have enormous, if not sneaking, respect.

So, I thank people once again. I want to thank the staff of this place, who have changed over the years. They really do a marvellous job to facilitate life here in Parliament House. I want to thank, as I say, my colleagues and members opposite. I particularly want to thank my family. I have been in this place for a long time, and when one's family is young it puts an enormous strain on one's spouse, I believe. We are here in the thick of politics and we are absorbed in it but it is difficult for the people at home, trying to keep the home fires burning and bringing up the children. It puts an enormous strain on family life, despite what people might think to the contrary, especially in relation to those people who commute to Canberra. So, I thank my wife, Lyn, and family for their forbearance. I think it is a telling point that, when I suggested to my children that they might consider a political career, they would not hear of it. That has to say something about the nature of politics and their view of it.

Finally, I thank all those people in the electorate of Kavel who have had enough faith in me over this period of time to keep sending me back here. The one really lasting pleasure of the job relates I think not only to the intellectual challenge in here, which was certainly stimulating particularly in the earlier days, but also to the lasting loyalty and affection that one gains from people in this representative democracy for whom one is the voice here. I have found that people really do appreciate that. That will be the lasting sort of impression that I will have about what this game is all about. So, I appreciate very much indeed all the wonderful tributes from my colleagues, whose friendship I have valued over the years, and I thank once again the Government for paying Ted and me the courtesy it has in relation to this motion.

Before I conclude let me say this: I have a high regard for Ted Chapman. If ever I wanted someone on my side when the going got tough, I would have Ted Chapman. He is fiercely loyal. We had some good battles over the years, as indeed occurred with a number of my colleagues, but he is fiercely loyal to those he believes in and he has shown enormous courage in adversity, especially in recent years, as we all know. I bear no ill will at all to any of my colleagues and I have a great deal of respect for Ted Chapman. I am pleased that the amendment was moved to include Ted on this occasion. So, thanks to you all. I leave this place voluntarily—not involuntarily, as I have done on a number of occasions, and I do so with the greatest of respect for the institution and the people here.

Amendment carried; motion as amended carried.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances.

The Hon. M.K. MAYES (Minister of Housing and Construction): I am delighted to have this opportunity to address an issue that is of local interest to my electorate of Unley. On this occasion, I would also like to acknowledge the retiring member for Kavel and also the former member for Alexandra, Mr Ted Chapman. I certainly concur with everything that has been said. I have found that my friendship with them has been enjoyable. I have enjoyed the colour that they have both added to this Parliament.

I now touch on an issue that is of interest to my constituents, and I refer in particular to the recent events surrounding the Unley Shopping Centre project. It is interesting to note the headline in the Messenger *Courier* newspaper 'Lib candidates warned over backing shops'. The Liberal Party, and in particular the member for Newland, may be interested to note that in fact it appears that the spokesperson for the Liberal Party, who is in another place, Mr Irwin, has in fact reprimanded the proposed candidates for Liberal Party preselection for my seat. The headline says it all and it seems that the honourable member in the other place ought to pass the message down to his colleague the member for Newland, because obviously she does not understand Liberal Party policy on these matters.

The action she undertook was to gravely attack a constituent of mine and to undermine and impugn his reputation, and certainly his intention, and it has traduced evil, I think, upon the innocence of my constituent, Mr Taeho Paik and, in fact, she has not taken into account her own Liberal Party policy. The article goes on to say:

> Two Unley councillors vying for Liberal Party preselection for Unley are jeopardising their chances by backing the Unley Shopping Centre project, says Opposition local government spokesman Jamie Irwin. Councillors Michael Pratt and John Koumi support the council-owned venture despite the Liberal Party being against Government involvement in commercial enterprise.

I do appreciate Mr Irwin's support in this matter. It is a pity that he has not spoken to the member for Newland, because as I said, obviously she does not understand her own Party policy, and maybe she is putting her own preselection in jeopardy in taking the line and approach she has taken with regard to the Unley Shopping Centre development. I understand the article has also been printed in the Adelaide Messenger and so I am sure it has had wide circulation.

Dr Armitage interjecting:

The Hon. M.K. MAYES: Indeed. It goes on to say:

> The Liberal Party's Unley/Parkside branch treasurer John Cummins, a former Unley councillor and pre-selection candidate for the Unley seat, said he did not support the council development because it went against Party policy. 'If the complex is successful other retailer ratepayers in the area will suffer. If it is unsuccessful the ratepayers will foot the bill,' he said.

So there we have it. The Liberal Party branch of Unley actually endorses my comments and is expressing my concerns about this development. Obviously that reflects Liberal Party policy—and not the comments made by the member for Newland who, in an unprecedented and I think unworthy attack on an individual, a private citizen, questioned that person's credentials, credibility and veracity in this whole event. I think it is important to note that Mr Cummins has in fact taken up the cry, supporting me in this matter and not the member for Newland. I wonder whether the member for Newland ought to start living in her own electorate and not in someone else's electorate, where she has to travel to—

Dr Armitage interjecting:

The Hon. M.K. MAYES: I will ignore the member for Adelaide. He has not been here for very long—and maybe will not be here for very much longer. However, the member for Newland ought to take note of the lessons that are being offered to her not only by way of her own Party's example, through the comments of the secretary/treasurer of the Unley/Hyde Park branch but also through taking on board the comments of the Liberal Party spokesperson on these matters in the Upper House. Her actions are a further indictment of her lack of understanding of the issue and lack of preparedness on this issue.

Mr VENNING (Custance): It is a moving moment to be the first speaker on this side after the Hon. Roger Goldsworthy. As a younger member and before coming into this

place, I was critical of senior members of my Party. I place on the public record my deep debt to members like the member for Kavel, for the assistance given to me. I am glad that the member for Kavel was still here when I started my political career and that he could give me the benefit of his long experience. I wish the honourable member and his wife Lyn a long and happy retirement.

My concern today is in the ongoing operation of land care in Australia. I remind the House of the words of the Minister for Agriculture at the UF&S conference in 1990 when he said:

> Land Care in Australia has been given notice as well as to either deliver within the next 12 months or be under threat of being phased out because that group in its first 12 months has not delivered the kind of output that land care groups at the community level have delivered already over the last 12 months.

I have not seen anything substantial coming from Land Care Australia Ltd in the past six or 12 months.

I have studied both the annual reports, which I acquired and which I have now lodged in the Parliamentary Library. Despite great fanfare and rhetoric from the Federal Government, funding for land care is actually going down, and we are only into the second year of the decade of land care. We heard much fanfare when it was launched by the previous Prime Minister, Bob Hawke. What does Minister Arnold think of Land Care Ltd nine months on from his original comments and what will he do about it? Money needs to go into the ground and not into publicity or empty talk. Can the Minister assure land managers in South Australia that State funding for land care type activities will not dwindle and that he will pressure the Federal Government to keep to its word and put its money where its mouth is? Will Minister Arnold assure the House that staffing of the land care effort will not be cut?

Several problems have been identified by constituents over time, and I have taken this part of my area of interest very seriously. In fact, it is probably the key area. Little assistance has been given in respect of capital costs for soil conservation works, that is, the building of dams, waterways, contour banks and so on—the most important parts of land care activities. Perhaps the Government should increase tax deductibility for land care activities, as we need incentives for low income farmers. In the Far North of South Australia large-scale range land reclamation is very expensive and is a lengthy process with a slow rate of return. The Government has to intervene to make it happen. I suggest a pool of concessional loan money at very low interest rates to help with those projects. We need incentives to help farmers financially change their land management practices. All the will in the world is no good if we have no money with which to do it.

Today administration absorbs an unreasonable proportion of funding, including the cost of the Land Care Australia Ltd office in Sydney. That funding should be going into the land itself and not into flash offices and administration. Minister Arnold himself admits that it is a waste of money, and there is a plethora of funding bodies, for example, Save the Bush, Trees for Life, Billion Trees, Communities of Common Concern and so on. Money is lost in each administrative set-up and between Federal bodies and State agencies. A lot of money is lost in the translation from the Prime Minister's rhetoric to on the ground activity.

There is criticism of land care publicity and its effectiveness. We must recognise that farmers have been addressing land and soil degradation for years, particularly here in South Australia. Instead of addressing land care as some new ethic that land users have yet to learn, we must make the consumers for the future—our children—aware of the problems. The money that was once spent to get things done is now spent talking about it. Although it is valuable, too much emphasis is placed on tree planting as the complete solution to all our problems. We must question the effectiveness of the off-farm money. I commend the work already done by community land care groups and the projects currently in train. It is a long slow process, but it is vital for our future viability.

I congratulate and commend South Australia's many land care groups on the work they do—mostly with limited finances. I ask the Minister to comment on these issues.

Mr HAMILTON (Albert Park): I pay tribute to the support I have been given by the Minister of Education and indeed the Department of Education in the assistance that has been provided not only to me as the local member representing the electorate of Albert Park but indeed to all those people who have gone through a period of rationalisation in terms of educational facilities in the western suburbs. With the closure of the West Lakes High School a need existed to ensure that the equipment from that high school was properly utilised, and indeed the assistance provided through the Education Department, particularly the officers representing that area, was very good indeed. Today the Minister advised me that the music suite from the West Lakes High School is to be relocated in the Seaton High School in time for the third term of this school year.

I place on record my appreciation to Don Aplin from the Adelaide area for his assistance in this regard, and indeed for the assistance of Mr Kevin Stacey. We often hear Government employees denigrated in this place, simply because they carry out their job as public servants. It is appropriate that we give recognition to those people because they have to put up with criticism (and often the brunt of criticism) by members of Parliament in this place who sometimes are impatient and indeed lacking in understanding of the problems that public servants have to address. It is not easy for any community where the closure of a school is being discussed and indeed when that decision is made, because there are always those who object. It leads me on to the next question and the next issue, namely, the closure of the Seaton North Primary School at the end of this year.

During my term in this Parliament and as the member representing the area I have been able to give people a straight answer—I do not believe in hiding behind half truths or telling lies. Members of Parliament should meet issues head on and, indeed, when asked about the proposed closure of the Seaton North Primary School I said openly and frankly that I believed there would be great difficulty keeping the school open because of declining enrolments in the western suburbs. That fact was substantiated not only in a number of areas but indeed in an article in the *Advertiser* last month on declining enrolments, particularly in the inner western suburbs of Adelaide.

In raising that issue I have been approached by a Mrs Westbrook, a constituent who lives in the same street as I do, about the retention of the play equipment on the Seaton North Primary School ground. To declare my pecuniary interest, I live alongside the school and have done so since 1968. While I have no children of my own at home to use it, I agree that the ground and the play area should be set aside for the existing families and grandchildren or other children who come into the area. It is a sparse area and there is little space in which play equipment can be utilised. It was never planned for—indeed, it was poor planning.

I place on record that I believe that at least half an acre should be retained and the existing play equipment currently located on the site should not be shifted to another location. I hope that the Minister and his staff take note of that,

because it is my intention, when the school closes at the end of this year, to ensure to the best of my ability that the existing area and play equipment remain where they are for the reasons I have outlined.

Mr LEWIS (Murray-Mallee): During Question Time today I raised a question with the Minister of Lands about the exorbitant increase in shack rental costs that are levied on the South Punyelroo Progress Association, the Teal Flat Holiday Homes Association and the Marks Landing Progress Association by way of land tax. I remind the House that the Minister, in her response to the substance of my question, used the word 'veracity', implying that I would tell a lie in this place. That distressed me.

It strikes me that the use of the word 'veracity' should be kept in mind. As I recall, the Minister actually said, 'I will have the veracity of the question checked out.' She went on to say '... and seek advice from the Minister of Finance and provide the honourable member with an answer.' It is the responsibility of the Minister of Lands, not that of the Minister of Finance. It is her policy, not the policy of the Minister of Finance. Notwithstanding that, because the Minister has been insensitive and indifferent to requests made of her over the years by the people who have been affected, they have written to the Premier about this matter through their Secretary, Mr Willard. I have a copy of that letter, which I will cite for the record and for the benefit of members: it states, in part:

Land Tax assessment for ownership No. 80075570

I have been requested by the above association to seek your approval for and your direction to your Commissioner for land tax to set aside the land tax assessment issued to our Association for the 1991-92 period and to treat our association equally with all other groups of shacks along the Murray River in South Australia.

There are only three associations which now have imposed upon them this most oppressive, onerous and unjust tax:

South Punyelroo Progress Association;
Teal Flat Holiday Homes Association;
Marks Landing Progress Association.

Our members, representing 100 shack sites at South Punyelroo, are deeply disturbed that they, with a few others, are singled out from all other shack owners to pay land tax, especially one of such horrendous magnitude. The land tax last year was some $2 400, whereas this year it has increased to nearly $40 000 (an increase of 1 500 per cent) [in one year].

We have already discussed this unrealistic increase with the Valuer-General and your Commissioner for Land Tax, both of whom expressed amazement and concern at the amount of the increase. They agreed that no person, no group, no business, no Government could budget for such an increase.

I agree with that statement. It continues:

Our progress association is a non-profit, non-taxable group which has never before been faced with such an expense, and such an unjust one at that. The shacks have occupied the area for some 30 to 40 years (since the 1960s).

We must contrast what I am saying now with what has been done for the shack owners in, for instance, Blanche Harbor at the northern end of Spencer Gulf. The letter continues:

The shack sites tenures originally were either:

(1) purchase of the site from the farmer in the form of a perpetual lease for a once only payment;
(2) lease of the sites for various periods depending on the circumstances and the means of the lessee at the time.

After about 10 years (in the mid 1970s) there were only a few sites which had not been 'purchased' and on the perpetual lease basis. The farmer considered he no longer wished to be involved in managing the area, dealing with a few lessees compared with 'permanent' owners who were receiving their own individual rate notices etc.

The South Punyelroo Progress Association was formed as a properly incorporated body to purchase the balance of the land from the farmer. There were initially 101 sites and a large area of open common land which has been left in its natural state but on which the progress association has planted in excess of 3 000 trees native to the area and suitable for the locality on advice from the Woods and Forest Department, the Department of Agriculture and the Botanic Gardens Tree Advisory Section.

There are now 100 sites, one site being passed in due to tragic circumstances of the owner, and that site was converted to common land. The association built a boat ramp which is available to and used by the public.

On page 3 we find that the essential points in the legislation under which this was undertaken were not initially announced. Those essential points were:

(1) That the lease had to be for a minimum period of 40 years.
(2) The lease had to be registered as at 30 June 1990.

The letter continues:

This effectively means that some three groups only as listed earlier in this letter would be subject to land tax notwithstanding that they were in essentially or effectively the same position as those for whom an exemption was granted.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The member for Stuart.

Mrs HUTCHISON (Stuart): In the five minutes allotted to me, I would like to raise a matter of concern in the Port Pirie part of my electorate. A copy of an advertisement in the *Recorder* newspaper of today's date was faxed to me by Mr Alan Aughey, the Deputy Mayor of Port Pirie.

Mr Venning: And your candidate.

Mrs HUTCHISON: And, as the honourable member opposite points out, the ALP candidate for the District of Frome. This advertisement refers to the district office of the Births, Deaths and Marriages Registration Office and states that from 16 April 1992 the Local Court office will cease to be a district office and that, as a result, certificates will no longer be available from the courthouse in Port Pirie. Mr Aughey has said that this is causing a lot of concern in the community.

Port Pirie plays a large regional role, and Mr Aughey considers, as does the community, that this service is very necessary to the City of Port Pirie and its hinterland. The same information was faxed to my colleague in another place, the Hon. Ron Roberts. Following discussions, we have decided that the Hon. Ron Roberts will ask the Attorney-General whether he can reconsider this decision, given the importance of the service to Port Pirie and surrounding areas. I realise that there has been a restructuring of this department, as of all departments, and I take the point that that needs to occur, but I question whether that should be extended to close down this office.

The office at Port Augusta, which is also in my electorate, has closed, and that is causing concern. The closing of both those offices would obviously leave a big gap in services in that country area. I know that a lot of centralisation has taken place, due primarily, I suspect, to computerisation of a lot of records. I still feel that there is a need for this service to be available in country areas, and I would like to think that the Attorney-General will reconsider the decision on the basis of information that will be provided to him by the Hon. Ron Roberts and also because of concerns that have been related to Mr Aughey, the Deputy Mayor of Port Pirie.

This matter was raised with me not only by Mr Aughey: I have also received another fax from a Mr Tompkins, on behalf of a group of people in the Port Pirie community who were concerned that another service would be lost to the city. That is, obviously, a matter of real concern. The member for Custance would be aware of that because of cutbacks in many other areas; I imagine there will be job loss as a result.

At this time, there are problems with regard to the Port Pirie abattoirs, as the member for Custance would be aware. That matter is of great concern to me, especially given the

latest information I received today to the effect that the continued viability of the Port Pirie abattoirs is being questioned seriously. If that problem cannot be resolved, about 140 jobs will be lost in the Port Pirie area.

So, I hope that the Attorney-General will consider all the aspects of the problems in Port Pirie and reconsider the decision to close the district office of the Births, Deaths and Marriages, Registration Office, given its wide regional focus and the services it has provided over a number of years to the constituents in not only my electorate but the electorates of Custance and Eyre. I hope that my colleague in another place is able to convince the Attorney-General to reconsider the matter.

The Hon. B.C. EASTICK (Light): Members of Parliament and members of the community tend to have a list of activities that they find abhorrent: they just will not tolerate certain actions by others. I do not want to overdramatise the situation, but I refer to such things as child murder, crimes against property, particularly that of elderly people in their home, and abuse of children. One that really gets up my nostril is the siring of a child and walking away. I think that that is quite abhorrent.

We are seeing that displayed at the moment in a rather different way. Someone has been sired as the candidate for the District of Napier; he did not make it, and suddenly the 'father' has walked away. A situation is unfolding on a weekly basis in the Messenger *News Review*: there is open dispute between the member for Napier and the member for Hartley, who wants to become the member for Napier. I know about the siring of this person for that role. He was introduced to the sub-branch and to the various interest groups in the community. Those groups have been told that this person is more than fit and able to take over the role of the sitting member. The sitting member is saying that his time is complete and that the community needs someone who will be of benefit. Arrive the member for Hartley! He has been dispossessed of a position elsewhere—and that is not a situation of his own making. The bovver boys came in, and he was suddenly the one to take the big leap.

However, he had already established a very high profile with the assistance of his 'father'—the current member for Napier. He took the member for Hartley around the electorate, showed him the ropes, introduced him to the right people, pressed the flesh and told him all that he should know about the District of Napier. He even talked to the ALP sub-branch, telling the members that the member for Hartley is a tremendous person. As a result, the members of the sub-branch, with the exception of one person, decided that they would go to the convention—

Mr Atkinson: It was with the exception of 10 people.

The Hon. B.C. EASTICK: Ten people. Well, that is news!

Mr Atkinson: You have forgotten the nine who voted for—

The SPEAKER: Order!

The Hon. B.C. EASTICK: The honourable member believed that he had been sired well and would obviously be the future member for Napier. But such is not to be. We find that there is sniping going on. In the past three weeks, the *News Review* has carried stories seeking to put down the member for Hartley—the next member for Napier—and causing him a great deal of mischief.

What do we have in the local Messenger newspaper today? Today we have not only headlines such as 'MPs clash over funding: fiery debate in Parliament', we also have a letter to the Editor under the heading 'MPs working hard for local area'. The author of the letter refers to the activities of the members for Elizabeth, Napier, Briggs and Ramsay. They are said to be tireless workers in the north. I am quite miffed, because my electorate is in the north, and I did not even get a mention. However, the person who wrote the letter is a constituent of mine. What is more, that person states that she has worked in an electorate office for 16 years: in fact, she is the electorate secretary of the member for Napier.

Well, I ask members what sort of situation have we here. I will not allude to how this letter might have come into existence, but I point out that I know these facts to be true and I think it is most unfortunate that the 'father' has walked away from the child, because the child will win.

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

SELECT COMMITTEE ON THE STATE GOVERNMENT INSURANCE COMMISSION BILL

The Hon. J.C. BANNON (Premier and Treasurer): By leave, and as Chairman of the Select Committee on the State Government Insurance Commission Bill, I inform the House of a resolution of the committee, as follows:

The Select Committee on the State Government Insurance Commission Bill notes with concern the article on page 7 of the *Advertiser* of Tuesday 7 April 1992, in which the member for Mitcham is quoted in relation to the draft report and draft charter before the committee. The committee is of the view that the member's comments are in breach of Standing Orders, but notes his apology tendered to the committee and therefore recommends no further action.

STATUTES AMENDMENT AND REPEAL (PUBLIC OFFENCES) BILL

Second reading.

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

(1) Background

Part VII of the Criminal Law Consolidation Act is entitled 'Offences of a Public Nature' and contains a wide variety of offences and associated provisions in ss. 237-266. A majority of these provisions derive in the first instance, almost unchanged, from 'An Act to Consolidate Indictable Offences of a Public Nature', No. 2 of 1859. This Act was in fact a legislative consolidation of a variety of offences most of which had been inherited from English common law or statute or both. These English provisions in turn derive from the vast hinterland of English history, some to the fourteenth century or even earlier. The other major contributor to these provisions was the Conspiracy and Protection of Property Act 1878, which in its time was intended as a major liberalising reform to the draconian anti-union laws inherited or enacted in the earlier parts of the nineteenth century. It has now become, in its turn, a major anachronism.

With few exceptions, most of these provisions are anachronistic, inappropriate and/or ignored in practice. They have remained in the Criminal Law Consolidation Act through the forces of sheer inertia for well over a century and well beyond the time in which they had any utility. Those offences which retain contemporary significance require replacement with provisions which address appropriately the needs of law enforcement and the public interest in the late twentieth century. In addition, many of the areas of law covered by the original consolidating offences are also addressed by Imperial enactments dating from as early as the sixteenth century, or common law offences as old or older,

which have remained in force, sometimes without being recognised as such, for no other reason than inertia. This is a unacceptable situation because it means that the content of the law is unclear (to say the least), and because it is not possible for a citizen to discover with relative ease the state and content of the law. In addition, it has meant that significant misconduct which should have been brought before the criminal courts, has gone unpunished. This reform process draws upon the previous work of the Mitchell committee, the more recent work of the Committee appointed to review the Commonwealth criminal law chaired by Sir Harry Gibbs, the ongoing integrity in Government project being conducted by Professor Finn of the Australian National University, and, where appropriate; the work of other law reform bodies.

A Discussion Paper containing recommendations for reform of this Part of the Act and associated areas of criminal law was widely circulated in September 1990. It received considerable favourable media publicity. Consultations were held with, among others, the criminal law committee of the Law Society. With one exception, there have been no objections to any of the measures of reform generally proposed. That exception will be dealt with below.

The Bill sweeps away centuries of anachronistic, inadequate and incoherent accumulated criminal law, including such common law offences as being a common scold, compounding, rescuing a murderer, embracery and champerty, and codifies a series of offences, appropriate to the needs of contemporary South Australian society, dealing with:

- offences in relation to the impeding of the investigation of offences and the apprehension of offenders and escapees;
- offences against the administration of justice including perjury, fabricating or concealing evidence, tampering with witnesses and jurors, and judicial officers;
- offences dealing with public corruption, including bribery, intimidation, extortion, and abuse of public office;
- a miscellaneous group of offences including criminal defamation, offences in relation to industrial disputes, forcible entry on land, riot, and the conduct of public meetings.

Only one proposed measure has excited unfavourable public comment. The current series of offences includes two offences of interrupting religious worship and molesting preachers. The concern was expressed that the repeal of the relevant offences would leave religious services without effective protection. That concern has been addressed in the final form of the Bill, and is dealt with in more detail below.

(2) Impeding the Investigation of Offences and Assisting Offenders

The Bill replaces a whole host of ancient common law and English statutory offences, which deal in a complex and haphazard way with this subject matter, with a single offence in plain terms. The creation of this offence enables repeal of the old offences of abuse of legal procedure, compounding and misprision. The new offence is in the form of being an accessory after the fact, and, unlike the old offences, covers assisting offenders to dispose of the proceeds of crime.

The abandonment of the old form of the compounding offence was quite deliberate. It is obvious that the original imperatives which dictated the perceived necessity for these offences no longer exist. The centralised system of public criminal justice is so well entrenched that, in the interests of costs and expediency, it might be thought to be in the public interest that agreement between the shopkeeper and the shoplifter be encouraged rather than repressed. Indeed, public policy now encourages neighbourhood mediation, alternative dispute resolution, and like initiatives so that scarce criminal justice resources may be brought to bear on those cases which are thought to justify them. In many cases, some 'composition' between the offender and the victim to expiate the commission of what might be considered on the face of it a quite serious offence is in the public interest. The enforcement of the criminal law is now and will become a different thing from the days in which the predominant interest was in the vindication of a centralised public order system in a context in which that system relied upon private policing. The conservation of scarce public justice resources is an increasing influence too; just as it is now recognised that, in a number of situations potentially involving the criminal law, the invocation of the full panoply of the criminal justice system will be counter-productive to a problem oriented resolution of the underlying causes of the behaviour involved.

It is clear that, on the one hand, there needs to be some way of making sure that any corrupt agreement between, say, a witness and an offender that the former will not testify against the latter for a price requires criminal sanctions. In some cases such an agreement savours of blackmail. On the other hand, the law should not punish acceptable informal dispute resolution in appropriate cases. The conservation of scarce public justice resources and, often, the interests of the victim and society demand that appropriate alternative dispute resolution mechanisms be encouraged, not prohibited, by the criminal law. The new offence has been phrased in a way which should not criminalise these agreements.

The penalty is graded to match the gravity of the principal offence committed and, again unlike the old offences, the new offence provides for general defences of lawful authority or reasonable excuse. Again, these defences are intended to permit, for example, the flexibility of the settlement of minor offences by agreement between the offender and the victim by means of acceptable forms of alternative dispute resolution where any might be caught by the general offence. That was not possible under the old offences, which were designed to prevent just such events. This is just one illustration of the way in which the needs of contemporary South Australian society need to be accommodated in criminal offences which was just not possible under the old offences.

The Bill also codifies the offences dealing with escape or removal from legal custody and harbouring escapees, thus enabling the repeal of statutory offences such as that of rescuing a murderer, which dates from capital punishment enforcement and enhancement legislation of 1752.

(3) Offences Against the Administration of Justice

The Bill codifies modern offences dealing with perjury and the subornation of perjury, fabricating, altering and concealing evidence, bribing witnesses or potential witnesses, bribing or trying to bribe jurors, and, correlatively, witnesses and jurors accepting or demanding bribes, and threatening or injuring a person in an attempt to influence the outcome of judicial proceedings.

(4) Offences Relating to Public Officers

The state of the criminal law in relation to corruption in public office in South Australia is in woeful state. It should be said at once that South Australia is not alone in this. In all Australian jurisdictions, too little attention has been paid hitherto to the criminal law in relation to corruption in public office. The statutory offences now in place in the Criminal Law Consolidation Act are confined to exacting fees from prisoners, dating from the first public prisons in 1815, and trafficking in public offices, dating from the first statutory recognition that public offices were not heritable property enacted in 1809, although the offence can be traced back to 1551. There is no general South Australian statutory offence of bribery of public officials at all. The Secret Commissions Act 1920 is seriously deficient in its application to these offences—and the variety of common law offences of bribery and corruption of public officials, and abuse of public office, established by judicial reasoning in the seventeenth and eighteenth centuries, are also seriously deficient and uncertain in scope and meaning—as might be expected.

The Bill contains offences which seek to draw together these disparate threads of criminality, modernise them and make them relevant in wording and scope, and accessible to those to whom they will apply. The offences are the bribery and corruption of public officers, the making of threats or reprisals against public officers, abuse of public office by public officers, extortion by public officers, and offences relating to the appointment to or removal from public office.

These offences regulate the conduct of and, on the other side of the coin, protect the integrity of, what the Bill calls 'public officers'. This term is widely defined in the Bill to include a person appointed to public office by the Governor, a judicial officer, members of Parliament, public servants, police officers, employees of the Crown, members, officers and employees of State instrumentalities, and members and employees of local government. The Bill seeks to balance rights and responsibilities; the rights to do the job demanded by public office free from intimidation, threats, bribery and reprisals, while imposing the responsibility to carry out that public trust with propriety and due regard for right conduct.

This balance is hard to achieve, especially in the regulation of the conduct of public officers. It is always difficult to tell when, for example, a minor gift to a public officer for a job well done turns into a bribe for favours received. The traditional way of setting the limits is to require that the conduct of the public officer is committed 'corruptly'. This word adds nothing to the clarity of the offences concerned and contributes to the mystification of the courts and those who are concerned to look to the statute in order to determine what is and what is not permissible behaviour. While it is not possible in a general criminal statute of this kind to detail the legality or otherwise of the wide variety of human ingenuity and behaviour, something more in the way of guidance for the users of the criminal law is required.

The Bill seeks to move some way toward achieving this by requiring that, for guilt, the behaviour must be committed 'improperly' and then defining 'improperly' to mean that the

person 'knowingly or recklessly acts contrary to the standards of propriety generally and reasonably expected by ordinary decent members of the community to be observed by public officers of the relevant kind or by others in relation to public officers or public offices of the relevant kind'. This definition seeks to give some guidance to the courts, to the public and to public officers, of the standards expected of public officers and those who deal with them. It seeks to draw the boundaries—to set the right sort of questions to ask.

The model on which this provision is based is that proposed by the English Criminal Law Revision Committee in relation to its proposed reform of offences of dishonesty. The problem faced in achieving those reforms was very similar to the one posed in this area of law—the one of setting some definable limit capable of helping people understand what is expected, and yet flexible enough to respond to a wide variety of situations and customs. The concept employed in that legislation was that of 'dishonesty' similarly defined—there, as here, the object was to provide a non-technical standard expressed in ordinary language which would guide the users of the code in a helpful way.

In addition, the Bill provides for a defence of reasonable excuse, by which it is intended that it be possible, for example, for a person to show that he or she acted in accordance with a relevant code of conduct applicable to the situation in question. The development of such codes of conduct, which will address the specific circumstances of particular public office with the degree of specificity and particularity not possible in a general criminal offence, is well under way. Further, the Bill provides that a trivial instance of overstepping the mark which would cause no significant detriment to the public interest cannot be escalated into a serious criminal offence. In both respects, the Bill is superior to existing common law and statutory offences.

During debate and consultation over the provisions of the Bill, two additional protections were added. The first in effect requires the jury to determine whether the impropriety was so grave as to warrant the imposition of the criminal sanction. The analogy drawn here is with the notion of criminal negligence. The second provides that a person does not act improperly if he or she acts with honest and reasonable belief that he or she was entitled to act in the relevant manner. Both new protections are designed to ensure that these serious offences are reserved for serious breaches of the public trust, as was always intended.

(5) Attempt to Pervert the Course of Justice

The common law offence of attempting to pervert the course of justice is retained and codified in its traditional role as a 'catch-all' designed to criminalise behaviour which in the ingenuity of humankind, might fall outside the scope of the specific offences. It is, therefore, an included offence on any of the charges described above. However, a lesser penalty is provided for the commission of this offence as an inducement to the prosecution to charge the more specific offence where it is committed, in furtherance of the policy that the accused should know with as much particularity as possible the charge that he or she must answer and the legal content of the crime for which he or she is to be brought to account.

(6) Other Offences

The Bill re-enacts the controversial criminal offence of defamation. While opinions can and will differ as to the question whether this controversial criminal offence should be retained, the position taken in the Bill is consistent with the majority recommendation of the Australian Law Reform Commission, and consistent with the general view of the Mitchell committee that some criminal offence in this area is warranted. Indeed, the formulation of the offence in the Bill follows closely the wording suggested by the Australian Law Reform Commission. Honourable members should also be aware that the Attorneys-General of New South Wales, Victoria and Queensland have agreed that criminal defamation should be retained in their joint discussion papers on reform of the law of defamation. The reason for retention is that there exists the possibility of such grossly unwarranted defamatory attacks that the intervention of the criminal law is warranted.

It should be noted that the offence may now be prosecuted only with the consent of the Director of Public Prosecutions. While it is thought that retention of this controversial offence is justified, this device offers a further measure of protection against unwarranted attempts to use the offence in an inappropriate way.

The Bill repeals all but a small renmant of the old Conspiracy and Protection of Property Act 1878. Its provisions are anachronistic to say the least. It remains necessary and desirable for reasons to do with the general scope of the common law of conspiracy to retain a provision which states that conspiracy to do something can only be a criminal offence if what is sought to be done is also a criminal offence in relation to industrial disputes. It also seems wise to maintain a legislative abolition of any common law or received offence dealing with the obstruction of free trade.

In-so-far as the old Act sought to prohibit under penalty acts endangering life or serious bodily injury, the ground is covered by the generalised offence in section 29 of the Criminal Law Consolidation Act. This State does not have a generalised offence of endangering property rights. The Mitchell committee recommended the enactment of a general offence of recklessly endangering property. When, however, the area was dealt with, that recommendation was not taken up. The result is that the law in relation to preparatory offences dealing with damage to property is left to threats to cause harm to property and the law of attempted crime. The Bill therefore proposes the enactment of a general offence of endangering the property of another.

The Bill repeals the ancient offences of forcible entry and detainer, which date from 1381, and which were designed to regulate the warring behaviour of medieval English landed nobility and their private armies and strengthen the then tenuous power of the Crown. It replaces these offences with a modern offence in the Summary Offences Act designed to deal with the modern manifestations of forcible trespass against the peaceable enjoyment of land.

The Bill repeals the anachronistic provisions of the Riot Act 1714, which was enacted to ensure that those who were ill-disposed to the accession of the Hanoverians to the English Crown and to display that in riotous behaviour, were convicted of an offence less than treason. The old Riot Act, and associated common law offences of rout, affray and unlawful assembly (and challenges to fight) have been replaced with a flexible power to order dispersal in a police officer where he or she forms a reasonable belief that such a course is warranted. The dispersal order has been integrated into the cognate loitering provision in such a way that the police officer now has a choice of orders available on specified grounds without the necessity of the old rigmarole of the Riot Act proclamation and so on. The new law is at once more effective for police and more regarding of civil rights than the old law.

The Bill also repeals the old Public Meetings Act 1912, and brings its provisions into the Summary Offences Act, where they truly belong as measures about public order and where they become far more accessible to the citizen. The discussion paper argued that to do this would render unnecessary and irrelevant the ancient offences of interrupting religious worship and molesting preachers. These offences derive directly from legislation of 1547 imposing the Protestant religion upon the inhabitants of England, and were enacted to repress dissent from that measure.

This proposal drew the opposition of a number of religious groups. They remained of the view that the enhanced provisions in relation to public meetings would not provide better protection for the exercise of religion free from unwelcome disruption. Accordingly, the position taken by the Bill is to preserve these offences in a modern form in the Summary Offences Act where they truly belong. That does not involve any downgrading of these offences. They were placed in the Criminal Law Consolidation Act before there was any such thing as a Summary Offences Act, and when all offences were in the one Act, and have remained there, despite growing more anachronistic by the decade, simply by reason of inertia.

It is also worth drawing attention to the schedule relating to the abolition of common law and Imperial offences. This schedule was drawn up with the valuable assistance of the reports of the South Australian Law Reform Committee on inherited law. It shows the degree of useless legal baggage that the criminal law of this state, in just this one area, has been carrying around. Further, the effect of this legislation will be to repeal a number of existing statutory offences, such as riots in relation to shipping nuisance by fireworks and common lewdness, of no further relevance. No-one knows what one of those offences (unlawfully administering oaths) was intended to do or what it means. The people of South Australia are entitled to expect that the criminal law, which is a central instrument in the relationship between citizen and the State, should be accessible, relevant, democratically made and amended, and appropriate to the needs and aspirations of future South Australians. This Bill is a measure which addresses a large chunk of those issues.

I commend the Bill to the House, and seek leave to insert the clause notes of the Bill in *Hansard* without reading them. The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides that the measure will come into operation on a day to be fixed by proclamation.

Clause 3 is an interpretation provision.

Part II of the measure provides for amendments to the Criminal Law Consolidation Act.

Clause 4 deals with proof of lawful authority or lawful or reasonable excuse. The clause inserts a new section 5b providing

that in proceedings for an offence in which it is material to establish whether an act was done with or without lawful authority, lawful excuse or reasonable excuse the onus of proving the authority or excuse lies on the defendant.

Clause 5 inserts a new section 85a creating a new offence of recklessly endangering property. The new section provides that where a person does an act knowing that the act creates a substantial risk of serious damage to property of another and the person does not have lawful authority and knows that no such lawful authority exists, the person is guilty of an offence. A maximum penalty of imprisonment for six years is fixed for this offence. The new section provides that it is a defence to a charge of an offence against this provision for the accused to prove an honest belief that the act constituting the charge was reasonable and necessary for the protection of life or property. This new offence provides a counterpart to section 29 of the Criminal Law Consolidation Act (acts endangering life or creating risk of bodily harm) and together with that offence deals in a general way with the matters dealt with by section 262 (breach of contract by servant involving probable injury to persons or property) which is to be repealed under the measure.

Clause 6 amends section 86 of the Criminal Law Consolidation Act which creates an offence of possession of an object with intent to damage property. The clause rewords subsection (1) to make it consistent with the other offences relating to damage to property by making it clear that it is an element of the offence that the defendant knew that he or she did not have lawful authority for use of the object to damage the property.

Clause 7 substitutes Part VII of the principal Act relating to offences of a public nature.

Division I (Preliminary) of the new Part provides definitions and other general provisions.

Proposed new section 237 sets out definitions used in this Part. 'Judicial body' is defined as a court or any tribunal, body or person invested by law with judicial or quasijudicial powers, or with authority to make any inquiry or to receive evidence and 'judicial proceedings' are defined as proceedings of any judicial body. 'Public officer' is defined as including—

(a) a person appointed to public office by the Governor;
(b) a judicial officer;
(c) a member of Parliament;
(d) a person employed in the Public Service of the State;
(e) a member of the police force;
(f) any other officer or employee of the Crown;
(g) a member of a State instrumentality or of the governing body of a State instrumentality or an officer or employee of a State instrumentality;

or

(h) a member of a local government body or an officer or employee of a local government body.

Proposed new section 238 defines the expression 'acting improperly'. Under this definition, a public officer acts improperly, or a person acts improperly in relation to a public officer or public office, if the officer or person knowingly or recklessly acts contrary to the standards of propriety generally and reasonably expected by ordinary decent members of the community to be observed by public officers of the relevant kind, or by others in relation to public officers or public offices of the relevant kind.

A person will not be taken to have acted improperly unless the person's act was such that in the circumstances of the case the imposition of a criminal sanction is warranted and, without limiting the effect of that, will not be taken to have acted improperly if—

(a) the person acted in the honest and reasonable belief that he or she was lawfully entitled to act in the relevant manner;
(b) there was lawful authority or a reasonable excuse for the act;

or

(c) the act was of a trivial character and caused no significant detriment to the public interest.

Proposed new section 239 provides that a person may not be found guilty of an offence of attempting to commit an offence against this new Part, that is, a general attempt offence under section 270a of the Criminal Law Consolidation Act. Subsequent provisions creating offences include an element of attempt where appropriate.

Division II of the new Part relates to the impeding of investigations or assisting of offenders.

Proposed new section 240 provides that it is an offence if a person ('the accessory'), knowing or believing that another person ('the principal offender') has committed an offence, does an act with the intention of—

(a) impeding investigation of the offence;

or

(b) assisting the principal offender to escape apprehension or prosecution or to dispose of proceeds of the offence.

An accessory is not guilty of this offence—

(a) unless it is established that the principal offender committed—
(i) the offence that the accessory knew or believed the principal offender to have committed;
or
(ii) some other offence committed in the same, or partly in the same, circumstances;

or

(b) if there is lawful authority or a reasonable excuse for the accessory's action.

This new offence is in effect a statutory accessory after the fact offence and clause 8 makes a consequential amendment repealing section 268 of the Criminal Law Consolidation Act which fixes a penalty for being an accessory after the fact to the commission of a felony. The related common law offences of compounding and misprision of a felony are abolished (see the schedule) and the statutory compounding offences, section 238 of the Criminal Law Consolidation Act and section 66 of the Summary Offences Act are repealed (for the latter, see clause 22).

Subclauses (3) and (4) fix graded penalties according to the penalty for the offence committed, or thought by the accessory to have been committed, by the principal offender. Subclause (5) empowers a court to find a person charged as a principal offender guilty instead of the new offence as an accessory. Subclause (6) empowers a court to find an accessory guilty of an offence against the new provision wherever the offence is committed if the court has jurisdiction to deal with the principal offender.

Division III deals with offences relating to the administration of judicial proceedings.

Proposed new section 241 provides for the offences of perjury and subornation. The offences are in the same terms as the current provision, section 239, but provision is made for a new definition of 'statement' to make it clear that the offences apply to false interpretations by an interpreter. The maximum penalty for these offences is increased from four years imprisonment to seven years to bring the penalty into line with the penalties proposed for other offences relating to the administration of justice.

Proposed new section 242 deals with fabricating, altering or concealing evidence. Under the provision, it is an offence if a person—

(a) fabricates evidence or alters, conceals or destroys anything that may be required in evidence at judicial proceedings;

or

(b) uses any evidence or thing knowing it to have been fabricated or altered,

with the intention of—

(c) influencing a decision by a person whether or not to institute judicial proceedings;

or

(d) influencing the outcome of judicial proceedings (whether proceedings that are in progress or proceedings that are to be or may be instituted at a later time).

A maximum penalty of imprisonment for seven years is fixed for this offence.

Proposed new section 243 deals with offences relating to witnesses. Subclause (1) provides that it is an offence if a person gives, offers or agrees to give a benefit to another person who is or may be required to be a witness in judicial proceedings (whether proceedings that are in progress or proceedings that are to be or may be instituted at a later time) or to a third person as a reward or inducement for the other person's—

(a) not attending as a witness at, giving evidence at or producing a thing in evidence at the proceedings;

or

(b) withholding evidence or giving false evidence at the proceedings.

A maximum penalty of imprisonment for seven years is fixed for this offence. Subclause (2) creates a corresponding offence where a person, who is or may be required to be a witness at judicial proceedings seeks, accepts or agrees to accept such a benefit (whether for himself or herself or for a third person). Subclause (3) creates an offence of preventing or dissuading, or attempting to prevent or dissuade, another person from—

(a) attending as a witness at judicial proceedings (whether proceedings that are in progress or proceedings that are to be or may be instituted at a later time);

or

(b) giving evidence at, or producing a thing in evidence at, such proceedings.

Subclause (4) provides that a person is not guilty of the offence under subclause (3) unless the person knows that, or is recklessly indifferent as to whether, the other person is or may be required

to be a witness or to produce a thing in evidence at the proceedings. Subclause (5) provides that it is an offence if a person does an act with the intention of deceiving another person in any way in order to affect the evidence of the other person at judicial proceedings (whether proceedings that are in progress or proceedings that are to be or may be instituted at a later time). A maximum penalty of imprisonment for seven years is fixed for each of the offences against this proposed new section. Subclause (6) provides that a person is not guilty of any such offence if there is lawful authority or a reasonable excuse for his or her action.

Proposed new section 244 deals with offences relating to jurors. Subclause (1) provides that it is an offence if a person gives, offers or agrees to give a benefit to another person who is or is to be a juror or to a third person as a reward or inducement for the other person's—

(a) not attending as a juror;

or

(b) acting or not acting as a juror in a way that might influence the outcome of judicial proceedings.

Subclause (2) creates a corresponding offence for a person, who is or is to be a juror, who seeks, accepts or agrees to accept such a benefit (whether for himself or herself or for a third person). Subclause (3) provides that it is an offence if a person prevents or dissuades, or attempts to prevent or dissuade, another person from attending as a juror at judicial proceedings.

A maximum penalty of imprisonment for seven years is fixed for offences under subclauses (1), (2) and (3).

Subclause (4) provides that a person is not guilty of such an offence—

(a) unless the person knows that, or is recklessly indifferent as to whether, the other person is or may be required to attend as a juror at the proceedings;

or

(b) if there is lawful authority or a reasonable excuse for his or her action.

Subclause (5) provides that it is an offence if a person—

(a) takes an oath as a member of a jury in proceedings knowing that he or she has not been selected to be a member of the jury;

or

(b) takes the place of a member of a jury in proceedings knowing that he or she is not a member of the jury.

The maximum penalty for this offence is to be—

(a) if the person acted with the intention of influencing the outcome of the proceedings—imprisonment for seven years;

(b) in any other case—imprisonment for two years.

Proposed new section 245 deals with threats or reprisals relating to duties or functions in judicial proceedings. Subclause (1) provides that it is an offence if a person causes or procures, or threatens or attempts to cause or procure, any injury or detriment with the intention of inducing a person who is or may be—

(a) a judicial officer or other officer at judicial proceedings (whether proceedings that are in progress or proceedings that are to be or may be instituted at a later time);

or

(b) involved in such proceedings as a witness, juror or legal practitioner,

to act or not to act in a way that might influence the outcome of the proceedings. Subclause (2) provides that it is an offence if a person causes or procures, or threatens or attempts to cause or procure, any injury or detriment on account of anything said or done by a judicial officer, other officer, witness, juror or legal practitioner in good faith in the discharge or performance or purported discharge or performance of his or her duties or functions in or in relation to judicial proceedings is guilty of an offence.

A maximum penalty of imprisonment for seven years is fixed for offences under this proposed new section.

Division V deals with offences relating to public officers.

Proposed new section 246 relates to bribery or corruption of public officers.

Subclause (1) provides that it is an offence if a person improperly gives, offers or agrees to give a benefit to a public officer or former public officer or to a third person as a reward or inducement—

(a) for an act done or to be done, or for an omission made or to be made, by the public officer or former public officer in his or her official capacity;

or

(b) for the exercise of power or influence that the public officer or former public officer has or had, or purports or purported to have, by virtue of his or her office.

Subclause (2) creates a corresponding offence for a public officer or former public officer who improperly seeks, accepts or agrees to accept such a benefit from another person (whether for himself or herself or for a third person).

Subclause (3) provides that in proceedings for such an offence the court must, in determining whether the accused acted improperly in relation to a benefit, take into account any public disclosure of the benefit made by or with the approval of the accused, or any disclosure of the benefit made to a proper authority by or with the approval of the accused.

A maximum penalty of imprisonment for seven years is fixed for offences under this proposed new section.

Proposed new section 247 deals with threats or reprisals against public officers. Under this provision it is to be an offence if a person causes or procures, or threatens or attempts to cause or procure, any physical injury to a person or property—

(a) with the intention of influencing the manner in which a public officer discharges or performs his or her official duties or functions;

or

(b) on account of anything said or done by a public officer in good faith in the discharge or performance or purported discharge or performance of his or her official duties or functions.

A maximum penalty of imprisonment for seven years is fixed for an offence under this proposed new section.

Proposed new section 248 deals with abuse of public office. Under this provision it is to be an offence if a public officer improperly—

(a) exercises power or influence that the public officer has by virtue of his or her public office;

(b) refuses or fails to discharge or perform an official duty or function;

or

(c) uses information that the public officer has gained by virtue of his or her public office,

with the intention of—

(d) securing a benefit for himself or herself or for another person;

or

(e) causing injury or detriment to another person.

A maximum penalty of imprisonment for seven years is fixed for an offence under this provision.

Proposed new section 249 deals with demanding or requiring a benefit on basis of public office. Subclause (1) provides that it is to be an offence if a person—

(a) demands or requires from another person a benefit (whether for himself or herself or for a third person);

and

(b) in making the demand or requirement—

(i) suggests or implies that it should be complied with because the person holds a public office (whether or not the person in fact holds that office);

and

(ii) knows that there is no legal entitlement to the benefit.

Subclause (2) provides that subclause (1) does not apply to a demand made by a public officer to a proper authority in relation to the officer's remuneration or conditions of appointment or employment.

Proposed new section 250 provides that it is to be an offence if a person improperly—

(a) gives, offers or agrees to give a benefit to another in connection with the appointment or possible appointment of a person to a public office;

or

(b) seeks, accepts or agrees to accept a benefit (whether for himself or herself or for a third person) on account of an act done or to be done with regard to the appointment or possible appointment of a person to a public office.

A maximum penalty of imprisonment for four years is fixed for offences under this proposed new section.

The clause goes on to provide that 'benefit' does not include—

(a) salary or allowances payable in the ordinary course of business or employment;

or

(b) fees or other remuneration paid to a person for services provided to another person in the ordinary course of business or employment in consideration for assistance provided to the other person in qualifying for, preparing an application for or determining suitability for such an appointment.

Division VI deals with escape, rescue and harbouring of persons subject to detention.

Proposed new section 251 provides that it is to be an offence if a person subject to lawful detention—

(a) escapes, or attempts to escape, from custody;
or
(b) remains unlawfully at large.

Subclause (2) provides that a child is not guilty of such an offence in respect of an act or omission that constitutes an offence against section 61a of the Children's Protection and Young Offenders Act 1979 which fixes a lesser penalty (six months detention in a training centre) for escapes by a child subject to lawful detention.

Subclause (3) provides that it is to be an offence if a person, knowing that, or being recklessly indifferent as to whether, another person is subject to lawful detention—

(a) assists in the escape or attempted escape of the other person from custody;
or
(b) without lawful authority, removes, or attempts to remove, the other person from custody.

Subclause (4) provides that it is to be an offence if a person having custody or authority in respect of another person subject to lawful detention and knowing that, or being recklessly indifferent as to whether, there is no legal authority to do so—

(a) releases or procures the release of, or attempts to release or procure the release of, the other person from custody;
or
(b) permits the other person to escape from custody.

A maximum penalty of imprisonment for seven years is fixed for offences under this proposed new section.

Proposed new section 252 deals with harbouring or employing escapees, etc. Under this provision it is to be an offence if a person, knowing that, or being recklessly indifferent as to whether, another person has escaped from custody or is otherwise unlawfully at large—

(a) harbours or employs the other person;
or
(b) assists the other person to remain unlawfully at large.

A maximum penalty of imprisonment for four years is fixed for an offence under this proposed new section.

Division VI deals with attempts to obstruct or pervert the course of justice or the due administration of the law.

Proposed new section 253 provides that it is to be an offence if a person attempts to obstruct or pervert the course of justice or the due administration of the law in a manner not otherwise dealt with in the preceding provisions of the Part. A maximum penalty of imprisonment for four years is fixed for an offence under this proposed new section.

Subclause (2) provides that a person charged with an offence against any of the preceding provisions of the Part may instead be found guilty of an offence against subclause (1), if the maximum penalty prescribed for an offence against subclause (1) is the same as or less than the maximum penalty prescribed for the offence charged.

Division VII deals with criminal defamation.

Proposed new section 254 provides that it is to be an offence if a person, without lawful excuse, publishes defamatory matter concerning another living person—

(a) knowing the matter to be false or being recklessly indifferent as to whether the matter is true or false;
and
(b) intending to cause serious harm, or being recklessly indifferent as to whether the publication of the defamatory matter will cause serious harm, to a person (whether the person defamed or not).

A maximum penalty of imprisonment for three years is fixed for an offence under this proposed new section.

The usual defences to actions for damages for defamation are allowed as defences under the provision. Proceedings for an offence against this provision may not be commenced without the consent of the Director of Public Prosecutions.

Division VIII limits certain offences in relation to industrial disputes and restraint of trade.

Proposed new section 255 provides that an agreement or combination by two or more persons to do, or procure to be done, an act in contemplation or furtherance of an industrial dispute as defined in the Industrial Relations Act (SA) 1972 is not punishable as a conspiracy unless the act, if committed by one person, would be punishable as an indictable offence.

Subclause (2) provides that no person is liable to any punishment for doing, or conspiring to do, an act on the ground that the act restrains, or tends to restrain, the free course of trade unless the act constitutes an offence against the Act.

Clause 8 provides for the repeal of section 268 of the Criminal Law Consolidation Act. Section 268 deals with accessories after the fact and its repeal is consequential on the new accessory offence in proposed new section 240.

Clause 9 amends section 270 of the Criminal Law Consolidation Act which sets the penalty for certain common law offences. The clause removes the reference to the common law offences of nuisance and keeping a common gaming house, the former being one of the offences proposed to be abolished (see the schedule) and the latter being fully dealt with in the Lottery and Gaming Act 1936. The clause also removes the reference to the common law offences of escape and rescue (now to be dealt with in proposed new section 251) and indecent exhibitions (dealt with fully in section 33 of the Summary Offences Act 1953 and to be abolished under the schedule).

Clause 10 inserts into the Criminal Law Consolidation Act a new schedule in the form set out in the schedule of this measure. The schedule provides for the abolition of certain common law offences and offences of the same kind enacted by Imperial law.

Part III of the measure makes consequential amendments to the Correctional Services Act 1982.

Clause 11 provides for substitution of the heading to Division IV of Part V of that Act.

Clause 12 amends section 50 of the Correctional Services Act which relates to the effect of a prisoner escaping or being at large. The clause removes the escape offence contained in subsection (1) in view of the general escape offence to be included in the Criminal Law Consolidation Act (see proposed new section 251) and makes a consequential amendment relating to the effect of a sentence for an offence of escape on existing terms of imprisonment.

Clause 13 makes a further consequential amendment to section 52 which relates to the power of arrest of officers of the Department of Correctional Services.

Clause 14 makes a similarly consequential amendment to the Correctional Services Act providing for the repeal of section 53 which provides for an offence of harbouring an escaped prisoner.

Part IV deals with consequential amendments to the Juries Act 1927.

Clause 15 makes an amendment to section 78 of the Juries Act removing the offence of impersonating a juror which is now to be provided for in the Criminal Law Consolidation Act (see proposed new section 244).

Clause 16 provides for the repeal of section 83 of the Juries Act which creates an offence of corruptly influencing a juror. This offence is now to be included in the Criminal Law Consolidation Act (see proposed new sections 244 and 245).

Part V provides for consequential amendments to the Local Government Act 1934.

Clause 17 provides for the repeal of sections 55, 56, 79 and 81 of that Act which create offences of bribing members or officers or employees of councils and misuse of confidential information by members, officers or employees. These matters are now to be covered by the Criminal Law Consolidation Act (see proposed new sections 246 and 248).

Part VI provides for consequential amendments to the Royal Commissions Act 1917.

Clause 18 provides for the repeal of sections 15 and 17 to 22 (inclusive) of that Act. These sections deal with perjury and interference with witnesses or evidence, matters now to be dealt with in the Criminal Law Consolidation Act.

Part VII deals with amendments to the Summary Offences Act 1953.

Clause 19 inserts a new section 7a into the Summary Offences Act relating to interruption or disturbance of religious worship. Under the proposed new section it is to be an offence if a person, by noise, disorderly or offensive behaviour or language or in any other way, intentionally—

(a) interrupts or disturbs the order and solemnity of a congregation or meeting of persons gathered for religious worship;
or
(b) interrupts or disturbs persons officiating at, participating in or proceeding to or from any such congregation or meeting.

A division 5 fine or division 5 imprisonment ($8 000 or two years) is fixed as the maximum penalty for this offence.

These offences are in very similar terms to the offences under sections 257 and 258 of the Criminal Law Consolidation Act (which are proposed to be repealed) although are slightly wider in scope by providing protection for persons proceeding to or from a religious gathering.

Clause 20 replaces section 18 of the Act (which creates the loitering offence) with three new sections. The first, proposed new section 17d, creates offences of forcible entry or retention of land or premises. It replaces section 243 of the Criminal Law Consolidation Act, the current forcible entry offence, which is an indictable offence punishable by imprisonment for a maximum term of three years. The new offence proposed is a summary offence with a maximum penalty of a division 6 fine or division 6

imprisonment ($4 000 or one year). Under subclause (1) it is to be an offence if a person—

(a) uses force, threats or intimidation to enter land or premises in order to expel a person who is in possession (whether lawfully or unlawfully) of the land or premises;

and

(b) does so otherwise than in pursuance of an order of a court or other lawful process.

The new section proposed also replaces the common law offence of forcible retention of land. Under subclause (2) it is to be an offence if a person—

(a) enters onto land or premises unlawfully;

and

(b) retains possession of the land or premises by force or in a mamer that would render the use of force the only reasonably practicable means of recovering lawful possession of the land or premises.

The same maximum penalty of a division 6 fine or division 6 imprisonment is fixed for this offence.

Proposed new section 18 empowers police to order persons to move on or disperse. This provision incorporates the current loitering provision and extends it so that it also empowers police to order persons assembled in a group to disperse. This is intended to deal with the situations now dealt by the offence of riot (section 244 of the Criminal Law Consolidation Act, which is to be repealed) and the common law offences of rout, unlawful assembly and affray, which are to be abolished (see the schedule).

Subclause (1) provides that where a person is loitering in a public place or a group of persons is assembled in a public place and a member of the police force believes or apprehends on reasonable grounds—

(a) that an offence has been, or is about to be, committed by that person or by one or more of the persons in the group or by another in the vicinity;

(b) that a breach of the peace has occurred, is occurring, or is about to occur, in the vicinity of that person or group;

(c) that the movement of pedestrians or vehicular traffic is obstructed, or is about to be obstructed, by the presence of that person or group or of others in the vicinity;

or

(d) that the safety of a person in the vicinity is in danger,

the member of the police force may request that person to cease loitering, or request the persons in that group to disperse, as the case may require.

Subclause (2) provides that a person of whom such a request is made must leave the place and the area in the vicinity of the place in which he or she was loitering or assembled in the group and fixes a maximum penalty of a division 8 fine or division 8 imprisonment ($1 000 or three months) for failure to do so.

Proposed new section 18a regulates behaviour at or in the vicinity of public meetings. This provision is based on the provisions of the Public Meetings Act which is to be repealed (see clause 23) and is intended to deal with the situations dealt with by sections 257 and 258 of the Criminal Law Consolidation Act (interrupting religious worship and molesting preachers) which are to be repealed. Under subclause (1) it is to be an offence if a person, in, at or near a place where a public meeting is being held—

(a) behaves in a disorderly, indecent, offensive, threatening or insulting manner;

(b) uses threatening, abusive or insulting words;

or

(c) in any way, except by lawful authority or on some other lawful ground, obstructs or interferes with—

(i) a person seeking to attend the meeting;

(ii) any of the proceedings at the meeting;

or

(iii) a person presiding at the meeting in the organisation or conduct of the meeting.

A maximum penalty of a division 8 fine or division 8 imprisonment is fixed for this offence. Subclause (2) provides that a person presiding at a meeting at which such behaviour occurs may request a member of the police force, or the police generally, to remove the offending person from the place or the area in the vicinity of the place. 'Public meeting' is defined as including any political, religious, social or other meeting, congregation or gathering that the public or a section of the public are permitted to attend, whether on payment or otherwise.

Clause 21 transfers to the Summary Offences Act, as a new section 40, the present section 259a of the Criminal Law Consolidation Act which makes it an offence to act as a spiritualist, medium, etc., with intent to defraud. As a result, the offence will become a summary offence rather than an indictable offence.

Clause 22 provides for the repeal of section 66 of the Summary Offences Act which creates a statutory compounding offence. This offence, its counterpart section 234 of the Criminal Law Consolidation Act and the common law compounding offence are to be abolished.

Clause 23 provides for the repeal of section 83 of the Summary Offences Act which creates an offence of escaping from police custody. This is now to be covered by the new general escape offence (see proposed new section 251).

Part VII (clause 24) provides for the repeal of the Public Meetings Act 1912.

The schedule sets out the schedule to be inserted into the Criminal Law Consolidation Act abolishing certain common law offences and equivalent offences enacted by Imperial law.

The following offences are abolished under clause 1:

(1) compounding an offence—'Everyone commits a misdemeanour who, having brought, or under colour of bringing, an action against any person under any penal statute in order to obtain from him any penalty, compounds the said action without order or consent of the Court (whether any offence has in fact been committed or not.' (Stephen's Digest of the Criminal Law 9th ed (1950), p 159);

(2) misprision of felony—'Everyone who knows that any other person has committed felony and conceals or procures the concealment thereof is guilty of misprision of felony . . .' (Stephen's Digest of the Criminal Law 9th ed (1950), p 158);

(3) maintenance, including champerty—

'maintenance . . . an officious intermeddling in an action that in no way belongs to one; by maintaining or assisting either party, with money or otherwise, to prosecute or defend it . . . This is an offence which keeps alive strife and contention, and perverts the remedial process of the law into in engine of oppression . . . A man may, however, with impunity, out of charity and compassion, maintain the suit of his near kinsman, servant, or poor neighbour; and he may also maintain any action or legal proceedings in which he has any pecuniary interest, actual or contingent.' (Stephen's Commentaries on the Laws of England 15th ed [1908], p 210);

'Champerty is nowadays regarded as an aggravated form of maintenance being an arrangement by which the maintainer is promised a share of the subject matter or proceeds of the litigation.' (One Hundred and First Report of the Law Reform Committee of South Australia to The Attorney-General [1987] 'Maintenance, Champerty, Embracery and Barratry, Malicious Prosecution and Abuse of Process, p 3);

(4) embracery—'Embracery is the attempted or actual corruption, influencing or instruction of a jury to favour one side by money, promises, letters, threats or persuasions or other means other than by evidence and arguments in open court. A juror who is so influenced or who accepts such bribes also commits embracery.' (One Hundred and First Report of the Law Reform Committee of South Australia to The Attorney-General [1987] 'Maintenance, Champerty, Embracery and Barratry, Malicious Prosecution and Abuse of Process, p 4);

(5) interference with witnesses—'Everyone commits a misdemeanour who . . . in order to obstruct the due course of justice, dissuades, hinders, or prevents any person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence, or endeavours to do so . . .' (Stephen's Digest of the Criminal Law 9th ed (1950), p 150);

(6) escape—

(a) 'Every person who aids or assists any prisoner to attempt to make his escape from the custody of any constable or other officer or person who then has the lawful charge of him in order to carry him to gaol . . . is guilty of felony . . .'

(b) 'Everyone commits felony . . . who aids any prisoner in escaping or attempting to escape from any prison, or who, with intent to facilitate the escape of any prisoner, conveys or causes to be conveyed into any prison, any mask, dress, or other disguise, or any letter, or any other article or thing.'

(c) 'Everyone commits a misdemeanour, . . . who, being lawfully in custody for any criminal offence, escapes from that custody.'

(d) 'Everyone commits felony who, being lawfully detained on a charge of, or under sentence for, treason or felony, breaks out of the place in which he is so

detained, against the will of the person by whom he is detained.

If the offender is detained under a charge of misdemeanour the offence of breaking out of the place of confinement is a misdemeanour . . . '(Stephen's Digest of the Criminal Law 9th ed 1950, p 155-156);

(7) rescue—'Everyone commits felony . . . who by force sets at liberty, rescues, or attempts to rescue, or sets at liberty any person out of prison, committed for or found guilty of murder, or rescues or attempts to rescue any person convicted of murder, going to execution or during execution.' (Stephen's Digest of the Criminal Law 9th ed 1950, p 154);

(8) bribery or corruption in relation to judges or judicial officers;

(9) bribery or corruption in relation to public officers;

(10) buying or selling of a public office—'Everyone commits a misdemeanour who does any of the following things in respect of any office, or any appointment to or resignation of any office, or any consent to any such appointment or resignation, that is to say, every one who directly or indirectly

1. sells the same, or receives any reward or profit from the sale thereof, or agrees to do so;
2. purchases, or gives any regard or profit for the purchase thereof, or agrees or promises to do so.' (Stephen's Digest of the Criminal Law 9th ed 1950, p 137);

(11) obstructing the exercise of powers conferred by statute;

(12) oppression by a public officer—'Every public officer commits a misdemeanour who, in the exercise or under colour of exercising the duties of his office, does any legal act, or abuses any discretionary power with which he is invested by law from an improper motive, the existence of which motive may be inferred either from the nature of the act, or from the circumstances of the case.

. . . If [the act] consists in inflicting upon any person any bodily harm, imprisonment or other injury, not being extortion the offence is called "oppression".' (Stephen's Digest of the Criminal Law 9th ed 1950, p 112);

(13) breach of trust or fraud by a public officer;

(14) neglect of duty by a public officer—'Every public officer commits a misdemeanour who wilfully neglects to perform any duty which he is bound either by common law or by statute to perform provided that the discharge of such duty is not attended with greater danger than a man of ordinary firnmess and activity may be expected to encounter.' (Stephen's Digest of the Criminal Law 9th ed 1950, p 114);

(15) refusal to serve in public office—'Everyone commits a misdemeanour who unlawfully refuses or omits to take upon himself and serve any public office which he is by law required to accept if duly appointed . . .' (Stephen's Digest of the Criminal Law 9th ed 1950, p 118);

(16) forcible entry and forcible detainer—'Everyone commits a misdemeanour called a forcible entry who, in order to take possession thereof, enters upon any lands or tenements in a violent manner . . .

Everyone commits the misdemeanour called a forcible detainer who, having wrongfully entered upon any lands or tenements, detains such lands and tenements in a manner which would render an entry upon them for the purpose of taking possession forcible.' (Stephen's Digest of the Criminal Law 9th ed 1950, p 81);

(17) riot—'A riot is an unlawful assembly which has actually begun to execute the purpose for which it assembled, by a breach of the peace, and to the terror of the public;

a lawful assembly may become a riot if the persons assembled form and proceed to execute an unlawful purpose to the terror of the people, although they had not that purpose when they assembled' (Stephen's Digest of the Criminal Law 9th ed 1950, p 76);

(18) rout—'A rout is an unlawful assembly which has made a motion towards the execution of the common purpose of the persons assembled' (Stephen's Digest of the Criminal Law 9th ed 1950, p 76);

(19) unlawful assembly—'An unlawful assembly is an assembly of three or more persons—

(a) with intent to commit a crime by open force; or

(b) with intent to carry out any common purpose, lawful or unlawful in such a manner as to give firm and courageous persons in the neighbourhood of such assembly reasonable grounds to apprehend a breach of the peace in consequence of it.' (Stephen's Digest of the Criminal Law 9th ed 1950, p 75);

(20) affray—'An affray is the fighting of two or more persons in a public place to the terror of His Majestys subjects.' (Stephen's Digest of the Criminal Law 9th ed 1950, p 74);

(21) challenges to fight—'Everyone commits a misdemeanour who—

(a) challenges any other person to fight a duel; or

(b) endeavours by words, or by writings, to provoke any other person to challenge the offender or to commit a breach of the peace. (Stephen's Digest of the Criminal Law 9th ed 1950, p 74);

(22) public nuisance—'A public or common nuisance is an act not warranted by law or an omission to discharge a legal duty, which act or omission obstructs or causes inconvenience or damage to the public in the exercise of rights common to all His Majesty's subjects.' (Stephen's Digest of the Criminal Law 9th ed (1950), p 179);

(23) public mischief—no clear definition;

(24) eavesdropping—" 'Eavesdroppers' are such as stand under wals or windowes, by night or by day, to heare news, and to carry them to others to make strife and debate amongst their neighbours" (Termes de la Ley—Stroud's Judicial Dictionary 4th ed Vol 2 p 869);

(25) being a common barrator, a common scold or a common night walker—

barrator—'. . . one who habitually moves, excites or maintains suits or quarrels, whether at law or otherwise; the punishment therefor was fine and imprisonment, and if the offender belonged to the legal profession he was disabled thereby from further practice.' (Jowitt's Dictionary of English Law 2nd ed, p 192);

night walker—'A woman walking up and down the streets to pick up men' (per Lawrence J, Lawrence v Hedger, 3 Taunt. 15) (Stroud's Judicial Dictionary 4th ed Vol 3 p 1771); but Dalton (Countrey Justice, 189) speaks of night-walkers as of either sex, and as being such 'that be suspected to bee pilferers or otherwise liketo disturbe the peace, or that be persons of evill behaviour, or be eaves-droppers by night, or as shall cast mens gates or carts etc., or shall commit other like misdemeanors or outrages in the night time.';

scold—'A troublesome and angry woman, who, by brawling and wrangling amongst her neighbours, broke the public peace, increased discord, and became a public nuisance to the neighbourhood.' (Mozley & Whiteley's Law Dictionary 10th ed);

(26) criminal libel, including obscene or seditious libel;

(27) publicly exposing one's person;

(28) indecent exhibitions—'Exhibitions of an obscene, indecent, or grossly offensive and disgusting character which do not fall within the definition of obscene libel are nevertheless regarded as indictable misdemeanors, such as the performance of an obscene or indecent play.' (Russell on Crime, v.II 9th ed.);

and

(29) spreading infectious disease.

Clause 2 provides that an Act of the Imperial Parliament is to have no further force or effect in this State to the extent that it enacts an offence of a kind referred to in clause 1.

Clause 3 makes certain special provisions relating to maintenance and champerty. Under the clause, liability in tort for conduct constituting maintenance or champerty at common law is abolished. The clause goes on to provide that the abolition of criminal and civil liability for maintenance and champerty does not affect—

(a) any civil cause of action accrued before the abolition;

(b) any rule of law relating to the avoidance of a champertous contract as being contrary to public policy or otherwise illegal;

(c) any rule of law relating to misconduct on the part of a legal practitioner who is party to or concerned in a champertous contract or arrangement.

These provisions are in accordance with the recommendations relating to maintenance and champerty contained in the 101st Report of the Law Reform Committee of South Australia.

Mr INGERSON secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

In Committee.

(Continued from 7 April. Page 3962.)

Clause 1 passed.

Clause 2—'Commencement.'

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

Page 1, line 15—Leave out 'subsection (2)' and substitute 'this section'.

Amendment carried.

Mr INGERSON: I move:

Page 1, after line 18, insert—

(2a) Sections 4 *(a)* and *(b)* will be taken to have come into operation on 19 March 1992.

We believe that the amendment to the stress provisions should apply from the date on which the Bill was introduced, 19 March 1992. It is for that reason that I move this amendment.

The Hon. R.J. GREGORY: It is totally unnecessary to have an amendment providing that the Bill should operate from a particular date. This Bill will operate from the day on which it is proclaimed and assent is given to it. I reject the amendment.

Amendment negatived; clause as amended passed.

New clause 2a—'Interpretation.'

Mr INGERSON: I move:

Page 1, after line 19—Insert new clause as follows:

2a. Section 3 of the principal Act is amended—

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

(b) by striking out from the definition of 'unrepresentative disability' in subsection (1) 'a journey, attendance or temporary absence' and substituting 'an attendance';

and

(c) by striking out from subsection (4) 'or a journey between the worker's residence and the place of pick-up (whether to or from the place of pick-up)'.

In my second reading speech and in other contributions of my colleagues the question of compensation for accidents caused during travel to and from work was discussed at length. We believe that journey accidents, as they are often called, are anathema to a workers compensation scheme. There is no justification for payments out of the scheme for this type of accident, involving not only journeys to and from work but any unauthorised travel that is not related to work. In consequence, a very wide definition has been given in this matter.

As I said in my second reading speech, it is a significant cost to the scheme. We believe that the third party bodily injury insurance scheme would pick up the majority of these accidents if they occur on the way to or from work. If there are instances that such insurance does not cover, the provisions should be amended accordingly. We have argued that any journey accident that contributes to the cost of employment should be removed from this scheme.

The Hon. R.J. GREGORY: The Government rejects the amendment. We do so for several very good reasons. One is that this provision has been in operation in this State for an extremely long time. It is operating under the old Act and it is operating under this measure. It is a no-fault scheme and it does not affect the bonus penalty payments of the employers. The amazing thing is that 75 per cent of the cost of journey accidents has been recovered from the third party scheme to date. I do not see any reason why, with six years experience, that 75 per cent recovery ought not to continue. The member for Bragg is talking about taking away from people a very quick payment of money in respect of accidents sustained by them when travelling to or from work when 75 per cent of it is eventually recovered by the corporation from the third party insurer. He is talking about ripping off from unfortunate people proper coverage which has been recognised in this State for years because 25 per cent of it falls outside the third party scheme. I think that is a bit crook and too much over the fence.

Mr INGERSON: I think that my argument is justified. If 75 per cent of the claims which are made are pulled back and transferred from the third party scheme, that is where it ought to be. If the other 25 per cent of accidents that occur on the way to and from work are not covered by that scheme, then it should be amended to ensure that they are. We need to look at our third party insurance scheme to see whether we need to amend it in some form in order to pick up journey accidents of any type.

There is no justification for including in a workers compensation scheme any payment for an accident which occurs in the period between leaving home in the morning and getting home at night. That is absolute nonsense. It should never have been in the scheme. It was opposed by the Liberal Opposition when the Bill was introduced in 1986 and it will continue to be opposed, because we believe it is not in the right area in terms of accident compensation. There has never been any suggestion that there should not be adequate insurance cover for people who are injured on our roads. All we are saying is that there is another area of compensation for journey accidents. Such accidents should not be included in this legislation as being work related.

Of all the arguments on rorting, this would be the one area in which there are more examples than any other. We believe this area should be removed from workers compensation and included in third party bodily injury insurance. I recognise that there are a few examples where third party bodily injury may not cover an individual. If we have to look at that anomaly with regard to compensation for motor vehicle accidents, we ought to be doing it as a Parliament and not hoisting it into the cost of employment. I ask the Minister to reconsider his position and to support the amendment.

The Hon. R.J. GREGORY: Not all workers have BMWs that they can drive to work. In fact, not all workers have cars that they can drive to work. Many workers walk or ride bicycles to work. Indeed, many workers travel by public transport and occasionally with friends. The member for Bragg is putting forward a peculiar piece of logic. He says that people who are injured when travelling to and from work ought to be covered, but not by the Workers Rehabilitation and Compensation Act because they will rort the system and, anyway, the third party scheme covers them. But then he says that the 25 per cent of people who are not covered by the third party scheme—

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: You said that they ought to be covered by an amendment to the Act. My question is: why amend the Act when every person who is injured when travelling to and from work is already covered, where another scheme provides insurance and compensation for injury and damage to the person and where that money is recovered by the WorkCover Corporation (which I think is a perfectly valid thing to do)? What it really means is that the 25 per cent of people who are not covered by the insurance provisions are receiving the benefit from the levies paid by the employers; and that is fit and proper.

I have heard a lot about rorting from members opposite, and I have invited them on many occasions to give evidence of that rorting to me or to the Chairman of WorkCover. I have yet to know of one valid instance of rort given either to me or to the Chairman of WorkCover. Members of the Opposition keep talking about it, but all I can say is: let them put up the proof. Until they can do that, it is just a figment of their imagination. They seem to think that a rort is on when someone else is getting the money: if they are getting the money, it is not a rort. Really, what they are saying to other people who have a valid claim is, 'It's a crook one.' They say that they know all about it. Let them put up or shut up—and they have never yet put up.

The Hon. JENNIFER CASHMORE: I support the amendment. The Minister says, 'Why amend the Act to exclude journey accidents?' The very reason the Opposition is suggesting an amendment to the Act is that the whole purpose of this workers compensation Act review is to reduce the burden on employers and the costs of employment that are helping to bring this State to its knees. The workers compensation legislation is a component of unemployment in South Australia; there is no denying that. The costs have ensured that some employers have either refrained from putting staff on or been encouraged to put off staff because they simply cannot meet the punitive costs of workers compensation premiums and payouts. So, the answer to the question, 'Why amend the Act?' is contained very simply in the statement, 'We are trying to reduce the punitive cost on employment that is currently inherent in the workers compensation legislation.'

As to the second question, 'Why exclude journey accidents?', the answer is that the workers compensation Act should apply costs to employers which are met in the course of employment; in other words, on the job. Journey accidents do not comprise on the job responsibilities of employers and, indeed, in few, if any, other insurance systems in Australia are they included. We believe they should not be included for the very simple reason that an employer should not have to be responsible for accidents incurred either through the inadequate or dangerous driving or conduct on the road of an employee or the fact that other drivers may cause accidents of which the employee is a victim. That responsibility—as the member for Bragg has said—rests more properly with the third party insurance arrangements rather than with workers rehabilitation and compensation arrangements.

The logic of the Liberal Party's position on this matter is impeccable and is matched by other logic on the statutes throughout this country and the world. We are not suggesting for one moment that those who suffer injuries on the road at any stage for any reason in the pursuit of any activity should not be covered; obviously they should be. However, employers should not be liable for costs that are not incurred in the course of employment. That is the burden of the argument in support of the Opposition amendment, and it is an argument which is certainly accepted not only by employers, who obviously support it, but by fair-minded people who are anxious to ensure that the climate for employment in this State is made to be an encouraging one rather than a discouraging one that suffers under burdens of cost, which ensure that more and more people are likely to lose their jobs because employment itself and on-costs are becoming beyond the capacity of many employers to pay.

The effect of the amendment is significant in its benefit to the scheme and, therefore, significant in its benefits to employment in South Australia. I would have thought that that would be a priority of the Government: it certainly is of the Opposition, and we urge the Committee to support the amendment.

Mr FERGUSON: During my second reading speech I indicated that I would oppose certain amendments, and this is certainly one of them. This amendment should be opposed vigorously, because the logic behind it is extraordinary. The member for Coles, who has suddenly become an expert on workers compensation, suggested that the significance of this amendment will relate to the cost of the scheme. That is nonsense. The difference it will make to the cost of the scheme is insignificant: the amount by which it would reduce it by would be ridiculously low, if it reduced premiums at all.

The principle involved in covering workers going to and from work has been with us for a very long time, and it would be a significant blow to workers in this State if it were taken away. It is a principle that has been upheld by Liberal Governments, which have been prepared to accept the principle that workers ought to be covered travelling to and from work. They saw the fairness of it, and I congratulate them on doing so. When this was brought in, the member for Bragg tells me it was opposed by the Liberal Party. I have not had time to research that, but I do not suppose it would come as a surprise to anyone in this place to know that the Liberal Opposition, in every instance considered since I have been here, has opposed any improvement to workers compensation. So, it would not be any surprise to anyone to know that the legislation was opposed when it came in to this place. I give credit to the Liberal Government, when it was in power, that it never attempted to do anything about the law as it stood.

We now have a new principle as being proposed by the member for Coles that workers compensation relates to 'on the job'. I have never heard of anything so ridiculous in all my life. There are many workers in this State concerning whom one could never ascertain when they were on the job, because their jobs move around from one place to another. If one were to take this 'on the job' principle to the courts, where it would inevitably finish, I do not know how the courts could interpret it.

Even if I accepted the principle of this amendment—and I can assure you, Mr Chairman, I do not—what fairness is there in the proposal? Under the amendment, what happens in the case of an employee who, having arrived at work, is requested by the employer (as I have requested my own employee) to return home to pick up a book, diary or something else pertaining to that person's employment, and who is involved in an accident in the course of that journey? According to the amendment, that person would not be covered by workers compensation.

I have never seen anything more ridiculous. A person obeying a lawful command from their employer and going here there and everywhere, leaving their place of employment, would, if the amendment were accepted, not be covered by workers compensation. If this amendment has been thought out in the way that I think the member for Coles has thought about it, then either the Opposition has deliberatly set out to defraud certain employees from getting workers compensation or else it has not been thought out fully. Being a charitable person, I suggest that it might be the latter rather than the former.

Three points have been put up in support of the proposition. The first is that it is supported by the Liberal Party—that does not give us any surprise. The next is that it will make the scheme cheaper. However, it will not make it cheaper. Any saving would be minute, particularly when taking the general proposition. The other point is that we now have a new definition of how workers could be paid: they must be 'on the job'. Finding out and defining what 'on the job' actually means in a legal sense will fill the courts for the next 25 years. I oppose the proposition.

The Hon. P.B. ARNOLD: What the member for Henley Beach has just said could be described as a heap of garbage. I refer the honourable member to a recent *Advertiser* article which appeared on 4 April, headed 'Boss angry at driver pay out'. It states:

> Earthmoving contractor Mr David Truran claims he is paying an excessive $20 000 a year in levies to WorkCover because a former employee ran a red light in 1988.
>
> He says WorkCover considers him to be an 'unsafe employer', but his company has not had a serious claim since September 1990.

His Truran Earthmovers Pty Ltd, of Carey Gully and Osborne, employs 20 people.

He said the 1988 claim resulted from a Truran truck operator driving through a level crossing at Gillman against a red light and being hit by a slow-moving goods train.

Mr Truran said the driver had escaped with minor injuries and shock and had been discharged from hospital on the same day.

That company is being penalised because an employee obviously deliberately broke the law. He took the chance and did not get away with it, and today the levy being charged against that company by WorkCover is a massive $20 000. The Government has to decide whether or not it wants employment in South Australia, whether it wants people to be employed, particularly by the private sector. I am involved in a small way in employing people in the fruitgrowing industry. Members would well recall an article in the *Advertiser* only a few months ago which described the people involved in the Riverland fruitgrowing and horticultural industries as being some of the lowest paid people in South Australia.

The levies being charged by WorkCover in that industry are quite excessive, and the Government wonders why those of us who are engaged in industries like that are going as hard as we can to convert totally to machine pruning and harvesting, solely for the purpose of not having to employ anyone. If that is not against the interests of Australia, and of South Australia in particular, I do not know what is. However, it is a fact of life that virtually no-one on the Government side of the House personally employs anyone in business. Most of them are not personally involved in business. They might work or head up some union but they are not employing personally any employees and trying to keep a business viable.

One has only to look at the schedules and the way they are geared and slanted to the benefit of Government operations. One has only to consider the 2.9 per cent that the Submarine Corporation is paying and then consider what private yacht and private boat building firms, doing the same sort of work, that is, maintenance, construction and repairs, are paying, namely, 6.7 per cent. That is great, is it not? I only wish that I could negotiate 2.9 per cent. Touch wood, I have not made a claim against WorkCover for donkey's years and yet I pay a heck of a lot more than that. Is the Government serious about wanting people employed in this State or not? The amendment moved by the member for Bragg is very fair and reasonable. What people do in their own time is not the responsibility of the employer, and for that reason I strongly support the member for Bragg's amendment.

The Hon. R.J. GREGORY: I have always thought that the member for Chaffey has understood what he was talking about in this House, although today he has demonstrated that he does not understand this matter. I want to deal with this in some detail. We are talking here about journey accidents to and from work. What the member for Chaffey is talking about, particularly in respect of Truran, is that if one is on the road in the course of one's employment one should be excluded from WorkCover.

The Hon. P.B. Arnold: Drivers breaking the law.

The Hon. R.J. GREGORY: The member for Chaffey ought to understand a few things about employers' responsibility in respect of the people he employs.

The Hon. P.B. Arnold interjecting:

The Hon. R.J. GREGORY: The honourable member is very rude with his interjections and it illustrates just how rude he is and how poorly he was brought up. When he was standing there talking a whole load of nonsense I did not interrupt him and nor did any other member on this side of the House. Today he is demonstrating his bad manners and he ought to behave himself. There is workers compensation for people at work. Are we to extrapolate from what the member for Chaffey is saying that every person who drives a motor car should be excluded from workers compensation? Is the honourable member saying to the Police Force, to the Fire Brigade and to the ambulance service and to everyone else who has employees driving motor vehicles that they should not be covered by workers compensation?

The Hon. P.B. Arnold: Be honest.

The Hon. R.J. GREGORY: The honourable member then talks about the high cost of workers compensation and he said that people in the Riverland were getting machinery so that they did not have to employ anyone. The part that amazes me in this is that it seems that what the member for Chaffey is saying is that if we did not have to pay for wages in South Australia we would employ everyone. Is he saying that that would be the case if wages were not a cost? The honourable member is an operator who believes in the capitalist system and he knows as well as I do that, even if people would work for nothing, he would be getting this plant and equipment. He would not be keeping horses on his property to cart his produce to market. He would not use a horse and dray to come down from the Riverland to this Parliament. He would not get rid of his motor car and go back to a horse and cart. It is plainly nonsensical.

Is the honourable member saying that if wage increases had never been negotiated we would still be using a couple of fire sticks to send messages or something? Is he saying that he would not be using all the modern appliances that he has in his home? The reality of the situation is that, as technology advances, people will use it, and if they do not they will fall behind. This demonstrates what the Opposition has failed to grasp in relation to this matter, namely, as a country we have to use all the technology we can get our hands on. We have to develop it and master it and, if we do not do so, we will go under. I say this: if they do not get those machines in the Riverland and have all that adequate machinery, they will not survive in fruitgrowing.

To stand here and say that it is the result of workers compensation is ludicrous. If their workers compensation payments are high, it is because of their inability to manage their business properly. They are saying simply that they want to abrogate their right to manage, that they want to sack people, and so on. However, when it comes to safety, they leave it up to the employer and blame him for everything that happens, even though they want to accept every other responsibility in the workplace.

I want to talk about the New South Wales experience, where the journey to work system was modified. After much consideration the New South Wales Liberal Party (the champions of free enterprise that these people opposite tend to slavishly want to follow in industrial relations) modified the system and said that people who work shift work, such as police officers, and hospital workers on double shifts who are called back to work, could be covered. It was then found that administratively it was so costly they had to return to the old system of paying for journey accidents. It has been tried—as the member for Bragg has said—and it failed, and they reverted to the old system.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: The member for Bragg interjects that we should do away with it altogether. Why did he stand in his place earlier today and say that, because only 75 per cent of the cost is recovered, we ought to amend the Act to pick up the other 25 per cent who get nothing out of it? Why did the honourable member say two different things in the same sitting of Parliament? I could accept it if the member for Bragg said it 12 months ago and has now

changed his mind, but to say two completely different things in this place in the space of 10 to 15 minutes is a bit rich.

Mr INGERSON: I will take up the nonsense spoken by the Minister. I will pick up three points. First—and if the Minister does not believe me he should check the record—I said that the whole of the journey accident problem should be transferred out of the scheme. The fact that 75 per cent are currently being picked up by the compulsory third party scheme is totally inconsequential. If any other journey accident is not covered by the scheme in place, it should be picked up under some other compensation scheme. There is no question about that at all.

The second point that the Minister has gone on about so vociferously is the argument that managers cannot manage. I know that the Minister has not necessarily been a great employer in his life, so I will make a couple of comments about management and employment. When one employs at an hourly rate, extra costs, called 'on costs', as the Minister may or may not know, are involved. So, in most instances when you employ one person it is equivalent to employing about 1.5 persons. In case the Minister does not understand that, workers compensation represents between 6 to 10 per cent of the on costs in that equation. As far as management is concerned, it is a very important issue in the cost of employment.

Whilst I understand that it does not matter to members opposite whether the cost of employment puts off people or that any push to guarantee that the cost of employment stays up affects the employment level, it does worry us because at the end of the day it does not matter how much a manager or owner puts into his business because, if he does not get a return on it, there is no employment at all. That is the fundamental exercise in this argument of reducing workers compensation costs.

No-one on this side has ever said, to my knowledge, that there should not be a fair and reasonable workers compensation scheme. I have never said in this place that there should not be a fair and reasonably financed compensation scheme for workers. What I am saying in this instance is that there are some hang-ons in this scheme that should be removed to make it a fair and cost-effective scheme for employers in this State. At the end of the day, if we have a scheme that employers cannot afford, all of the people that members opposite purport to represent (and they say that we have no idea about representation of the blue collar work force) will not be represented in their best interests.

If there is no investment by employers in this State, members opposite will not have any people to represent, which is the absolutely ridiculous end point that nobody on this side is pushing for. Members opposite should recognise what we are putting forward in this minor amendment. We need a scheme that is simple and covers those genuinely injured at work (and I emphasise 'at work'). In some instances 'at work' involves driving a motor vehicle. This amendment does not affect in any way a person involved in driving a vehicle as part of their work. However, it eliminates all of this nonsense of saying that the minute you get up in the morning and put on your work clothes until the time you get home—whatever time that may be—you are covered by a workers compensation scheme.

Members interjecting:

Mr INGERSON: Members opposite are saying that it is rubbish. It is not rubbish because there are many examples of claimants under workers compensation schemes being involved in an accident at one minute past 12 in the morning on the way to work or at one minute to 12 on the way home at night. There have been a couple of celebrated cases, particularly in the South-East, of people going home *via* the hotel, *via* the hockey club and *via* the squash court and having an accident which they claimed for under the scheme. There are several celebrated cases of that type in Victoria, and I believe one or two here in South Australia. They are celebrated cases in which the journey accident provision has been totally abused. Let us rid this scheme of that provision—it should be in another more appropriate scheme.

My third point relates to something that was said by the Minister last night in his second reading reply, and he said it again today. It is arrant nonsense to say that employers in this State are not interested in safety in the workplace. As the Minister knows, because of increased interest by his and previous departments and an obvious change in attitude by employers in this State, safety issues and the safety of workers in the workplace is now the most important single issue in almost every industry. I use the word 'almost' guardedly because, as I said in my second reading contribution, there are some examples that the department should take up and do something about.

As an employer of some 28 years, I do not know of any examples of people deliberately setting out to create accidents in the workplace. The inference from members opposite that employers are not interested in safety is absolute arrant nonsense. If they are not interested in safety, they are not interested in the cost of running their business or in the work force that they employ.

I do not know of any employer who would deliberately set out to injure or do something to the detriment of an employee. It is arrant nonsense to say that. The Minister and members opposite have said it several times, and it is just not right. The Chamber of Commerce and Industry and the Employers' Federation would say that the safety training programs that they run are some of their best attended programs. The Minister is right in saying that there has been a change, but to say that, today, all employers are not interested in safety and that the workplace in many instances is unsafe is arrant nonsense. I have spent some time talking about journey accidents, and I have been informed that the cost is $20 million, of which $15 million is returned, over time, from the scheme.

An honourable member interjecting:

Mr INGERSON: Apparently, it is about 5 to 6 per cent of the total scheme. I hear a whistle from the other side but, if all the unnecessary components were removed from the scheme and it was returned to a pure and fair scheme, it would be the most competitive and the best scheme in Australia. I ask the Committee to support the new clause.

The Hon. R.J. GREGORY: I want to emphasise that I recognise the high level of training that takes place in industry. This afternoon and last night I spoke about the lack of training. Even members of this place who allege that they are employers say that accidents will happen. I would like to ask the member for Bragg and the member for Chaffey about the training programs that they have in their business. I would like to know whether they have undertaken their training programs in order to know what they are doing in respect of safety. I do not know what they have done, but I do know this: if you want to get killed or if you want to improve your chances of getting killed or being injured at work, go and work in the agricultural industry. That is the most dangerous place to be. I am devastated every time I read the reports. As I said last night, they demonstrate a lack of training.

When a new computer system is installed in an office, people are trained to use it but, when new chemicals are used in industry these days, people are not trained to use them. One of the real problems in industry is that supervisors are not trained. Whilst the employers, the managers

and the boards of directors might have excellent policies on safety, training is not continued down the line. A lot of work has been done to remedy that situation. Indeed, the Occupational Health, Safety and Welfare Act was amended last year to ensure that directors of companies accept responsibility in this area.

Members on the other side opposed that amendment. If they are as eager for safety as they say they are, I would have thought that they would support such an amendment and support penalties being imposed on directors and managers who do not provide safety training programs in the workplace because, when training programs are implemented, the number of accidents decreases. In the past year or so, the number of accidents reported to WorkCover has reduced by 27 per cent. As the member for Bragg said last night, there has been a 5 per cent reduction in employment. He then said that that 27 per cent reduction in the number of accidents was caused by the recession. Following the honourable member's logic, that would mean a reduction in the work force of 27 per cent. As I said last night, the member for Bragg's arithmetic is a bit crook. He cannot work it out, and he could not understand the increase from 24 to 36 inspectors. The Government opposes the new clause.

The Committee divided on the new clause:

Ayes (19)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs S.G. Evans, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, 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, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Rann and Trainer.

Pair—Aye—Mr Meier. No—Mr Quirke.

Majority of 2 for the Noes.

New clause thus negatived.

Clause 3—'Average weekly earnings.'

Mr INGERSON: I move:

Page 1, lines 21 and 22—Leave out all words in these lines after 'amended by' in line 21 and substitute 'striking out paragraph *(a)* of subsection (8) and substituting the following paragraphs:

(a) any component of the worker's earnings attributable to overtime will be disregarded;'.

In essence, this amendment removes overtime from the benefit schedule. We believe—as we have said in relation to all amendments—that a base award rate should be recognised as the beginning of all benefits. This amendment follows through with that principle, and I ask the Committee to accept it.

The Hon. R.J. GREGORY: The Government rejects this amendment, because overtime has been modified of late. The overtime included in the salary component of the WorkCover payment is a true reflection of regular employment. I think it should stay that way. The Government does not support the amendment.

Amendment negatived.

Mr ATKINSON: In about 1987 workers accepted 3 per cent award superannuation as a productivity rise. When I was an industrial officer with the Shop Distributive and Allied Employees Association, our 3 per cent superannuation under the shop conciliation committee award was regarded as part of our wage. As a worker loses that and his whole wage when he is off work owing to a work-related injury, on what principle is superannuation being excluded from wages under this clause?

The Hon. R.J. GREGORY: This Bill regularises something that has been done for some time. It was never the intention of the scheme that the employer's contribution to superannuation should be paid to the worker.

Clause passed.

New clause 3a—'Rehabilitation programs.'

Mr INGERSON: I move:

Page 1, after line 24—Insert new clause as follows:

3a. Section 26 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) Rehabilitation programs with the object of ensuring that workers suffering from compensable disabilities—

(a) achieve the best practicable levels of physical and mental recovery;

and

(b) are, where possible, restored to the workforce and the community,

must be established or approved by the corporation, and may be established by an employer.;

(b) by striking out from subsection (2) 'by the corporation';

(c) by inserting 'or an employer' in subsection (3) after 'the corporation';

and

(d) by inserting 'or an employer' in subsection (4) after 'The corporation'.

Regarding the general principle of rehabilitation as part of the workers compensation process, it has been put to us on many occasions that the employer should have a more vital role in terms of rehabilitation. It has been suggested that on occasions employers might wish to set up their own rehabilitation scheme. Whilst I am aware that some exempt employers do that, this amendment would enable those programs to be set up not only through established means, being approved by the corporation, but also by the employer. The corporation has existing powers to approve any rehabilitation scheme, and it would still have power to approve an employer-initiated rehabilitation scheme.

We believe that, as rehabilitation programs expand, more employers will wish to set up their own rehabilitation scheme; groups of employers may wish to establish such schemes. Provided those schemes are approved by the corporation and the guidelines are standard for any other establishment, we believe that the employer ought to be able to initiate schemes. As the Minister would be aware, employee organisations have been involved with rehabilitation programs. We see no problem with that at all. This amendment would enable employers to do the same thing.

The Hon. R.J. GREGORY: The Government does not accept this amendment, and for several reasons. The member for Bragg says that any employer who wants to set up a scheme would have to have it approved by WorkCover. That opportunity is available to any employer at the moment. If an employer wants to set up such a scheme, they can put a proposal to WorkCover and, if it is acceptable and comes within the guidelines approved by WorkCover, it would be a goer. As to the assertion that, because employee organisations are involved in rehabilitation schemes, employers should be able to do the same, I would have thought that the member for Bragg was confusing the definition of 'employer'. Apparently we have two sorts of employers operating in South Australia: there are those employers who are not rehabilitation providers and those who are providers; somehow, they are different.

I know there is a company structure whereby people own all sorts of property and shares in all sorts of businesses. From my knowledge of rehabilitation providers, the companies are owned by individuals or other companies. They are corporate organisations and, as such, they fall within the definition of 'employer'.

The Government has another objection in that, if we confer on employers a right to establish a rehabilitation scheme, we can well imagine what some of the enlightened

employers who operate in South Australia might do. We could imagine the sort of rehabilitation schemes they might implement and how they would work: they might discriminate against workers, forcing workers back to work when they were not completely well and then dismissing those workers because they were not cooperating with the scheme. I think we ought to leave well enough alone. Members opposite complain about red tape. They want to deregulate: they want to do away with this and that. In this case, they want to introduce more regulations and red tape. This is best left out of the statute.

New clause negatived.

Clause 4—'Compensation of disabilities.'

Mr INGERSON: I move:

Page 2, line 2—Leave out 'is not compensable unless' and substitute 'is compensable if and only if'.

This amendment is consistent with the amendment suggested by the select committee and with the recommendation that the Minister supported. The vote in the select committee on this matter was six to nil. As I said in my second reading contribution, the committee took a lot of evidence on this issue from the Employers Federation, the Chamber of Commerce, the UTLC and two very responsible psychiatrists, who gave us some excellent evidence in relation to stress. After receiving that evidence, the select committee spent a considerable time in deciding the most reasonable method and the best wording to cover what were believed to be genuine work-related stress cases. It was the unanimous decision—six to nil—of the select committee that stress was a substantial issue and that that should be included.

I am saying that we have before us a select committee report recommending changes as to stress. I have on file a series of amendments and, in case the Minister is confused, they relate to page 2, line 2; page 2, line 3; page 2, line 6; page 2, line 7; and page 2, after line 12. These all relate to changes in the stress provisions and it would be simpler to debate all the amendments together, as they deal with the compensation disability provision under clause 4.

The committee spent much time reviewing this problem. As the Minister is aware, while presently not a large amount of money is paid out in claims, it is an ever increasing concern for the WorkCover Corporation. In its submission to the committee, the corporation clearly made the point about the potentially increasing cost of stress claims. The Auditor-General in his report to Parliament made specific reference to the cost of stress claims in the Government sector. This provision is before the Committee by way of amendment not because of Graham Ingerson's Bill but because the Minister and WorkCover were peddling amendments around our city that they believe need enactment to reduce the future cost of the scheme.

Members on this side believe that, if we enter into a select committee process in good faith and if the committee brings down a unanimous decision, we could expect any reasonable and honest Government and any reasonable Minister who voted in favour of the recommendation to make sure that such an amendment was included in a Government Bill. I could understand it if the Minister or the other Government representative on the committee decided to present a minority report or to make the point during discussion of the provision that the Government might not accept the recommendation. That would be understandable.

However, at the end of the discussion and after signing and supporting the report as part of a six to nil vote, the Minister told the committee that it might not all be accepted. It is fascinating that that was said after the acceptance of the report and the vote of six to nil. In the committee deliberations, the Minister was absolutely committed to the need to tighten the stress clause and was totally supportive of the words used because, as members would know, there was considerable debate about what would be the best words to ensure that those who are genuinely injured in respect of stress at work are covered by any change in the definition.

The committee went a long way to recognising the argument not only of the unions but also of the employers. If there are genuine cases of stress in the workplace, they should be recognised, and that is why the word 'substantial' was used, because it recognises that, if the injury (in this case stress) is the substantial cause of the problem, it should be compensated. 'Substantial' could be anything from 5 per cent or 10 per cent up to 90 per cent. So there is a recognition by the Opposition, and more importantly a recognition by this specialist committee, that people who are genuinely injured in respect of stress should be covered by this amendment. I ask the Committee to support the amendment.

The Hon. R.J. GREGORY: We are considering an amendment to page 2, line 2. We discussed in the committee the changing of the negative into the positive. What has been demonstrated to me more than ever is why the member for Bragg is not the Leader of his Party: he damn well just cannot count. Either that, or he has a poor and selective memory. If he did understand and if he could count, he would know what the votes were in respect of the other matters that he is talking about. I will deal with them when we come to them. The Government accepts the amendment.

Amendment carried.

Mr INGERSON: I move:

Page 2, line 3—Leave out 'contributed to' and substitute 'was a substantial cause of'.

I would like to deal with several amendments to this clause *en bloc.*

The CHAIRMAN: We will take this amendment as a test case.

Mr INGERSON: This amendment was discussed at length by the select committee, which believed they were the best words to use. 'Predominant' and 'wholly or partly' were considered, but it was decided that 'substantial' gave the best opportunity for genuine stress cases to be picked up by the scheme.

As I have said many times, there was debate and the result of the vote was six to nil. There was no question of the support of all members of the committee for these words but, as I said last night, before the ink was even dry on the report, we had a Bill before us that did not include the provision, and it is on that basis that I move my amendment. I ask the Committee to accept this important change, which I believe will cover every genuine case of stress in terms of workers compensation.

The Hon. R.J. GREGORY: I want to take the member for Bragg to task, because he has deliberately misled the Committee tonight. As I said, I understand why he is not the Leader of his Party. He cannot count and he does not know that four plus two when added together makes six. He does not understand that four and two in a committee vote means that four members who voted one way win over the other two members, and for him to come into this Committee and make the statements he has made this evening and last night is outrageous.

He knows as well as I what happened in that committee when the discussion took place on the inclusion of 'was a substantial cause of' and the deletion of 'contributed to'. I forget now just who was peddling what line on this, but I know who did not want a change: it was the person who is moving this Bill, not the person moving the amendment.

It is all right for him to get up here and carry on in the way he has, but at least he could be truthful to the people. We do not support this amendment, although we may support some of the other amendments.

Mr FERGUSON: I would like to emphasise my opposition to this amendment which, if carried, will mean that no worker will succeed with a stress claim in the future. I say that advisedly, because the member for Bragg has included the word 'substantial', which has never been able to be defined anywhere: nobody can define it. The *Australian Law Reports* (page 270) state:

> The word 'substantial' is a word of imprecise meaning. Reference to standard dictionaries shows that to be so. Its meaning will vary depending on the context in which it is used and the subject matter to which it is applied. Frequently questions of fact and degree will arise in applying it to a given subject matter. Reference to the *Shorter Oxford Dictionary* shows that the word may mean: 'of ample or considerable amount, quantity or dimensions', it may also be used in the sense of something having substance and thus being not imaginary or unreal. It thus means true, solid or real. It is defined more briefly in the *Macquarie Dictionary*, where it is said that it may mean 'real or actual' or, depending on the context, it may indicate something 'of ample or considerable amount, quantity or size'. The word is used extensively in a variety of contexts. One refers, for example, to a person of substantial wealth or to a substantial meal. One will say of a particular argument or reason that it is substantial, meaning that it is of great weight.

I have read sufficient to convince members that there is no way that anyone with a stress claim would be able to make it stick. How could general practitioners give a certificate when they are not sure whether or not the problem is substantial? No solicitors or courts can agree on the meaning of 'substantial'. It would be no good relying on the fact that this matter would go to court to be tested, as it inevitably would if this amendment were carried, because no court would be prepared to lay down a formula for all future cases. In other words, each case would have to be treated on its merits. We would have so much litigation on this matter, as I mentioned last night, that it would be a lawyers' bonanza.

People are in trouble, and one of the problems of Opposition members—and I say this kindly—is that most of them have not had experience in workshops; most of them have not looked after people on the shop floor; they have not seen people under stress; and they do not realise the problems and the needs that these people have. Not only that, this is no-fault legislation. When this legislation was put up, it was agreed that nobody would be at fault. What we are doing here is laying down a new principle that would inevitably spill over to other sections of the Act in relation to accidents. We would make it even more difficult for employees to make claims under this present legislation. This amendment is a bad provision and should not be accepted.

I have listened three times to the member for Bragg, who told us that a certain proposition was carried within the select committee. This is where it is decided: in the Parliament. It is the Parliament that decides one way or the other whether the law will be accepted: it is not decided by a majority decision of a committee somewhere else. We would be abrogating our responsibility if we did not vote on each piece of legislation on its merits rather than on the way it was accepted or rejected by a committee outside this place. I hope the amendment is rejected.

Mr INGERSON: The comments of the member for Henley Beach need to be answered. The reason that the select committee finally decided on 'substantial' is that at one stage we were talking about using the word 'predominant'. It was fairly clear not only to the committee but also on the legal advice available at the time that 'predominant' would make it difficult for many genuine cases of stress to be included within the scheme. It was felt by the committee and on advice from our advisers that 'substantial' would enable all those genuine cases to be covered clearly by this amendment. I will read part of the findings of the select committee which have been signed by the Minister (and I might point out that this is a report agreed to by all who were there; there is no question about that).

In section 30, under 'compensation and disabilities', it states that changes are proposed in relation to compensation made for claims arising out of stress, to require that stress arising out of employment must be a substantial cause of the compensable disability. The report then goes on to make some other comments that reflect further amendments, which I will move later. There is no question in my mind, nor in that of most other members of the committee, of what was agreed to and what this final report reflects. It clearly reflects the position of that committee. The words included in the report are not my words; they are words in a report that has been tabled in this House, and they clearly reflect the committee's decision.

As the member for Henley Beach said, it is up to this Parliament to make the final decision, and I accept that; but it is also up to this Parliament to accept that this committee, a committee set up by Parliament, has genuinely examined this problem and made a recommendation to the Parliament which was supported, I believe, by all members of that committee. That is the reason for our amendment, which inserts these words and, again, which I ask the committee to support.

The Hon. R.J. GREGORY: It is obvious, from what the member for Bragg has said, that to reflect the committee's deliberations truthfully, we will have to include the votes in future. As this committee will continue, and as I am Chairman of it, I will make sure that in future the votes are recorded so that the member for Bragg, who very carelessly handles the truth, will understand what it means. He knows what happened at that committee meeting. To go around masquerading and posturing, as he is at the moment, is just being untruthful and misleading.

Amendment negatived.

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

ACTS INTERPRETATION (COMMENCEMENT) AMENDMENT BILL

Returned from the Legislative Council without any amendment.

NATIONAL PARKS AND WILDLIFE (EMU FARMING) AMENDMENT BILL

Mr LEWIS (Murray-Mallee) obtained leave and introduced a Bill for an Act to amend the National Parks and Wildlife Act 1972. Read a first time.

Mr LEWIS: I move:

That this Bill be now read a second time.

In these times, we hear people at large expressing concern in the western hemisphere about our diet. We are told that we are eating far too many saturated fats and far too much of an unnecessary kind of protein. We are also aware of the concern about the environment and the sustainability of production to be undertaken for the purpose of providing ourselves with food, clothing and shelter. We are also aware of a concern about opportunities for Aborigines to find a

place in the world in which they live, to make their living using some of the unique skills that they have.

Against this background of concern it occurred to me, upon examining what was being done elsewhere in the world at large and here in Australia in particular, that it was high time we made it possible to farm some of the native animals of this continent, in particular emus. It is well-known that emus are already being farmed elsewhere, not just in this country but overseas. Already the gross annual production of emu meat and other products overseas is greater than the value in dollar terms from Australian sources, and yet this bird is indigenous to our continent. More than ever in this State we need to pay attention to sustainability of our agricultural production and more than ever we need to provide some sort of unique opportunities for our population of Aborigines and their descendants. It is prohibited, in law, for them to farm emus.

The National Parks and Wildlife Act is the Act in question and it prohibits the taking of a protected animal or the eggs of a protected animal (section 51 of the Act). We see 'animal' defined in section 5 as 'any mammal, bird or reptile indigenous to Australia, but does not include the animals of the species referred to in schedule 10 or any animal referred to by regulation to be unprotected.' The emu does not fit into that latter category of animals or birds that are unprotected. It is not referred to in schedule 10. Therefore it is a protected bird. Section 5 of the Act prohibits the keeping of protected animals or the possession or control of the eggs of a protected animal—and that includes the emu. Whilst section 53 (1) gives the Minister for Environment and Planning the power to grant a permit to take protected animals or eggs of the protected animal for certain purposes, that does not include farming. It is not permissible to sell those animals. However, such permits do not allow the sale of the protected animal or the eggs, or any part of the animal in question. Farming by anyone is banned—Aborigines included.

There is another restriction on emu farming, *per se*, whether by Aborigines or anyone else in this country, and that is imposed by Federal legislation. The Commonwealth Wildlife Protection Act stipulates that only products from emus which have been bred in captivity can be exported. Against this background, it occurred to me, upon examining the record and discovering from overseas journals that emus are already being farmed as a preferred species, of the three large birds, that is, the ostrich, the rhea and the emu, that it would be sensible for Aborigines to take the opportunity to farm Kalaya, which is the Aboriginal expression for emu. It would give them an opportunity to do something unique in a rapidly expanding world market for this bird and its products.

They are hardy birds. They are well adapted, as all honourable members will know, to our environs, whether in the higher rainfall country in this State or through to the arid region. They can cope with a very wide range of temperatures. That is illustrated by the fact that they do so well in Canada, which has very harsh extremes of temperature indeed. They do very little, if any, damage to our soils and very little, if any, damage to our native vegetation, as the two have evolved side by side for as long as we can discover in this particular climatic regime in which they have been living over the past several million years. They are well adapted to these harsh conditions.

I am reminded of the fact, too, that they are not at all difficult to handle. As a young boy I, in company with my father and two brothers, was shown by my father how to attract an emu from some considerable distance, well over 100 metres, away. That was to simply sit still behind cover and wave something at periodic intervals, not less than 30 seconds and not more than two or three minutes, in the same way above that cover. My father used his hat in this instance. Before very long we had within two or three metres of us on the other side of the bush about 10 or 12 emus all craning their necks to see what it was that kept popping up above the bush and waving. That particular characteristic means that they lend themselves readily to farming, by virtue of their temperament and curious behaviour. They are not so timid as to be frightened off and they readily adapt to captivity.

The facts are well documented and probably well known to members, but for the record let me simply say that, as flightless birds, they do not grow quite as big as ostriches and are about the same size as rheas and, at maturity, weigh something like 50 kilograms. We all know their plumage to be dull grey to brown in colour, with a whitish ruff around the neck. Parts of the throat are bare of feathers, and there is a pale grey-blue colour, and that happens to be darker and more noticeable in the female than the male. Perhaps some further information about the way in which they can be bred needs to be understood.

For the benefit of honourable members who do not have some prior knowledge of the species, can I point out that they pair up in mid-summer and they remain together in the wild for about five months. Breeding, that is, the stimulation of egg production, seems to be a response to the variation in day length and in temperature, much the same as with other species, whether plants or animals. The female lays a clutch of eggs from five to 12 in number. It has been known to be as many as 20; I have seen a clutch of 18. They weigh somewhere around a kilogram each. Those eggs are produced during May and June usually on the inside country in South Australia, and the breeding season lasts until September-October in some other parts. The hen after laying the eggs simply wanders off and she shows no more interest in the nest. It is up to the old man emu to do the work from then on. At the time when the nest is set there usually has been, and is, an abundance of food in the natural environment. Eggs are incubated by the male and the cock bird stays there on the nest, rarely leaving it for food and water. They will stay for days on end without shifting. During this time the old man emu will lose up to eight kilograms, or 20 per cent of his body weight.

After the chickens hatch, which is in about eight weeks, the male then looks after them characteristically for something up to 18 months, sheltering them at night in the long feathers that this bird has, according to the need of ambient temperature, which conditions might prevail at the time. In natural circumstances they eat mainly seeds and wild fruits, flowers, young green shoots of herbs and shrubs, and they also eat considerable quantities of insects whenever they happen to be available. However, in the agricultural areas they do very well by grazing pastures and, whenever they can get in, crops, whether cereals or lupins. Indeed, in Western Australia they are a particular pest of lupin crops. We need to understand sufficient about the prospect of success in allowing, by legislation, such farming to be satisfied that it can proceed, with benefit to both the farmers, whoever they may be as individuals or groups of individuals, and to Australia at large as a wider community.

We therefore need to remember that we can enhance the overall productive output of a pair of emus in terms of the number of eggs they will produce, as well as the number of eggs that will hatch, if we place both the hen and the cock bird on a rising plain of nutrition as they get together just before mating and egg-laying. Canada already has the technology in use to artificially hatch and rear the birds without

the necessity for the cock birds to sit on the eggs and rear the chicks. That has proved to be so much more successful because the percentage of successful hatch of the total number of eggs is greater than if they were allowed to hatch in the wild or be naturally brooded.

It is not necessary to rely on natural incubation. The particular incubation and rearing technology is well documented. There is a need to be careful to collect the eggs quickly and ensure that they are dry before contamination occurs and, in the process of drying, to destroy motile bacterium—such as species like pseudomonus, coliforms, proteus and bacillus and many of the salmonella species—which will otherwise penetrate the eggshell pores and cause a reduction in the percentage of hatchlings.

That is the sort of thing which is well documented and does not require my detailed explanation to the House to enable us as legislators to come to the conclusion that farming emus is a good idea. What we can now do, though, is look at some of the physiological characteristics of the bird that make it that much more attractive as a farming animal. These emus, which are *dromaius novae-hollandiae*, are ratites: they are birds which do not have a breastbone, or a keel as we know it, as have other poultry of the kind that we currently breed—a piece of bone that has been developed through evolution which anchors the wing muscles of the flighted birds and their derivatives.

The other ratites are, of course, the ostriches of South Africa, the cassowary of Australia, the New Zealand kiwi and the rheas of South America. These are an older species by far than the flighted birds, and many of them in the last thousand years or so have become extinct—there is the elephant bird of Madagascar, the moas of New Zealand and the mihirungs of Australia. They have gone in very recent times. They were easy meat, to put it literally. The ostrich, of course, is the largest of these birds, and it stands at about 2.4 metres and weighs around 140 kilos. The emu and the cassowary are smaller, and the rhea is a bit smaller again, although I think those comparisons are not entirely relevant to our consideration. The reason we need to contemplate farming these birds is not that we cannot take them from the wild.

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

Mr MEIER: On a point of order, Sir, I looked at the clock during the debate and it was not registering several minutes ago. When did the time start and how was its expiry determined?

The SPEAKER: What is the point of order?

Mr MEIER: How was it determined that the 15 minutes had expired, Sir?

The SPEAKER: The Chair is aware that the clock was not working and after the sitting resumed at 7.30 we considered one message, which took two minutes, and the time started then. The clock was not operating when the honourable member rose to speak, but the Chair is positive that the honourable member had his 15 minutes. The honourable member can request an extension if he wishes.

Mr LEWIS: I crave the indulgence of the House for an extension of time because, on checking the Standing Orders, I was not aware that there was a limitation on the time.

The SPEAKER: Under Sessional Orders (on the two green pages in front of the Standing Orders booklet), in particular, page 1—

Members interjecting:

The SPEAKER: Order! There is the capacity to extend.

Mr LEWIS: I crave the indulgence of the House for a further five minutes to simply explain.

The SPEAKER: Under Sessional Orders (item c (i)), an extension for 15 minutes may be granted by leave of the House. The honourable member would need to seek such leave.

Mr LEWIS: I seek leave to extend the time allotted to me by 15 minutes to enable me to conclude my second reading explanation of the Bill.

Leave granted.

The SPEAKER: I fully understand that the member for Henley Beach was only trying to help the member for Murray-Mallee. However the honourable member has helped himself. The honourable member for Murray-Mallee.

Mr LEWIS: I thank the House and you, Mr Speaker, for that indulgence. To ensure that we are able to make a success of any such venture, whether it be farming or producing something, we need to be very sure that there is a market for the product. I point out that a market generating multiple millions of dollars for this kind of product already exists. For instance, Japan imported 16 tonnes of ostrich leather in 1986, and that was worth $8 million. Not enough of this type of exotic leather is available. To make our Australian enterprise viable, it is estimated that we would need to harvest 10 000 birds annually to ensure that we go close to matching the demand in a consistent fashion. There is ample illustration of the way in which rhea, ostrich and emu have been farmed overseas to indicate not only that a market is there but also the willingness to produce for it. If we do not, someone else will.

In an economic analysis of the markets, we find that emu leather is an exotic leather that is classed as a luxury item. There is a well established world market for it. Currently, the exotic leather market is being supplied with ostrich and crocodile skins, mostly from commercial farms and rhea skins that are fast disappearing from the wild in South Africa. Recent prices that have been quoted for these sorts of products are $200 per square metre for ostrich skins, $3.50 per kilo for ostrich meat and $60 per kilo for the feathers. I seek leave to insert in *Hansard* a statistical table that shows the current prices on the local market for emu products in Western Australia to illustrate the points I have been making about the viability of this industry.

Leave granted.

Current prices on the local market are:

Skins—ex-farm	$100 each ($215 m²)
Oil	$50-$100 each litre
Emu cream—retail	$20 jar (100 g)
Carved eggs—retail	$150-$500 each
Leg skins	$60 bird
Feathers—estimated	$10 kg
Emu meat—	
pet food/bait	$0.50 kg
gourmet, estimated	$5-$10 kg
Claws—polished	$12 bird

Mr LEWIS: The table shows that skins ex-farm would be worth about $100 each. The oil per bird amounts to about 2.5 litres and is worth $50 to $100 a litre. Emu cream made from that oil would be about $20 per 100 gram jar. Carved eggs, leg skins, feathers and emu meat are extremely valuable. People who had the opportunity of testing emu meat in a survey conducted in Australia—and I am indebted for the work done by Paul Frapple—indicated a marked preference for emu meat where they were not sure of the meat they were eating. In a questionnaire, they were asked: how did you rate the tenderness of the meat; describe the flavour; how would you rate the overall acceptability; how does the meat compare with the grilling steak that you usually buy; if emu meat was available, how often would you buy it; if you would buy emu meat, what price would you pay for it; and would you like to make any general comments about the meat or about emu farming? I seek

leave to insert in *Hansard* a purely statistical table showing a survey response of 141 people to illustrate the truth of what I am saying in this regard.

Leave granted.

EMU MEAT SURVEY

1. How did you rate the tenderness of the meat? (141 respondents)

	Per Cent
Very tender	15
Tender	47
Slightly tender	18
Slightly tough	14
Tough	2
Very tough	0

2. What about the flavour? (138 respondents)

	Per Cent
Like a lot	31
Fairly good	48
Acceptable	18
Don't really like	3
Dislike	10

3. Can you briefly describe the flavour please? (115 respondents)

	Per Cent
Like beef	44
Rich	29
Tasty	11
Bland	5
Offal	4
Gamey	3

4. How would you rate the overall acceptability of the meat? (133 respondents)

	Per Cent
Like a lot	23
Fairly good	45
Acceptable	30
Don't really like	1
Dislike	1

5. How does the meat compare with the grilling steak you usually buy? (136 respondents)

	Per Cent
Better	19
About the same	72
Worse	9

6. If emu meat was available about how often would you buy it? (131 respondents)

	Per Cent
Never	11
Less than once per week	9
Once per month	28
Twice per month	24
2-3 times per month	9
3-4 times per month	15
More than once per week	3

7. If you would buy the meat, about what price would you pay for it? (111 respondents)

	Per Cent
Less than $2/kg	4
$3-5/kg	30
$6-7/kg	47
$8-9/kg	13
Greater than $9/kg	6

8. Would you like to make any general comments about the meat or emu farming please? (67 respondents)

	Per Cent
Positive comment re farming	42
Negative comment re farming	5
Positive comment re meat	30
Negative comment re meat	13
Indifferent comment	10

Mr LEWIS: In addition to the fact that emus can be produced successfully and very profitably—indeed, more profitably on a unit area basis or on the basis of the outlay that would need to be made in food if they were all hand fed when compared with sheep, calves, pigs or similar conventional European animals that we farm at present—we need to know that research is necessary. Accordingly, I have addressed that matter in the legislation. That research would identify not only the diseases of the bird but also the ways in which the growth rate, ultimate size and food conversion rate could be enhanced as well as improving the incubation success rate among hatchlings and so on.

I turn from the animal husbandry that would be involved in the farming exercise to the legislation to explain further the benefits that can be derived within the framework of the amendments to the law as I propose it. Clause 1 is the short title. Clause 2 is formal: it simply inserts the division into the National Parks and Wildlife Act. It is new division 5 *(a)*, which refers to emu farming for Aborigines. An Aborigine is defined as a person descended from people who inhabited Australia before European settlement. The board is the emu farming board. An emu is identified, naturally, as *dromaius novae-hollandiae*. An emu farmer is a person who carries on the business of emu farming. The Minister is the Minister of Agriculture.

It is essential for us to extend the gene pool in the emu population held in captivity in Australia. At present, almost all birds held in captivity under permit for whatever reason in this State or in Western Australia or other States just for the sake of having or farming them came from between 70 and 100 birds originally, which is a very small gene pool indeed. It is for that reason that clause 63b 'Subject to permit' enables an emu to be taken from the wild for breeding purposes, to possess and control emu eggs, to sell or give away an emu carcass and to export the same as well as to import emu eggs from a place outside the State. It enables the Minister to grant permits for those purposes.

That is very much the same as occurs elsewhere in the legislation if someone wishes to have an emu for the sake of having a pet. That is the way in which emus are presently held in captivity—by virtue of a permit under the present law issued by the Minister for Environment and Planning. Clause 63c would simply ensures that the Minister of Agriculture would require an emu to be registered by an Aborigine wishing to farm that emu. The application for registration must be made before the emu is transferred to anyone else and should be made as soon as practicable after the emu comes into the possession of the person wishing to farm. Having procured such an emu, the new owner must apply for registration of the emu within 14 days of the transfer having occurred in the second and subsequent instances of transfer.

There will be an emu registration fee, the purpose of which is to ensure that emus can be identified separately from wild stock. We cannot have people pirating stock from the wild. The old technology, of course, would be simply to attach leg or neck bands that cause no harm or injury to the bird. However, modern technology developed in conjunction with the veterinary profession clearly indicates that the best approach is to implant a silicon chip subcutaneously somewhere in the wattle. The silicon chip could be read by a chip reader from some distance. Although not visible from the outside, it could be established immediately not only that the emu was held in captivity but which emu it was and who owned it. Therefore, the person would need to fix the device in a manner prescribed by subsequent legislation. The chip must not be removed from the emu whilst it is alive except for the fixing of a new device that the Minister would issue. After the emu has died the owner must remove the identification and return it to the Minister.

There is a penalty of $2 000 for anyone who does not comply with that. Clause 63d relates to the emu registration fee which, in the first five years of the industry, must not exceed $20. That is fair and reasonable. If members care to

read the information about emu farming, which they can get from, for instance, the Western Australia Department of Agriculture, they will find that it is not an onerous fee, even for an Aborigine setting up a business. It is a legitimate and reasonable fee that would enable the provisions of clause 63e, which relate to the establishment of an emu farm board for farmers, to function. The board, which cannot be established unless there are at least 20 emu farmers, is elected for a four year term with half of the members retiring each two years.

The usual provisions apply to members of the board as apply elsewhere. The emu fund would be provided from the registration fees paid on the registration of the emus, and the interest and accruals arising from the investment of those funds. Under clause 63f the board would have to apply those funds for the identification and treatment of disease in emus, the marketing of the products derived from the emus and market research associated with that. Any money in the fund that was not immediately required for those purposes may be invested by the board.

They are the provisions of the legislation. It is a very simple and straightforward piece of legislation. In fact, it is so simple, straightforward, viable and relevant to our present circumstances and the opportunities that the markets here and overseas offer at this time it is a wonder that someone else has not done it before. It gives me a great deal of pleasure to have the opportunity to introduce this Bill for the purpose of ensuring that, subject to the support of this House and the other place, emu farming will become a rapidly growing enterprise in our State.

Mr De LAINE secured the adjournment of the debate.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 February. Page 2956.)

Mrs HUTCHISON (Stuart): In speaking to this Bill I will refer to some information in a booklet entitled 'Fixed term Parliaments' written by A.V. Thom and A. Lynch. The booklet addresses the Federal Government level. Quite a lot of debate with regard to fixed term Parliaments emanated from the situation that occurred in 1975—and of which I am sure we would all be aware. There was quite lengthy debate in the Federal arena with regard to fixed term Parliaments and in relation to lengthening the term of Parliament from three years to four years.

As you, Mr Speaker, would be aware, South Australia has a four year parliamentary term but the Federal Government has a three year parliamentary term. The member for Elizabeth has introduced a Bill that asks the House to consider fixed terms of Parliament so that every four years on a certain date in March the State of South Australia would go to a poll. That date would be fixed; there would be only certain exceptional circumstances in which there would be deviation from that arrangement.

Before speaking on this Bill I read quite a lot of the arguments for and against fixed terms. The booklet to which I referred a few moments ago tells us that there are not many precedents for fixed term Parliaments. In fact, according to the IPU data only the United States of America, Norway and Spain have absolutely indissoluble Parliaments. However, it also mentions that no other country seems to have our peculiar combination of the Westminster system and the Federal Government with two equally powerful Houses. Of course, that relates down to the State Governments, too.

The member for Elizabeth enunciated some of the advantages of fixed term Parliaments. One of those advantages is that a properly elected Government can see out its term without being forced to an early dissolution. I must agree that that is a quite persuasive argument. It also removes the authority of a non-responsible Governor-General—and this relates to the Federal argument—to be the final arbiter of the fate of the popularly elected Government. That is what occurred in the 1975 dismissal of the Whitlam Government.

A fixed term actually removes the power of the Prime Minister to manipulate the election date for his or her own partisan advantage, and it reduces the number of elections held over a given period, which by and large would appear to be popular. In fact, the document states that it is more politically acceptable if that occurs. However, there is a number of disadvantages as well. Not the least is the loss of the Government's right to determine the most advantageous election date. Of course, over the years it has been the prerogative of the Prime Minister or the Premier of a State to determine the election date. There would also be various possible consequential problems of both a machinery and policy nature. Some of those would mean the defeat of the Government in the House of Assembly—if we are talking about the State level—and that might occur as a result of a by-election defeat or party defections before the fixed term expires. There could also be deadlocks between the Upper and Lower Houses. It could also create problems for Oppositions, and the document argues that there needs to be some flexibility with regard to the decisions of both the Opposition and the Government in relation to not having a totally fixed term of Parliament.

The document points out that there are valid reasons why a Government would want to have an early election without it being the result of a defeat in the Lower House, and apart from the desire to choose a convenient time. The document gives a number of examples of that. It states that a Government with a small majority may be about to make some grave change in policy and may wish to seek the opinion of the electorate with regard to that change and to get a mandate from the electorate for that policy. There may be good reasons for postponing or bringing forward an election, particularly to avoid holding an election during some grave crisis. That has been proven in America. The example cited in the document relates to President Lincoln. Had he been elected a year later or had he been required to stand for election a year earlier, the succession of the southern states would have succeeded.

That is one of the arguments promoted in the document; it particularly relates a number of situations in the American scenario. It states that the Americans are actually now rethinking their idea of fixed elections and may even be moving towards a more flexible system, probably similar to the one we have here. After the reading I have done on this subject I think what we have here in South Australia—which is a fixed term of three years, plus 12 months—is flexible. Taking into account the arguments for and against the Opposition and the Government having the flexibility to set the election date, would be the best scenario for what we need at the current time. For those reasons I oppose the Bill.

Mr S.G. EVANS secured the adjournment of the debate.

PARLIAMENT (JOINT PARLIAMENTARY SERVICE COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 26 February. Page 3080.)

Mr GROOM (Hartley): With the consent of the member for Elizabeth, I move:

That this Bill be read and discharged.

Bill read and discharged.

SUBORDINATE LEGISLATION (COMMENCEMENT AND EXPIRY) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 18 March. Page 3347.)

Mr GROOM (Hartley): Again, with the consent of the member for Elizabeth, I move:

That this Bill be read and discharged.

Bill read and discharged.

COURTS SYSTEM

Mr SUCH (Fisher): I move:

That this House resolves to refer the following matters to the Legislative Review Committee—

(a) the current costs and difficulties of persons obtaining affordable legal representation in the South Australian courts;

(b) the means by which these costs can be reduced or contained;

(c) the means by which associated difficulties, for example, delays, in appearing before courts can be minimised;

(d) the availability and effectiveness of legal aid; and

(e) any other related matter pertinent to South Australians being able to obtain adequate, appropriate and affordable justice in and through the courts system.

In seeking to bring this matter before the Legislative Review Committee via this House, I believe that the committee can focus on an issue of considerable concern in the community, namely, the cost to ordinary South Australians of obtaining affordable legal representation in our courts system. I would imagine that all members have had constituents coming to them and expressing concern about the cost of legal representation. I am sure that we could all recount numerous cases about the plight of individuals and families who have experienced considerable difficulty in obtaining affordable legal representation within our courts system.

It would appear that people at the lower end of the economic spectrum can obtain legal aid, and at the other end we have the wealthy group who do not need legal aid, but in the middle there is a massive problem for blue and white collar workers, small business operators and farmers and their families in trying to obtain legal aid. I believe that the appropriate forum for consideration of that issue is the Legislative Review Committee. Accordingly, that is one of my proposals. I wish to point out that I am not on any witch-hunt against lawyers. It is easy to blame lawyers, but the charges not only of lawyers but those imposed by the courts system need to be looked at. Once again, I believe that the Legislative Review Committee is the appropriate body to do that, being one of our standing committees.

We need to look at ways of reducing or containing the costs in our courts system so that ordinary South Australians can obtain justice. If one cannot afford to be represented in court, I believe that one is denied a fundamental entitlement to justice. In recent years the whole legal system has got out of control. Whilst I am not trying to apportion blame, because that is pointless, the committee will need to look at the various aspects pertaining to the legal system that impinge on the costs of representation and make appropriate investigations and recommendations.

I do not wish to take up the time of the House. I believe that the terms of reference are essentially self-explanatory. Paragraph *(e)* gives the committee the opportunity to canvass issues that are not specifically mentioned in the preceding four paragraphs. It is a task that the Legislative Review Committee can capably look at and accordingly make recommendations which, in the not too distant future, one would hope, could be acted upon to ensure that South Australians can afford adequate and appropriate justice. I commend the motion to the House.

Mr FERGUSON (Henley Beach): The appropriate committee on this side has looked at this proposition, and we will be supporting it when it comes to a vote on whether this matter is to be put before the Legislative Review Committee. I commend the member for Fisher for bringing this matter to the attention of the House. As the member for Fisher has not been here for very long, he has noticed the number of people who come to his electorate office complaining about this matter, but those of us who have been here longer get a bit blase about the situation. It is true, as the member for Fisher suggested, that many people come to one's electorate office seeking assistance with regard to legal aid. In a sense, I am surprised at times at the number of people who are knocked back from getting legal aid.

In this country the very poorest and the very rich are in the best situation with regard to the legal system, but the majority in the centre—those who are allegedly on average wages and who cannot pass the means test—find themselves in difficulty when it comes to obtaining legal aid. It seems to me that in recent years more and more money has been spent on the administration of legal aid than on legal aid itself. Although we have improved the situation by siting advisory committees and similar officers in the suburbs from whom advice may be received from time to time about neighbourhood disputes and such matters, the provision of legal aid for the average person has become very difficult.

I cite the example of someone who wanted to seek advice on a strata title matter. The man in question was a 70 year old pensioner who was having great difficulty with one of the other strata title residents; that person was young and fit and had put in a gymnasium in the space that ought to be occupied by a motor car—with all the associated noise and traffic problems that went with it. Under the previous system, the only redress for the pensioner was to take the matter to the Supreme Court. He took the matter to the Port Adelaide office of Legal Aid and was told that, unfortunately, his situation was outside the guidelines that had been set and it could provide no help. That 70 year old pensioner had no spare cash: the young man was rather more fit and well off. He was left in an impossible position, and I was not able to assist him.

I took up the matter, because the Legal Aid office directed him to me. I do not know what it expected me to do, because it knew what the situation was. I was unable to provide him with assistance. Just recently, we came to an agreement, through the Attorney-General's committee, to provide another $1 million of legal aid for South Australians, and that will shortly go into the system. But $1 million, when there is a huge backlog of people seeking assistance, will not go very far. It is just a drop in the ocean.

We need a proper solution as to how people—particularly the middle-class section of our society—will get legal aid.

There have been many inquiries, particularly in other States, as you, Mr Speaker, probably know, because you receive the same mail as I receive. In other States, the situation is somewhat worse than in South Australia. For example, in New South Wales, conveyancing and other matters can be done only by legally qualified people: in South Australia, many years ago, we took the bull by the horns and allowed people other than legal practitioners to do the work, which they do for a fraction of the cost. It is not unusual in New South Wales that people who move into a new home have to pay anything up to $1 000 in transfer and conveyancing fees, and those fees have to be paid to a fully-qualified solicitor. The same operation in South Australia costs only about $150. In many ways, we lead the rest of Australia in this area, but it is not yet good enough.

From my recent experience on the Select Committee on Juvenile Justice, I am aware that juveniles who have been incarcerated are far from satisfied with the legal aid and representation that they get. One of their main complaints is that the solicitor who has been assigned to represent them comes to see them only five minutes before the case commences; they do not get the sort of representation that they believe they are entitled to. I believe one of the reasons for this is the lack of funding for legal aid. Because one solicitor is assigned to so many youngsters and because he does not have the time to interview those youngsters properly, they are not represented appropriately. I commend the member for Fisher for moving this motion. I hope that the House supports this motion so that the Legislative Review Committee can have a thorough look at this matter and come up with what we consider to be a proper answer to the problem.

Mr OSWALD (Morphett): I also support the motion. The member for Henley Beach, I believe, spent a little too much time on the effectiveness of legal aid: only one of five paragraphs of this motion relates to legal aid. The debate is far wider than that, and I appreciate that time constraints did not allow him to extend his comments. I am sure that other members are aware of constituents who have paid a small fortune to receive legal advice that has not led anywhere. I can recall one case where a constituent had spent nearly $5 000 in relation to an argument over a pine tree and sewerage pipes. At the end of the day, that constituent had to give it away, because he just could not afford the legal costs. When we appealed to the Law Society—and a number of letters were written and telephone calls made—we received a letter from the complaint unit stating that the number of telephone calls made and letters exchanged justified the cost. However, at the end of the day, that constituent had no option but to withdraw his case, because legal aid was far too expensive. I think we could all recount a story such as that.

It is not often that I agree with Senator Schacht, but I spent about 20 minutes on the telephone talking to him about a Senate inquiry on this subject. I am afraid that we agreed eye to eye on most parts of the inquiry. It is a good thing that the member for Fisher has brought this matter to the attention of the public and proposes that it be referred to the Legislative Review Committee. The public can only benefit if the results of the inquiry result in more reasonable legal costs for the ordinary man in the street. I support the motion.

Mr SUCH (Fisher): I thank those members who have contributed to this debate in support of the motion. I commend it to the House.

Motion carried.

SELECT COMMITTEE ON RURAL FINANCE

The Hon. T.H. HEMMINGS (Napier): On behalf of my colleague the member for Henley Beach, I move:

That the time for bringing up the report of the select committee be extended until 30 April.

Motion carried.

SELECT COMMITTEE ON PRIMARY AND SECONDARY EDUCATION

Mr ATKINSON (Spence): I move:

That the time for bringing up the report of the select committee be extended until 30 April.

Motion carried.

SELECT COMMITTEE ON THE LAW AND PRACTICE RELATING TO DEATH AND DYING

Mr ATKINSON (Spence): I move:

That the time for bringing up the report of the select committee be extended until 30 April.

Motion carried.

SELECT COMMITTEE ON BUSHFIRE PROTECTION AND SUPPRESSION MEASURES

The Hon. T.H. HEMMINGS (Napier): I move:

That the time for bringing up the report of the select committee be extended until 30 April.

Motion carried.

Mr De LAINE: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

PARLIAMENTARY SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Transport): I move:

That Standing Orders be so far suspended as to enable me to introduce a Bill forthwith.

Motion carried.

The Hon. FRANK BLEVINS obtained leave and introduced a Bill for an Act to amend the Parliamentary Superannuation Act 1974. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to amend the superannuation scheme for members of the Parliament.

Several of the amendments are long overdue as they address, in a modest way, those situations where inequities in the scheme can occur. Those situations to which I refer are where a member leaves the Parliament with less than six years service, and where

a member dies in service without a spouse or dependent children being entitled to receive a benefit. Under the existing rules, the member leaving the scheme with less than six years service receives a refund of member contributions plus interest. The inequity, and unfairness in this current provision is that the interest is calculated without any reference to prevailing market interest rates. In recent years, of course, we have seen former members leave and receive interest on their money at a rate significantly less than that payable in both private sector and public sector superannuation schemes. The Bill seeks to remedy this situation by having interest applied by reference to a Government Financing Authority long term rate.

The second unfair situation relates to the benefit payable in respect of a single member who dies before retirement from the Parliament. The present Act would provide the estate of the former member with simply a refund of contributions and interest at a rate with no reference to market rates. The Bill seeks to provide the estate of a member dying in such circumstances with a benefit based on a reasonable recognition of the benefits accrued in the scheme up to the date of death.

The other proposed amendments in the Bill recognise and accommodate changed circumstances. For example, expense allowances paid to Ministers and officers of the Parliament have in the last few years been made taxable income by the Commonwealth. As the principle underlying the Act is that benefits are based on taxed income, this Bill seeks to include income from expense allowances for superannuation purposes.

In recent years, the life of a Parliament, by virtue of an amendment to section 28 of the Constitution Act, was made to be four years except in exceptional circumstances. The Bill seeks to recognise the now general four year life of a Parliament by providing that, in terms of section 16 of the Act, voluntary retirement benefits will be available after 15 years or four completed Parliaments, whichever is the earlier.

The final amendment in the Bill seeks to provide some administrative flexibility for the board to determine whether pensions are paid monthly, twice monthly or fortnightly. The amendment is designed to enable the board to move, at an appropriate time, away from twice monthly payments to fortnightly payments. Administrative procedures will be streamlined by a movement to fortnightly payment of pensions.

Clause 1 is formal.

Clause 2 amends the definition of 'additional salary' to include expense allowances paid to Ministerial and other Parliamentary office holders.

Clause 3 amends section 16 of the principal Act to provide that a member who retires voluntarily after serving four Parliamentary terms is entitled to a pension. The effect of the present provision is that a member who has been a member of five Parliaments and who retires voluntarily at any time during the term of the fifth Parliament is entitled to a pension.

Clause 4 replaces section 22 of the principal Act. Subsection (2) sets out the manner in which the lump sum payable under this section is calculated.

Clause 5 inserts a new Part VA dealing with benefits payable to the estate of a member who dies in office but who has no spouse or child who takes a benefit under the Act. The lump sum paid to the estate is three times the amount provided under new section 22.

Clause 6 amends section 37 of the principal Act to make the payment of pensions and child benefits more flexible. It gives the South Australian Parliamentary Superannuation Board a discretion as to the period of the payments.

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

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 4057.)

Clause 4—'Compensation of disabilities.'

Mr INGERSON: I move:

Page 2, line 7—After 'discipline,' insert 'counsel,'.

Amendment carried.

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

Page 2—

Line 9—Leave out 'or'.

After line 12—Insert—

or

(iii) reasonable administrative action taken in a reasonable manner by the employer in connection with the worker's employment.

Mr INGERSON: In withdrawing my amendment involving industrial action, I do so with the proviso that it will be put forward in the other place, so that we can proceed rapidly through this clause. We support the clause.

Amendments carried; clause as amended passed.

Clause 5—'Compensation for property damage.'

Mr INGERSON: I move:

Page 2, line 17—After 'motor vehicle' insert 'or any other form of transport'.

The reference is to damage in relation to a motor vehicle, and we wish to amend that to include 'any other form of transport', as we believe other methods of transport should be included in this clause.

The Hon. R.J. GREGORY: The Government does not accept the amendment. Motorcycles are included in the definition of 'motor vehicle', but wheelchairs and bicycles are not covered and we are of the view that they ought to be covered in the current Act. This amendment would exclude them and, therefore, is too wide as it affects a group of people who in many instances are unlikely to be involved in accidents. However, if they were unfortunate enough to be involved, they should not be disadvantaged.

Mr INGERSON: Is the Minister saying that a bicycle or a wheelchair is not considered to be a motor vehicle or any other form of transport?

The Hon. R.J. GREGORY: The honourable member is using the words 'any other form of transport': it is considered to be that, and that is why we are opposed to it. The definition of 'motor vehicle' includes motorcycles, but does not include wheelchairs or bicycles, whereas the honourable member's amendment would include them.

Amendment negatived; clause passed.

Clause 6—'Weekly payments.'

Mr INGERSON: I move:

Page 2, after line 21—Insert new paragraphs as follows:

(ab) by striking out paragraphs *(a)* and *(b)* of subsection (1) and substituting the following paragraphs:

(a) if the period of incapacity for work does not exceed three months—

(i) the worker is, if totally incapacitated for work, entitled for the period of incapacity to weekly payments equal to the worker's notional weekly earnings;

(ii) the worker is, if partially incapacitated for work, entitled for the period of incapacity to weekly payments equal to the difference between the worker's notional weekly earnings and the weekly earnings that the work is earning or could earn in suitable employment;

(b) if the period of incapacity for work exceeds three months but does not exceed one year, the worker is entitled to weekly payments determined in accordance with paragraph *(a)* for the first three months of the period of incapacity and thereafter—

(i) the worker is, if totally incapacitated for work, entitled for the period of incapacity to weekly payments equal to 85 per cent of the worker's notional weekly earnings;

(ii) the worker is, if partially incapacitated for work, entitled for the period of incapacity to weekly payments equal to 85 per cent of the difference between the worker's notional weekly earnings and the weekly earnings that the worker is earning or could earn in suitable employment;

and

(c) if the period of incapacity for work exceeds one year, the worker is entitled to weekly payments determined in accordance with paragraphs *(a)* and *(b)* for the first year of the period of incapacity and thereafter—

(i) the worker is, if totally incapacitated for work, entitled for the period of incapacity for work to weekly payments equal to 75 per cent of the worker's notional weekly earnings;

(ii) the worker is, if partially incapacitated for work, entitled for the period of incapacity to weekly payments equal to 75 per cent of the difference between the worker's notional weekly earnings and the weekly earnings that the worker is earning or could earn in suitable employment.;

(ac) by striking out subsection (2) and substituting the following subsection:

(2) For the purposes of subsection (1)—

(a) the following factors will be considered, and given such weight as may be fair and reasonable, in assessing what employment is suitable for a partially incapacitated worker:

(i) the nature and extent of the worker's disability;

(ii) the worker's age, level of education and skills;

(iii) the worker's experience in employment; and

(iv) the worker's ability to adapt to new employment;

(b) until the period of incapacity for work extends beyond a period of two years, a partially incapacitated worker will be taken to be totally incapacitated unless the Corporation establishes that suitable employment for which the worker is fit is reasonably available to the worker;

and

(c) if the period of incapacity for work extends beyond a period of two years, an assessment of what a partially incapacitated worker could earn in suitable employment after the end of the second year of incapacity will be made on the basis that such employment is available to the worker except where the worker establishes—

(i) that the worker is in effect unemployable because employment of the relevant kind is not commonly available for a person in the worker's circumstances (irrespective of the state of the labour market);

(ii) that the worker has been actively seeking, and continues actively to seek, employment;

and

(iii) that the worker has participated and (where applicable) continues to participate, to a reasonable extent, in appropriate rehabilitation programs provided for the benefit of the worker,

in which case the worker will be taken to be totally incapacitated unless the Corporation establishes that suitable employment for which the worker is fit is reasonably available to the worker.;

(ad) by striking out from subsection (2a) '(1) *(b)* (ii)' and substituting '(1) *(c)* (ii)';.

This amendment covers two distinct areas. I ask the Committee to consider new paragraph *(ab)* as one area and *(ac)* as the second. New paragraph *(ab)* relates to the new rates of compensation we believe ought to apply, that is, that it should be 100 per cent for the first three months, 85 per cent thereafter and 75 per cent after 12 months. New paragraph *(ac)* deals specifically with the second-year review process, and I ask that the Committee deal with that separately.

It is the Opposition's view that the benefits to the injured employees should be reduced consistently with evidence existing in all other States. We had a document produced to the select committee which set out the weekly benefits, and there is no question that the South Australian weekly benefits are significantly higher than any other benefits in this country. Yesterday, I tabled this report, which is in *Hansard* for all to see, clearly showing a significant difference. As I said in my second reading contribution at length, if South Australia is to be economically viable, one of the major things we have to do is ensure that on-costs are reduced to a reasonable level, and workers compensation costs are a very real cost in that on-cost area. The proposition put forward to us will still leave the weekly benefits in this State the highest in the country, and we believe that they are reasonable. I move accordingly.

The Hon. R.J. GREGORY: The Government has rejected the advice and request of people who want to reduce the amount of money paid to workers absent from work on workers compensation. This State has had a long history of paying 100 per cent of average weekly earnings. It is nothing new: the old Act provided for that, as does the current Act. This proposal seeks to reduce it to 85 per cent after three months and up to nine months and to 75 per cent after 12 months. It means reducing average weekly earnings. The high cost of workers compensation is attributable to two areas: the first involving those people who are off work for a short period and then go back to work, and the other involving those off work for long periods.

We are of the view that reducing the cost in the initial period will remove the financial incentive for employers to ensure that accidents in the workplace do not occur or that the number of accidents is reduced. We have seen over a long period employers not bothering about the cost of insurance and it is only since the introduction of WorkCover and the bonus and penalty scheme that the real cost has emerged. When confronted with the real cost, employers are now starting to do something about it and ensuring that accidents do not happen.

The overall costs to the employing community in South Australia will consequently be reduced. It is another added benefit to the community of South Australia, which means that more men and women are finishing their working life without suffering impairments or permanent damage. That has a long-term advantage to our community and means that when people reach retiring age they are still fit and well enough to enjoy life in retirement with their families and friends. Too many people in the past have not been able to do that because of careless attitudes shown towards safety.

The member for Bragg has indicated that costs are causing employers to look at safety. He said this afternoon in this place that all employers are looking at this and that courses are conducted by the Employers' Federation and the Chamber of Commerce and Industry are well attended. I am pleased to hear that. He recognises, by telling the House of this, that those rates are working. They are saying to employees that injuries costs too much, so do not have them. I am convinced that if we were to reduce these payments to the levels suggested by the Opposition we would be taking away an incentive—a very powerful tool—that is reducing costs overall to WorkCover. Last night and today we have heard that the injury rate has dropped by 27 per cent whereas employment has dropped by only 5 per cent. So, a 22 per cent drop has been caused by a number of factors. The recession may have an influence, but the major influence has been the cost pressure on employers who have become very sensitive in this area. I find it amazing that employers advocate not having the cost pressure, wanting someone

else to relieve them of their obligation in this area. It would be so much easier to reduce the costs.

I am reminded very much of an approach I had from a constituent who complained about his high water rates bill of $7 000 a year and who was raving and ranting about the Government robbing him. He indicated that the water main between the meter and the business was not leaking. When I went through with him all the steps he should have taken to reduce his costs, as a reasonably good manager would have done, I found that he had not done this. He then left my office, and when I saw him some months later he had not only instituted those savings but also others that reduced his water bill by two-thirds. When he came to me he wanted a reduction in the water bill. However, he did it another way. He did not use two-thirds of the water he previously paid for. It cut down the bill significantly. The amazing thing was that his premises were subsequently much cleaner because he used advanced technology to clean them. It is a cost pressure on employers to force them into saving in a real and meaningful way, and that is the way it ought to be done.

Mr INGERSON: We need to put into perspective again the significant differential between our State and the other competitive States. If we look at the starting point in all of the States, we see a significant difference in compensation. In South Australia, according to this report given to the select committee and put together by the WorkCover Corporation, in the first 12 months South Australia paid 100 per cent of notional weekly earnings with a maximum pay-out of $1 133.80. In Victoria for the first 12 months 80 per cent of the pre-injury average weekly earnings is paid, with a maximum of $550.

So, not only is it less than 100 per cent but it is also half the maximum pay-out. The deficit in Victoria is $2.4 billion, or approximately 60 per cent funding. In New South Wales, the first 26 weeks is paid at the worker's award rate or a maximum of $604, which is 60 per cent of the maximum in South Australia. In Queensland, for the first 39 weeks the award rate is paid—again, that is significantly less than South Australia. In Western Australia, the first 12 months is paid at the award rate, but the whole scheme in that State is significantly different. Again, the benefits are significantly less. In the Northern Territory, the first 26 weeks are paid at normal earnings without overtime or shift penalty. In Tasmania, it is the ordinary rate of average weekly earnings, with a maximum of $89 000 per year or nearly $1 200 a week, which is about the same as in South Australia.

In COMCARE the first 45 weeks are paid at the normal rate of earnings including overtime. So, except for COMCARE which comes closest to South Australia, every other State pays significantly less for the first six month or 12-month period. Since 1986, when this whole area changed, the Opposition's argument has been that we need to make sure that our State is competitive so that we can employ people. We are not saying that any employer in this State should step back from the obligation to pay fair and reasonable compensation benefits, but this table shows a significant variation, and South Australia is miles out of the ball park in the first period of compensation.

As the Minister knows, the first three months of compensation claims represent about 80 to 85 per cent of the total cost of the scheme. He also knows that that first three months and the long-term benefactors are the two major costs on the scheme. It is our belief that, if we do something reasonable in this front end, we will have some sort of chance of making sure that we can increase benefits in areas where they need to be increased. There are genuinely injured people who are not being looked after well by the scheme. If we reduce some of the benefits in the front end, we will be able to more genuinely and seriously look at making changes in the scheme to benefit the genuine long-term injured who really are disadvantaged not only by our scheme but by most workers compensation schemes in this country. I ask that the Committee consider my comments and the Opposition's amendments. Although they aim to significantly change the present situation, they will still place South Australia either first or second in Australia in terms of benefits under the scheme.

Amendment negatived.

Mr INGERSON: Probably the most important section and the one on which the select committee spent most of its time is the two-year review. In the discussions that the committee had with all parties, whether employers or employees, this section was not only the most difficult area to come to grips with and to be fair about but also the area in which there was most division. We found that employers and employees are miles apart in terms of this area. It really boils down to the fact that I believe that when the scheme was set up a proposal was put forward to the effect that those people who were totally incapacitated would be deemed to be totally incapacitated for the first two years, after which there would be a review process to look at job availability and the capacity of the person to work in order to come to an agreed position in which the person could either continue in the scheme or leave it.

As Minister Blevins said in 1986, it was never intended for this part of the Act to be seen as a long-term social security scheme, but there is no doubt that that has occurred in some cases. It has not occurred in all cases, because in all schemes there are some very genuine positions that need to be looked at. I believe that WorkCover has honestly looked at them and decided that they can stay within the scheme, but other cases need to be reassessed and taken out of the scheme. That may sound very cold and hard but it is realistic in terms of how this particular area should be assessed.

The select committee spent a lot of time talking to representatives of the Employers' Federation, the Chamber of Commerce and Industry, the UTLC and many other people. It was probably in this area that we had the best contributions from all parties, because I think for the first time people actually talked from the heart instead of from a philosophical position. Employers and employees actually argued what they believed was the best way to redesign this scheme.

There is no doubt that employers and UTLC representatives were very convincing in their argument in terms of the odd lot. There is no doubt also that the particular odd lot case that came before the committee was very convincing as was the argument put forward by the employee representatives. The select committee accepted those arguments and decided that there was an argument for change in that area to clarify the position of those people who because of their age, skill, ethnicity or some other reason were unable to be properly placed in work. That was a genuine position and a genuine argument accepted by the select committee and agreed to by the Minister.

Other areas of change were influenced by the input from both employer and employee groups, but in the end the select committee accepted the advice given to it by the WorkCover board—not that the board members were always in total agreement—following a decision by Justice Mullighan in September 1991 indicating a massive financial problem for the WorkCover Corporation amounting to a projected $80 million. As we know, the WorkCover board appealed in November. Last night, I commented on the

slowness of that appeal. That is a pity, because it is a very significant decision for the corporation and it is probably costing many millions of dollars a week. Hopefully a decision will be made soon.

However, it is our belief as an Opposition—but not the unanimous belief of the select committee—that irrespective of that decision this Parliament should put into the law the position that it believes should have occurred in 1986. That position was supported then by Minister Blevins who said that, if this clause is as I suggested to him it might be, the Government would change it and fix it, because it was never the intention that WorkCover should not be in a position to reassess. As an Opposition we believe that it should be done right now; it should be cleared up. The position of Parliament should be clear; we should not have to wait for a decision of the court.

What happens if the court decides that it accepts 60 per cent of the argument? The issue would be back in a flash for Parliament to fix up the other 40 per cent. Why not establish it now, agree that there are difficulties in the second year review area and accept that we need to make these changes? As it was correctly put by the member for Henley Beach, just because the select committee happened to believe unanimously that this was one way to go we should not accept that, and it ought to be recognised in discussion in this place that it is a unanimous report of the select committee that we are discussing. At least we should be considering that report and implementing the measure as soon as possible. I ask the Committee to consider this very important change, because it will clarify the position of second year review. The advice from WorkCover is that it will reduce the long-term liability by $80 million—and that is not a figure to sneeze at. Finally, all members of the select committee believe that this should happen as soon as possible.

The Hon. R.J. GREGORY: The Government does not support the amendment for one very good reason. On 12 November an appeal was heard on a decision of Mr Justice Mullighan in the Supreme Court in relation to the second year review. The WorkCover organisation decided to appeal the decision. The case was heard by the Full Bench of the Supreme Court and, as yet, the court has not handed down its decision.

The member for Bragg now has selective memory. Early tonight he had no memory at all, but now he is starting to remember bits and pieces. The advice to the select committee from WorkCover is that it prefers that no decision be made at this stage for the very real reason that the Full Court could do a number of things: it could uphold the appeal entirely, it could dismiss the appeal entirely, or it could make a decision halfway in between. It could mean that in the haste of members opposite to proceed to some form of legislative arrangement, we may not need to do it or we may need to do bits of it and, accordingly, we could end up with an untidy mess.

The member for Bragg knows from the advice given to him as a select committee member that, if the decision is upheld in WorkCover's favour, it will be a decision determined by the court. There would be no further argument because if anyone wanted to then appeal they would have to find further grounds. When a matter has been to the Full Court it is very difficult to appeal further. The other problem is that, if the court decides to take the middle course, we might find that in our haste we have made changes that are not appropriate or suitable. For these reasons we have decided that nothing should happen in this area until we know what we are about.

One of the other issues is that we all understand the mess that the Queensland conservative Government found itself in when it confused the separation of powers principle between Parliament, the Executive and the judiciary. We are not in that mess because we do not believe, as a Government, that we should pre-judge the judiciary. It is the Government's view that the judiciary should make its decision first. If we decide that we do not like the decision and that it does not reflect the intention of Parliament, it is up to us to amend the legislation. It is not for us to say to the judiciary, 'On your bike; we don't want to listen to you any more. We will start making the rules as we like, and no matter what you do we will keep changing them.'

The other issue is that if we pass legislation now ignoring the decision-making process of the Full Court, we might find ourselves in a position where we have to go through that process all over again. If we follow the advice of our friends opposite, we might be back here in two years fiddling around with the legislation again, because we made a blue and someone has gone to the Supreme Court for a decision and there has been another appeal off to the Full Bench. We would be back playing the game again two years later. I think that in this matter an ounce of caution and a little less speed will get us where we want to go. I remind the honourable member opposite of Aesop's fable about the hare and the tortoise. At the moment he is the hare and the Government is the tortoise; we will still get there before him.

Mr INGERSON: I remind the tortoise on the other side that if he goes back to clause 2 he will find that there were three amendments to that clause that set three different commencement times. As the tortoise would remember and know so well, the clauses of a Bill can be assented to and put together at any time the tortoise wishes.

The ACTING CHAIRMAN (Mrs Hutchison): Order! Is that a reflection on the Minister?

Mr INGERSON: It was not necessarily a reflection on the Minister. When the Minister wants to throw it one side, he will cop a bit back. I just point out to the Minister that his own amendments provide three different commencement dates for different provisions of the Bill. I would have thought that, irrespective of the decision of the court, in the end this Parliament will come back with these sort of amendments and say, 'This is what we ought to have.' It is not up to the courts to decide how the legislation should be written; it is up to the courts in this land—and let us hope it is never any different—to interpret what the Parliament says. Sometimes we do not like the way legislation is interpreted by the courts, and that is why we as parliamentarians change the legislation.

The corporation has brought a difficulty to the attention of the Parliament. The problem was not raised by Graham Ingerson or by the Minister; it was raised by the corporation to whom we have given the power to administer this legislation. It approached the Parliament through the Minister and through a private member's Bill that I introduced and asked us to amend the legislation because of a specific court decision. The corporation has decided to appeal, but it came to the select committee and made recommendations as to what it believed should happen in relation to this area. I accept that the Minister may want to wait for the appeal, but why wait until August? Why not change the legislation now and have it ready to go? In less than a month this Parliament will be in recess and we will not have the opportunity to reintroduce this clause if a decision is made in May, June or July.

However, if this decision is made now and the Minister wants to hold it up, he knows that he can do that in any

case. He does not need the Parliament to set a commencement date. The Minister knows that, under his legislative ability, any clause can be assented to and brought into force at any time. We recognise that the courts are in an appeal position; we recognise that they may come down with a 100 per cent, 60 per cent or nil result; but we believe that the select committee position, as it relates to second year review, should be accepted by the Parliament. If the Government chooses to hold it up because of the court, we will support that. However, we ask that it should not hang off until August, September or perhaps October to bring in this type of amendment and go through that waiting period all over again. I ask the Committee to accept the amendment.

The Committee divided on the amendment:

Ayes (19)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

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

Pairs—Ayes—Messrs Armitage and S.G.Evans. Noes—Messrs L.M.F. Arnold and Quirke.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 7—'Discontinuance of weekly payments.'

Mr INGERSON: I move:

Page 2, after line 30—Insert new paragraph as follows:

(aaa) by striking out from subsection (3) 'stating the reasons' and substituting 'containing such information as the regulations may require as to the reasons';.

The select committee received a request from the WorkCover Corporation as a result of a review in which a review officer argued there was insufficient information in the decision of WorkCover to cut out particular benefits. It was put to us by the WorkCover Corporation that there was a need for specific clauses which would enable it to make sure that sufficient information was placed in its replies to injured workers. As it seems to be a fairly simple administrative support request, I accordingly ask the Committee to accept the amendment.

The Hon. R.J. GREGORY: The amendment is accepted.

Amendment carried.

Mr INGERSON: I move:

Page 2—

Line 39—After 'may,' insert 'subject to subsection (4b),'.

Line 40—Leave out 'as the review officer thinks fit' and substitute 'as the regulations may prescribe'.

The amendments relate to review officers and are similar to new paragraph *(aaa)* in the previous amendment. I ask the Committee the consider these amendments as well. They are purely technical. They have been suggested by WorkCover to facilitate the ease of presentation of documentation to workers.

The Hon. R.J. GREGORY: My advice is that, in the first instance, the amendment is a technical one and, secondly, it seeks to direct the review officer in the way that the officer exercises discretion to continue the benefits of workers beyond the first hearing of a case before review. It is not an unreasonable amendment, and it will assist in the consistency of decision making.

Amendments carried.

Mr INGERSON: I move:

Page 2, lines 42 and 43, and page 3, lines 1 to 5—Leave out subsection (4b) and substitute:

(4b) A review officer cannot make an order under subsection (4a) if—

(a) the adjournment is at the request of the worker (or his or her representative);

or

(b) the adjournment is required because a review officer has insufficient time to proceed with, or to conclude, the hearing at that time.

These amendments are of similar consequence, and they flow on from the previous amendment relating to review officers.

The Hon. R.J. GREGORY: The member for Bragg might think that this is a consequential amendment, but we see it as restricting the discretion of the review officer in arriving at decisions to maintain worker benefits pending the resolution of a review. We are of the belief that review officers ought to have flexibility in decision making as to grounds for the continued payment of benefits. Consequently, we oppose this amendment.

Amendment negatived; clause as amended passed.

Clause 8 passed.

Clause 9—'Insertion of new division.'

Mr GROOM: I move:

Page 4, lines 41 and 42—Leave out paragraph *(a)*.

My amendment to page 7 is consequential, and I do not want to argue my point twice.

The CHAIRMAN: It will suit the convenience of the Committee if the first amendment is used as a test case.

Mr GROOM: The effect of this amendment is to allow a worker wider rights in relation to a settlement under clause 9. I have already commented on new section 42a, if passed by the Committee, and about the Commonwealth not standing idly by and allowing its income tax revenue to be diminished. Notwithstanding that, the passage of clause 9 would bring about a dramatic reduction in the unfunded liability. To that extent, it deserves a chance to enable WorkCover to get into kilter.

If paragraph *(a)* of new section 42a (10) is deleted and the consequential amendments to section 95 of the principal Act passed the rights of workers under this section will be widened. It does not take away the discretion of the WorkCover Corporation as to whether an assessment should be made. My own view is that workers should have equal rights with the WorkCover Corporation in relation to this new section. However, I am mindful that this device is fraught with danger, and I do not want to interfere with the interstate decisions or the way in which the Commonwealth is likely to treat this new section ultimately. But, for the present time, I am content to at least give workers wider rights to ensure that that decision of the corporation is reviewable.

The reason for this is, quite clearly, to bring about some form of level playing field. Anyone who has dealt at a practical level with this area of the law would know that, whenever something is left in the hands of the bureaucracy, decisions are made inconsistently and at whim: discriminatory decisions are made. So, by allowing a worker at least the right to have the decision of the corporation reviewed, we widen the worker's rights and ensure that workers are not subject to capricious action on the part of the bureaucracy, otherwise, in the fanciful sense, a corporation officer could say, 'Worker A, you can have your rights assessed under clause 9, but worker B will not be allowed to have those rights assessed.' There would be no right of review or right of appeal in any way. That subjects working people to capricious action on the part of the bureaucracy without any form of redress, other than to go to whatever avenues they can—their unions or members of Parliament—and say, 'Someone down the road was assessed, but I can't get assessed.'

It may well be that one of the purposes for the Bill being drafted in its present form is to ensure that, so to speak, the floodgates are not opened—that a run on the funds of the corporation is not made. I do not believe that would happen, because the decision is still that of the corporation. All the amendment does is to widen the rights of workers—and they should have a right to at least a review of bureaucratic action. That ensures a level playing field and ensures that the workers are not placed at the whim of bureaucracy and discriminated against so that people feel that at least all criteria have been properly considered. When anyone seeks to extend the workers' rights in this area of the law, traditionally there is an attack on the legal profession. The assertion is often made, 'If you expand workers' rights, you will benefit lawyers, because there will be more disputation.' This is—

Mr Ingerson interjecting:

Mr GROOM: The lawyers do very well out of this Parliament, I can tell you that. This Parliament keeps the legal profession in business; do not make any mistake about that. This system is just one small area. That should not be a mask to hide the true denial of workers' rights to review capricious action on the part of the bureaucracy. Whenever workers' rights are increased under legislation. whenever the bureaucracy is widened, whenever the door is opened that much to ensure that it does not function as a discriminatory bureaucracy, and whenever capricious action is kept out of the system so that a level playing field does operate, there is always an attack on the legal profession as being the true beneficiary, masking the fact that the actual effect is to deny workers the right to review capricious bureaucratic action.

Whenever there is an interaction of people's rights, whether they are workers or anyone else, we have a dynamic situation and where we have a dynamic situation people want representation, and they want representation of their choice. Whether one uses the label 'advocates' or whether one uses the label 'lawyers', the fact of the matter is that wherever there is an interaction of people's rights people want representation. I believe that it is a fundamental human right to have representation of one's choice. This does not detract from the corporation's power in relation to its decisions as to whether capital sums should be allocated under section 42a. It does not interfere with that decision. It does not interfere with the interstate decisions upon which the Government is relying in introducing this measure, a measure which, in reality, is a tax evasion measure.

As I said in the second reading debate, I really cannot see the Commonwealth standing idly by while its revenue is depleted to the extent of something like $40 million to $80 million, as estimated, in relation to this matter—but it may well. One of the problems with this scheme was that from its inception there was no contribution from the Commonwealth. The fact of the matter was that, although it was inadequate, people, once they got a lump sum did turn to the social security system, so the Commonwealth was contributing to relief of injured workers through the social security system. When this legislation was introduced without that contribution from the Department of Social Security, what occurred was that the burden was shifted to employers, and that is why we had levy rises. In relation to that aspect, it is not just that workers' benefits are whittled away, simply because of mistakes that this Parliament has made in relation to past legislative action.

In relation to this matter, I simply summarise by saying that it is true that it widens workers' rights. If the corporation acts in a capricious manner and if it does not operate on the basis of a level playing field then at the very least the worker will simply have the right to have that decision reviewed. It will not open the floodgates at all, because it is very restrictive. It is too restrictive in my view. Workers should have equal rights. This simply opens the door to fairness and a level playing field in relation to workers dealing with the bureaucracy.

The Hon. R.J. GREGORY: The Government is opposed to this amendment, for a number of reasons. We believe that, when the Federal Court of Australia (Full Court) makes decisions in respect of taxation matters and the Commonwealth Government does not choose to amend the Taxation Act to close off what might be an advantage to a certain class of people, this Government ought to take advantage of it. We can take advantage of that arrangement, which would ensure that the Commonwealth Government transfers back into the pockets of people in South Australia that amount of money that it collects in income tax. If we can possibly avoid it we ought to do it. It is not income tax avoidance or evasion but a legislative way of ensuring that the Commonwealth is picking up its share, the share that it has been putting off on to the South Australian people for some time.

I have given undertakings—and you would know, Mr Chairman, as a member of the committee, the undertakings I have given as Minister, and also by the Chief Executive Officer of WorkCover—that, when this Bill has been assented to and proclaimed as an Act, all care will be taken to ensure that workers who are paid in accordance with this section are not disadvantaged if the High Court should happen on appeal to deny the privileges of this section to those workers. That has been made very clear to people, so it is not something that should worry members in this Parliament. That is not a point at issue. The other point relates to which groups of people will benefit by this. A considerable number of people in that level of receipt of payments are excluded at the moment from the fringe benefits.

They are excluded from a whole number of things because they are paid a certain amount of money and getting just slightly more than the social security benefits, and they are paying tax. Upon examination of what they are taking home each week it can be seen that they are worse off than a person who is on social service benefits. It enables them to get two lots of payments. They will then get a lump sum payment, and with the way in which social security benefits are calculated it means that people will be better off and they will have all the advantages of getting benefits from social services.

It is a fine point where this will turn for these people. If we take away from the corporation its decision making power in this business, what we would be doing would be placing the whole core of it in jeopardy. What we would be saying is that, for the rest of those people who earn considerably more and who are paid considerably more by WorkCover, this would be a lump sum scheme. That is the effect of this amendment. It would not mean that we would have a scheme where people were paid weekly payments and then those in the very low area would get two bites at the cherry. That is what this amendment from the member for Hartley will do and we are opposed to it.

Mr INGERSON: What a fascinating reply. I have been sitting here for most of the night believing that the Minister was on the side of the workers, and I have been quite impressed by that, because it has been a very consistent approach. I commend the Minister for that. I think it has been a very good and heartfelt stance that he has taken to support workers' rights. I would have to say that I have been convinced by the member for Hartley's argument (the future member for Napier) that here is an instance where we really should consider the workers' rights. I would have

thought that the Minister would realise that his own amendment does not in any way guarantee a lump sum scheme, any more than the rest of the amendments in this clause.

As the Minister knows only too well, this whole section, which involves taking some money from the Commonwealth through saving tax is about lump sums. The Minister knows that what is going to happen—because of a decision in the taxation area in which the Transport and Accident Commission of Victoria was involved—is that this type of system can be implemented. The Minister knows that it is a lump sum scheme, and this amendment from the member for Hartley is not going to change that in any form whatsoever. What it will do is give the workers some rights.

I am fascinated beyond belief that a Minister who earlier this night was espousing the virtues of the rights of workers in a workers compensation scheme should turn his back on an opportunity for workers simply to be able to ask that a decision under this clause be reviewable. That is all the member for Hartley is asking. As a former industrial advocate, he very eloquently put the argument. He could not have done it any better if he was still in the Industrial Court. His experience persuaded me and the Opposition to recognise that workers' rights is what it is all about. This amendment from, as I said, the future member for Napier would purely and simply enable this section to be seen for what it is. The Opposition supports the section in principle and we believe that the amendment moved by the member for Hartley should be considered by the Government. The Opposition wholeheartedly supports it.

The Hon. R.J. GREGORY: Wit and sarcasm does not become the member for Bragg, and his conversion on the road to Damascus is a sudden one. It is a pity that he was not converted in relation to a couple of other matters that have been before us tonight and matters that will be before us later. I stand by our position on this issue because, if we go down this route, we will open up the floodgates and turn the scheme into a total lump sum procedure. If the member for Bragg cares to look at the proposed amendments (and he is so fond of telling us that he wholeheartedly supported them as a member of the committee), he will see that the amount is reviewable but not the decision to give it. It is an important decision-making power because if we take that away from the commission we will weaken its case in terms of tax avoidance or the non-payment of tax. The member for Bragg ought to appreciate that. If that fails, we are then back to the old scheme, and the savings are not available.

What the member for Bragg forgets is that a whole number of people are disadvantaged right at this moment and who would be advantaged by this scheme. If we go down the route proposed by the member for Hartley (and the member for Bragg suddenly has been converted to that view) will see the scheme fall into disrepute because it will not be doing what the total scheme was established to do, that is, to ensure regular payments. When we talk about lump sums, we are talking about payments that could be for two, three or four months. Our position protects the integrity of the scheme.

Mr GROOM: I must disagree with the Minister. It does not have the effect that the Minister has outlined to the House, with the greatest respect to him. I have had the matter checked out thoroughly. It does not jeopardise the rest of the clause in any way. I stress that the whole clause is in jeopardy because of the attitude that the Commonwealth may or may not take in relation to it. When we rely on tax evasion or tax avoidance to solve an unfunded liability problem, it is fraught with danger. It is as simple as that. It does not take away anything from the corporation; it will not do what the Minister has said it will do. It does not have the effect of weakening the position. The decision is still that of the corporation. My own view is that the worker should have an equal right alongside the corporation to see a review. That would not affect the interstate decisions on which the Government is relying: it would not affect them at all.

It is merely saying to the bureaucracy that when it starts dishing out capitalised lump sums whether by instalment or by a lump sum, it should do so fairly. We have all dealt with bureaucracies and we know what they do to people. This provides a very elementary form of review of that bureaucratic decision. It may be that the decision is upheld in most cases. I would have thought that the Minister's concern might be the reverse—that it might open the floodgates. I put that argument right from the outset in my earlier contribution. This amendment simply ensures that working people have that extra little bit of protection against capricious action on the part of the bureaucracy, so that we do not get into a situation of an officer saying to one worker, 'You can have a capitalised lump sum' but to his neighbour, without assigning any reasons to the neighbour who may have a similar injury, 'You cannot have a lump sum.'

The worker who wants the lump sum in that situation, who cannot get it and who is not given any reason surely must have an elementary right to have that decision reviewed, otherwise there will be discriminatory actions against workers by the bureaucracy. Decisions will be made on whim, and working people will not accept discriminatory action on the part of the bureaucracy. The amendment will not have any of those adverse effects. It is just an elementary right—an additional protection—for working people, and will not have the deleterious effects that the Minister says it will have for injured workers.

Amendment carried; clause as amended passed.

Clause 10 passed.

Clause 11—'Incidence of liability.'

Mr INGERSON: This clause, in essence, will result in difficulties for some small businesses in terms of cash flow. I recognise that some clauses of the Bill give the corporation an opportunity to negotiate if cash flow is affected. In principle, we oppose the clause and believe that the existing procedures should remain in place.

The Hon. R.J. GREGORY: This clause is one of substance and should be supported as it requires an employer to keep contact with an employee. It has been shown over a long period that, when there is no contact between the injured employee and the employer, there is a breakdown in the relationship and, in many instances, rehabilitation is more difficult to effect. Clause 11 provides protection for the employer if the corporation is slow in making reimbursement to that employer. There are proposals to ensure that the employer is properly compensated. The reference to any other prescribed circumstance and the means by which reimbursment made will mean that the corporation will be paying an appropriate interest rate if payment is late. That is fair. I am also of the view that, if we allow a situation to continue, where there is no relationship, the success of rehabilitation will be more difficult to achieve. The member for Bragg earlier in the debate made quite clear that the employer should have more to do with rehabilitation. Now he has turned a cartwheel and is saying that the employer should not be involved.

Clause passed.

Clause 12 passed.

New clause 12a:

Mr INGERSON: I move:

Page 6, after line 43—Insert new clause as follows:

12a. Section 65 of the principal Act is amended by striking out from subsection (1) the definition of 'remuneration' and substituting the following definition:

'remuneration' includes payments made to or for the benefit of a worker which by determination of the corporation constitute remuneration but does not include—

(a) any contribution paid or payable by an employer to a superannuation scheme for the benefit of a worker;

(b) any amount paid or payable to a worker as severance, retrenchment or redundancy pay on the termination of employment, except to the extent (if any) that the amount is attributable to unpaid wages, or to any annual leave or long service leave entitlement;

or

(c) any other amount determined by the corporation not to constitute remuneration.

This amendment provides a redefinition of 'remuneration'. It is our view that superannuation contributions, severance pay, retrenchment pay and redundancy pay should be removed from the ambit of remuneration.

Representations were made to the select committee by many individuals and employer groups suggesting that the definition of 'remuneration' be brought more into line with the definition of 'payroll tax'. These amendments do not concur totally with that suggestion, but we have removed contributions towards superannuation, severance, retrenchment and redundancy payments. We believe that this will significantly ease the burden on many employers in these difficult times. It is estimated that the reduction of income to WorkCover will be between $10 million and $15 million. These are two very significant issues as far as the employer community in our State is concerned, so I ask the Committee to accept the new clause.

The Hon. R.J. GREGORY: The Government opposes the new clause for a number of reasons, the principal one being that, if they were approved, the current levy rate would be reduced by approximately $20 million per annum. The member for Bragg nods his head in agreement, but he should also remember that the levy rate will have to be kept at a certain level to ensure that funds are made available. So, that $20 million will have to be paid by someone else. I do not know whether the honourable member understands that, but employers in this State will be relieved of their contribution and that $20 million will have to be recouped. So, increased levy rates will be spread across the smaller employers who by and large will be disadvantaged.

The member for Bragg, who boasts about the Liberal Party's support of small business, intends by way of these amendments to undertake a course of action that will damage small business. The WorkCover Corporation has a long-term goal of excluding superannuation payments from the levy rate, but as we all know that will happen with time. Contrary to the predictions of the member for Bragg, who made his viewpoint clear in many places including this Parliament, that the unfunded liability of WorkCover at 30 June 1991 would be in excess of $250 million, the figure was $152 million, despite the honourable member's advice from members of the board that he was technically wrong and that the information on which he based his opinion was wrong. He ignored that advice and went around saying that the unfunded liability at the half yearly review would be reduced even further. If we were to reduce the payment as he suggests in these amendments we would not see a reduction in the unfunded liability; all we would see is a general increase in the levy rate.

What we should do is leave well enough alone. WorkCover's costs have already been reduced through reforming the method of administration, the introduction of new techniques and the tightening up of administration. There is a view among those people who understand the corporation's work that there will be further advances in that area and a further reduction in costs. As costs are reduced in that way, this matter can be corrected. I do not believe that doing it by way of legislation will help anyone. All it will do is harm the people whom the member for Bragg claims to champion.

Mr INGERSON: It is unfortunate that the Minister uses this particular clause to slant his whole argument, because as he is only too aware the redefinition of 'remuneration' is clearly part of a total package that the Opposition is proposing. The Minister knows that, whilst we have said clearly that this change will reduce the income of the corporation by $20 million in any one year, if our amendments had been agreed to they would have reduced the unfunded liability to nil, whereas, in consequence of certain other amendments, there would be an unfunded liability of between $10 million and $20 million.

I am a very patient person. The Minister is aware that it is highly probable that the prediction made by the board, not by me, of a $250 million unfunded liability could eventuate if the economy booms in the next two or three years. The Minister knows that that will happen unless very significant amendments are made to the Act. I have said all along that if the amendments are carried mine and the board's predictions will never eventuate. However, if the Minister sits there and does nothing about it, whilst I will have lost in the short term hopefully I will not be proven to be right in the next two to three years. Whilst there have been some very significant improvements in administering the scheme, the administration can reduce its costs only to a certain level. Those costs represent about 11 per cent, but it is the other 89 per cent of the scheme's operation that is the problem.

If we do not do something about the second-year review and make sure that this taxation release system is put into the capital loss system and if we do nothing about all the other amendments that we have suggested regarding benefit levels, etc, we will have a disaster in two or three years time. I am not the only one saying that: it is also the view of the business community of this State. The Premier was also concerned that that might happen, because recently he told the business community that significant changes needed to occur, and they will occur. I believe that the new clause is important to employers in this State, and I hope that the Committee accepts it.

New clause negatived.

Progress reported; Committee to sit again.

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

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

Motion carried.

UNIVERSITY OF SOUTH AUSTRALIA (COUNCIL MEMBERSHIP) AMENDMENT BILL

Returned from the Legislative Council without amendment.

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

Clause 13—'Special levy for exempt employers.'

Mr INGERSON: Will the Minister advise the Committee of the particular concerns of exempt employers that necessitate this clause?

The Hon. R.J. GREGORY: The Government does not intend to proceed with this clause.

Clause negatived.

Clause 14 passed.

New clause 14a—'Application for review.'

Mr GROOM: I move:

Page 7, after line 15—Insert new clause as follows:

14a. Section 95 of the principal Act is amended by inserting after paragraph *(da)* of subsection (2) the following paragraphs:

(db) a decision by the Corporation to make an assessment under section 42a;

(dc) a decision as to the amount payable on an assessment under section 42a;.

We have already argued this issue in relation to clause 9 and I will not repeat the argument, save to say that the many workers in the electorates of Napier and Hartley who have been to see me about this matter will be very pleased.

New clause inserted.

New clause 14b—'Medical examination at request of employer.'

Mr INGERSON: I move:

Page 7, after line 15—Insert new clause as follows:

14b. Section 108 of the principal Act is amended—

(a) by inserting after subsection (3) the following subsection:

(3a) A report must be prepared on the outcome of the examination and the Corporation must send copies of the report to the employer and the worker.;

(b) by inserting 'or a report prepared' after 'examined' in subsection (4);

and

(c) by inserting 'or the preparation of the report' after 'examination' in subsection (4).

This new clause provides that where a medical examination takes place a report of the outcome must be prepared and the corporation should send copies to both the employer and the worker. In other words, there is a follow on of this improved information system, which was initially proposed by the corporation. The Opposition believes that this amendment would be very helpful. A few employer and employee bodies have requested that there be a better flow of information.

The Hon. R.J. GREGORY: I draw to the honourable member's attention section 107 (1) of the Act, which provides:

The employer of a worker may at any time request the Corporation to provide a report on—

(a) the medical progress being made by the worker;

(b) the worker's incapacity for work as assessed under this Act.

It goes on to determine how that could be done. The new clause inserts something in the legislation that is already there. If the employer can write or use a telephone he can request such information. Why must we include something else that is totally unnecessary?

New clause negatived.

Remaining clauses (15 and 16) and title passed.

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

That this Bill be now read a third time.

Mr INGERSON (Bragg): The Opposition is disappointed that the Government has not recognised some of the very important changes that were recommended in the select committee report. We hope that some of these changes will be made through amendments to be moved in another place.

Bill read a third time and passed.

REAL PROPERTY (TRANSFER OF ALLOTMENTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 March. Page 3222.)

The Hon. D.C. WOTTON (Heysen): I regret that we are commencing debate on this important legislation at 10 p.m., because I know that many members on this side of the House, at least, want to contribute to the debate. The issues addressed in this legislation have been a matter of debate for some time. In fact, it is well over two years since I first heard about the proposal to introduce a scheme which at that stage was referred to as the 'transfer of title rights' (TTR). This scheme, which has been referred to throughout the review process—which has just concluded—as the 'transferable title rights scheme', is now referred to in the legislation as the 'amalgamation of allotment scheme'.

This scheme provides that where the opportunity to undertake development of allotments of land is constrained by planning controls a right can be created that, while intangible, could be represented by a certificate and transferred to another land-holder, who would need to have such a right in order to undertake particular kinds of development. Through the Mount Lofty Ranges management plan the Government has proposed that owners of multiple allotment tenements within the water protection zone will, by amalgamation of their existing allotments, be able to retain the use of their land and at the same time create amalgamated allotments for allocation to other areas.

All members who have had anything to do with the Real Property Act would realise that it is a very complex piece of legislation. This Bill is no exception to that. We need to work through what is a very complex subject. There is a considerable amount of confusion—certainly throughout the Mount Lofty Ranges—as a result of the debate and discussion resulting from the Mount Lofty Ranges management plan, which was released a couple of months ago, and also resulting from the supplementary development plan released concurrently. The confusion revolves around this Bill, because many people believe that it puts in place the recommendations of the management plan and that it would set the supplementary development plan in concrete. Of course, that is not right; this Bill deals with only a very small part of that overall situation.

While I am certainly aware that there has been discussion about this scheme for some time, it is somewhat unfortunate that so much emphasis has been placed on this system rather than on some of the other areas of the management plan, which I suggest are far more important. When I realised the importance that was being placed on the introduction of this scheme, I was somewhat concerned about the outcome of the proposal. My colleague the member for Bragg will refer to the planning implications relating to this legislation. It is difficult to separate the two responsibilities that come out of the planning requirements and the matters to be dealt with under the Real Property Act.

It is important to look at the history of what has evolved in regard to the review that has been carried out in the Mount Lofty Ranges. Discussions on the future management of the Mount Lofty Ranges have taken place for as long as I can remember. It has always been recognised as an extremely complex and sensitive area, and that is certainly the case today. Some 20 years ago I established and chaired what I believe was the original Adelaide Hills land use committee. I was interested recently to look through some of the original minutes of that committee, and I was not altogether surprised to find that the same subjects were

under discussion then as are being considered now—issues such as the viability of properties within the Mount Lofty Ranges. While on that subject I would express concern that that matter is not addressed in the Mount Lofty Ranges plan, and I suggest that it is one of the most significant areas of concern within the ranges.

The responsibility for ongoing mangagement has also been included in the considerable debate that has gone on. I referred to the subject in my maiden speech, and soon after entering this place I asked a number of questions regarding the future management of the ranges. I was also interested to look at a *Hansard* of 15 years ago and to learn that at that time, with other members from this side of the House, I asked about the establishment of an authority that would be given the overall responsibility for considering the management of the Mount Lofty Ranges. It is not a new subject.

Members will be aware that the present Government put in place the Mount Lofty Ranges management review five years ago. When it was originally started, there was some suggestion that the review would probably take only two years. It was then extended to four years and I think it is probably closer to five now since the review commenced. It has been an expensive operation, and I suggest that it is more likely to be an expenditure of $6 million when we consider the amount of time that has been taken by public servants and consultants who have been involved in the review. In addition, an incredible number of people have been involved through advisory and other committees which have been working on the review, and a considerable number of those people have worked in a voluntary capacity.

On top of that, there have been public meetings and workshops. I attended most of those that were held in the Hills, and most of them were very well organised. However, I was concerned at that time, and am now, that very few landowners attended on those occasions. I recall on a number of occasions making public statements urging landowners to participate in these workshops and meetings. I regret that was not always the case.

The review adopted as its objectives water quality, sustainable agriculture and the enhancement of the environment. A massive amount of documentation has been proposed on the management of the ranges. I referred to a committee that was established 20 years ago. Very soon after that I recall a major report being prepared by Mr John Harris of the department—it was probably the Department of Urban and Regional Affairs at that time. That was a substantial report. I often wonder where that report, along with many others, finished up. I can only presume that the majority of them have been shelved. In my electorate office I have volumes of material that were prepared on this very subject.

In September 1990 we saw the Minister introduce a freeze on general development through the Mount Lofty Ranges. At that time a number of landowners found that many of their anticipated rights had been either removed or severely affected. It is worth noting that, if we were to take account of the landowners in the Mount Lofty Ranges, a substantial number of those people who are still in primary production are third, fourth and in some cases fifth generation. Some of those people, I regret, have been seriously affected as a result of the freeze that was introduced in 1990. Of course, some of those concerns have continued through the review process.

Of particular concern to me was that one of the objectives of the review process had not been to consider the rights of the individual, which I saw as being a very important issue. It is fair to say that land-holders generally—not in all cases—have accepted that there should be no further division of land in rural areas. I am sure that the majority of landowners would want to ensure that agricultural pursuits were able to be carried on in the ranges.

Again, in my maiden speech I referred to the significant advantages of retaining valuable agricultural land for sustainable agriculture throughout the Mount Lofty Ranges. There are a number of reasons for that: quality of the soil, closeness of the market, and so on. Unfortunately, to some people primary production these days, particularly in the closer areas of the Mount Lofty Ranges, is seen only as some sort of tourism gimmick. I am fascinated by the number of people who tell me how much they appreciate being able to take interstate and overseas guests up through the Piccadilly Valley on a Saturday or Sunday morning and see the market gardeners cutting lettuces, cabbages and so on, and how lucky they are that that should be the case. I do not know whether those people who enjoy being able to do that realise how close we are to that practice concluding, because many of these people whose properties are not viable because of their size and the need for much better technology will be unable to maintain those properties.

I would suggest that, for those people who delight—as I always have—in being able to drive through areas such as that and see those things happening, it is not necessarily the case that they will continue for much longer, and I regret that to a large extent. Of course, I also recognise the importance of tourism in the Hills, and I am sure that all members would appreciate the opportunity now to stay at bed and breakfast accommodation and the other tourism activities throughout the Mount Lofty Ranges. However, the viability issue has always been significant as has, in more recent times, the urban encroachment that we have seen through various parts of the Hills. Again, that is a significant problem.

I could provide a number of examples, but I will not do so given the time. I could relate many examples where properties of some 50 acres now find that they are totally surrounded by urban development with all the difficulties for landowners in being able to continue growing fruit, vegetables and so on. More and more pressure is being put on those people regarding the use of sprays and chemicals and their production habits in relation to noise of equipment, and so on. It certainly is becoming a significant problem. It is also important to recognise—and I will say more about this later—that many of these people on these properties have no other form of superannuation to which they can look forward. They are not able to take out a pension because of the assets they have and, in many cases, the same people are finding it extremely difficult to be able to move off those properties and to gain the equity that they deserve.

I have talked about these objectives and, in speaking further, I point out that there must be an ongoing combination of education, encouragement, incentive and, to some extent, regulation. I would suggest that, if the educational component, namely the provision of ideas and facts, is in any way flawed, the landowners will, as is the case in many situations now, reject the voluntary path and operate to the limit in any regulations. I suggest that, if that happens, it will be self-defeating.

The other objective relates to water quality. It has been a concern of mine for some time, particularly since I have had the opportunity to become more involved in this area through my shadow portfolio, that the basis behind the E&WS policies and their implications are very difficult to support by evidence. I am concerned that placing the main emphasis on controlling additional buildings and users within existing buildings is not necessarily the way to achieve

significant reductions in pollution levels. In support of this, a number of authors have prepared significant papers on this subject. I will refer to a few: the Metropolitan Watersheds Water Pollution Control 1970, the Mount Lofty Ranges Supplementary Development Plan 1976, the Mount Lofty Ranges Watershed SDP 1987, On Site Domestic Waste Water Disposal 1987, the Export of Nitrogen, Phosphorus and Turbidity from Catchments prepared by the E&WS in 1988, the Mount Lofty Ranges Review Assessment of Water Resource Data and Findings, the consultants' report of November 1988, the Mount Lofty Ranges Review Investigation Report of March 1989 and the Water Pollution Aspects of the Mount Lofty Ranges prepared by Stokes in September 1989.

I would suggest that the early assertion by the E&WS that the quality of water was rapidly deteriorating is now no longer being claimed. However, the restrictions proposed have not fundamentally changed, instead they are to be strengthened as a result of the SDP and the Mount Lofty Ranges management plan. I have looked at this situation fairly carefully and have found that a number of areas should be considered. The first one relates to the E&WS Department's 1985-86 annual report, which states:

> The quality of water harvested from the watershed is poor and continues to deteriorate.

It is interesting then to find that the explanatory statement to the Mount Lofty Ranges watershed SDP of September 1987 states:

> If the rapid deterioration in the quality of water collected in the Mount Lofty Ranges watershed is to be slowed it is important that the intensification and type of land uses in the watershed be controlled.

These assertions do not seem to be supported by the data available then or subsequently and, in particular, are not supported by the various research projects carried out by the E&WS and others which are described in chapter 8 of the Mount Lofty Ranges review investigations report of March 1989. Finally, the most recent draft on water resources, which I have considered and which is dated 17 September 1991, states:

> There has been no measurable change in the quality of water entering the reservoirs since 1970.

I would suggest that this change of position obviously brings with it some doubts as to either the quality of information gathered or the competence of those involved in putting that information together, or perhaps both. It also raises doubts whether measures which were taken between 1970 and 1987, which severely inhibited many forms of urban and agricultural developments, may have been on the wrong premise. As a result of that, I suggest that if there has been no measurable increase in pollution the control measures then introduced and now being recommended for continuation need to be looked at to see whether they stand up to analysis.

The Mount Lofty Ranges plan and the SDP are now directed more towards reducing the existing levels of pollution than preventing pollution from getting worse. I do not think anyone would disagree with that. It is a laudable objective and I would not argue with that in principle, but whether the standards sought to be achieved are practicable appears to be another bone of contention. More importantly, the cost of achieving any reduction needs to be taken into account fairly carefully. I suggest that to have confidence in supporting the emphasis that has been placed on this, particularly through the review on water quality, we need to ensure that any such support is soundly based and thus there is a need to look very closely at balancing the costs as against the benefits in this situation.

One can only go on from there to attempt to determine whether the restrictions are justified. I would suggest to the House that the question needs to be asked whether the measures included in and supported by the review through its management plan to protect water resources are in fact justified. I think that is a question that we must continually ask ourselves. For example, if it can be shown that a prohibited development would not cause any pollution in its area and that the methods of disposal of any wastes from it would cause no or little risk, then one should have thought that that could be considered on its merits.

In the long term we need to look at credibility and therefore workability of the whole scheme being evolved for the future of the ranges. With that in mind it is important to ensure that the facts are accurate and that the conclusions upon which the E&WS relies are soundly based. Secondly, a cost benefit analysis must be attempted. Thirdly, we must ensure that the protection and harvesting of water is more effectively subjected to the same checks and balances as occur in relation to all other users of the ranges.

I suggest that the last thing any of us want to see through this whole process is a growth in opposition to those aims and objectives by landowners who may, as a result of the restrictions that are being placed, be filled with resentment at inadequately substantiated regulation and interference. That is how a number of people see the situation at the present time. I do not want to go into the other areas of concern that I have in detail. I have brought to the attention of the House a number of these issues on previous occasions. However, I would have to say that I am concerned that so much of the pollution that does occur in the Mount Lofty Ranges now, regrettably, occurs as a result of a breakdown in Government instrumentalities, such as sewage treatment works, or whatever may be the case. We have seen a number of examples of that happeninig in more recent times and it is of particular concern to me and to all members of the community who live in the Mount Lofty Ranges.

I can assure the House that a future Liberal Government would give appropriate recognition to the need to ensure that effluent and sewage treatment works are in a condition to work satisfactorily. It is important also to recognise the need to ensure that all townships are connected to appropriate treatment works. It is an ongoing concern to me that we still have so many areas within the water catchment area that are not properly sewered or connected to appropriate treatment works. There is also a need for a greater priority to be given to the pumping of effluent out of the catchment area. Certainly, a future Liberal Government would place a lot more emphasis on that responsibility than is currently the case. Also, as a result of that we would need to consider the use of woodlots, etc., in treating a lot of the effluent.

It is ironic that we are talking about a greater recognition of priorities being given to cleaning up the catchment area, or the water supply protection zone as it is now known, for the metropolitan area, when many towns in the Mount Lofty Ranges still do not even have reticulated water, and those which do I suggest probably have the poorest water quality in the State. I also make the point that the majority of people who live in the Adelaide Hills or in the Mount Lofty Ranges do not want to see the ranges covered with concrete, as would be suggested by some people. They are concerned about retaining the environs of the Mount Lofty Ranges to a large extent, for future generations—and I can understand that. But is it any wonder that people in the ranges are frustrated and many angry because of what has come out of the plan, particularly when we realise the other

significant problems that we have throughout that area, problems like lack of transport and a lack of nursing home accommodation, etc. But that is not relevant in this debate, so I will not go on in that vein. There is a lot of concern throughout a large section of this area about the lack of facilities available for people who live in the Hills.

Coming back to the Bill, I do not think anyone knows how this scheme will work. I am sure that the Minister does not know. My colleague the member for Bragg has obtained some information from Canada regarding a similar scheme that I understand is working effectively over there. I know that he will bring that to the attention of the House at a later stage. I am concerned that the legislation before the House at present will not be practical in relation to some parts of the Mount Lofty Ranges, and I refer particularly to the East Torrens council where, because of a situation where there are no recognised townships in that council, this scheme will not be put into practical use in that area.

I want to refer to a number of other issues. On the matter of regulations, I did fax the Minister a letter last week asking if we would be able to see the regulations before this legislation was debated. I do not know whether there has been an oversight or not but certainly—

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: The Minister indicates that the regulations were finished this afternoon. While I appreciate that some effort has been made to ensure that that is the case, that is of little good to the Opposition if at the time of this matter going to debate we did not have the opportunity to see those regulations. Of course, it is another situation where we are looking at an enabling Bill and where all the mechanics and detail is tied up in regulations. The Opposition certainly realises that we would have the opportunity, if we were concerned about any aspect of the regulations, to disallow them if it was thought necessary. I would hope that that is not the case. If we should have sufficient concerns to do that, it is certainly an action that would be taken.

On a number of occasions I have sought detailed information regarding, for example, the number of single allotments available throughout the Mount Lofty Ranges, and that information has been forthcoming. It has been extremely difficult to obtain detailed and accurate information regarding the number of contiguous allotments. That information should have been provided before debate on this legislation. Only yesterday I sought that information from senior officers in the Lands Department and was told that it is currently being determined. I would have thought that it was important for this House to have that information prior to the commencement of this debate.

I am also very much aware of problems associated with the practicalities of clustering, for which this Bill provides. Only last week I had substantial discussion with the Strathalbyn council. That council is very concerned about the outcome of this measure; it has been suggested that, more houses may be constructed if the SDP is brought down than was the case previously, and that goes against the objectives in proceeding with this review in the first place.

I referred earlier to the review. It has taken a long time to reach the stage in which we now find ourselves. In my opinion, there is still some way to go. A lot of people do not want to see the time and money put into this review wasted. Volunteers have participated and do not want to see their time wasted. The majority of people want a positive outcome, and it is still not too late to achieve that. Considerable concern was expressed recently when the Minister went further than the recommendations in the draft management plan that was released in December. Given more recent changes announced by the Minister, we are now closer, I suggest, to a position referred to in that draft, which was seen to be a compromise and which was agreed to generally by local government, the Local Government Advisory Committee, heads of departments and other involved organisations. I suggest that the compromise that has been reached is also a good basis for further consultation. I take this opportunity to plead with the Minister to consider the need for ongoing consultation. I realise that there is still further time for consultation.

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: This whole process has taken a very long time and, if we are to get it right (and it is essential for future generations that we should get it right), we will have to ensure that people, including the Minister are prepared to sit down and ensure that all sides of the equation are recognised, including the rights of landowners. I was particularly concerned that it would be seen as impossible at this time for people with particular grievances and facing major difficulties to have their individual circumstances considered. This is essential, and a large number of these people have approached me. They are in dire straits and believe that there should be some form of independent advice provided to them as to how they can get over some of the immediate problems. That is something that the Minister needs to consider also. I could refer to a number of examples where, in my opinion, such concerns are justified. It is important that I refer briefly to a couple. I refer to a letter from a person living in Hahndorf who states:

> I commenced working in the Northern Territory in the opal mines at 21 years of age. For 13 years I slept in tents and dugouts without any conveniences to save sufficient money to buy a farm. In 1963 I achieved this with a loan from the Commonwealth Bank.
>
> I am now 64 years of age and have worked this property for 28 years. During this time, I have never requested or received any help from the Government, past or present. For many years now I have suffered chronic back pain and find it impossible to maintain my property as a viable business. In January 1991, I also lost a number of joints off my left hand fingers in an accident while using farm machinery. This has restricted my ability even further. For the last two years, my wife has also been receiving treatment... For the past 15 months, a portion of my landholding, which is on a separate land title (consisting of 76 acres and one house), has been for sale with a number of real estate agents.

He then lists the agents involved and continues:

> With our current economic situation and the uncertainty of the direction that the Government would take for the watershed area, there has been a total lack of interest in land-holding of this size. All agents have expressed that they expect no upturn in this market in the near future. They feel that smaller sections of land (15 to 20 acre allotments) would be more saleable. We have no desire to subdivide this land in order to achieve greater financial gain but, because we derive no income from the properties at all, we do need to sell this particular property in order to continue living in our home.
>
> Our situation is such that we cannot work the land (which is on two separate titles). We are unable to sell the smaller of the two properties in its current size, and we cannot survive without its sale. We have always been environmentally conscious in our use of our land and have not used chemical products unnecessarily. We understand the Government's concern at the rapid population of the Hills areas, but feel that the Government has moved far too quickly on this issue without proper consideration and consultation for those who will be adversely affected.

He then goes on with three points for the personal consideration of the Minister, namely, that they be allowed to divide the property—

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: Yes, I am referring to a letter to the Minister. Another option is that the Government purchase the property at the market rate, and the third option is that the Government consider appropriate compensation for this gentleman and his wife so that they can

live the remainder of their lives in their own home. Regrettably, because of the time of the night, I will not have the opportunity to refer to a number of other letters, as I had hoped to do. Many of them clearly indicate the concerns expressed by a number of these people. I will put a number of questions to the Minister in Committee. I regret that I have not yet seen a copy of the regulations and look forward to being able to do that. I will certainly be considering the regulations before the Bill is debated in the other place.

In conclusion, I want to refer briefly to correspondence which I have received and which expresses the concern that will be picked up in the amendments I will move. The first letter is addressed to the Minister from the Australian Finance Conference, and it states:

Under the Bill, the Registrar-General is required to cancel certificates and issue new ones. In requiring that, the Bill only deals with the question of in whose name the new certificate is to issue. No accommodation seems to have been made for the interests of existing mortgagees. On our interpretation the Bill would extinguish an existing mortgagee's interest on the issue of a new certificate.

As we have said, we believe that this consequence is unintended and could be easily and equitably resolved by a simple drafting amendment. We do not see the recognition of existing mortgages as being inconsistent with the Bill's policy.

That matter will be taken up in the Opposition's amendments. A letter from the President of the Institution of Surveyors states:

I have the following observations to make. The Act allows for the creation of amalgamation units within the Mount Lofty Ranges as defined by GRO Plan 180 of 1992, which can then be allocated to other land in the Mount Lofty Ranges that would appear to have to be specified either by regulation or *Government Gazette.*

The procedure to create these 'units' seems to be fairly straightforward, and can only be done by the amalgamation of contiguous allotments. The restriction of the use of these contiguous allotments to only that of rural production and not allowing dwellings to be erected on them obviously devalues them. Whether this reduction in value can be offset by the value created by the market for amalgamation units is yet to be determined, assuming that there is a market for them at all.

That is an important question. A number of people are asking whether the market will be there. The letter continues:

With regard to the subdivision of land within the Mount Lofty Ranges area, the Act does not clarify whether the transfer of amalgamation units obviates the requirement for the payment of contributions in respect of open space or contributions to the E&WS for sewerage and water supply. As no additional allotments are actually being created but are merely being transferred from one area to another, one could argue that contributions as stipulated by the planning and real property Acts are therefore not applicable. This should be spelt out in the legislation. The imposition of other Government charges, such as transfer fees and stamp duty, are also questionable. To encourage the transfer of these units, then perhaps charges should be kept to a minimum or waived altogether.

My impression of this legislation in regard to its concept is that it has not been fully thought out. Because of the restriction on the subdivision of land in the Mount Lofty Ranges, one would expect that in the long term values of properties will rise due to the lack of supply. On the other hand, properties which have contiguous ownership could drop in value. The report attached to the Act makes the statement that 'for the system to operate equitably, a market must be created'. Unfortunately, all that has been created is confusion.

A letter from the Mount Lofty Ranges Review Local Government Consultative Committee states:

As the Bill purely provides a mechanism for the transfer of allotments, generally speaking we do not have any fundamental objection to what is being proposed. However, in order to avoid confusion we must clearly communicate to the community the difference between an allotment and a title. To this end, we have used the terms 'transfer of title scheme' and now 'transfer of allotments' and no doubt this will cause confusion amongst the community.

Whilst not dealt with specifically as part of this Bill, it is our view that all Government charges including stamp duties must be waived as part of the transfer process. To this end, in order to provide as much incentive as possible all obstacles which may impede or add further costs to a transaction must, in our view, be removed. I understand that this matter has been raised previously and we strongly urge you to incorporate this provision as part of the appropriate legislation.

Last but not least, I refer to a very real concern that has been expressed through the media by the legal profession regarding the need to seek a ruling from the Federal Commissioner of Taxation on the potential capital gains tax liability so that landowners will know where they stand, because at this stage the legislation contains a number of potential income tax traps for landowners and developers.

In attempting to resolve a local environmental and planning issue, the Government could be creating a Federal income tax liability under the complex capital gains tax legislation. The legislation creates amalgamation units and a right to allocate these units for a landowner who amalgamates such allotments. The landowner may then sell the right to another person who owns land in the zone or in a rural living zone and who wishes to subdivide or develop that land. The purchase of such a right will be necessary if the other person wishes to subdivide or carry out development of that land.

Some of the taxation issues include the CGT effect of amalgamating land acquired before and after the introduction of capital gains tax in September 1985; capital gains tax consequences of the acquisition and sale of amalgamation units and allocation rights; and capital gains tax consequences for other landowners and developers acquiring allocation rights and applying the units to a subdivision or development.

The legal profession has stated that one of the underlying assumptions of the draft legislation is that a free market will develop for the transfer and sale of allocation rights. The sale of such rights by original landowners is intended to compensate them for the lost opportunity to realise the value formerly represented by their land located in the zone but now subject to significant planning constraints. Some landowners or developers of land located both inside and outside the zone will compensate those landowners of land in the zone who will be denied substantially the right to subdivide or develop their land by the Government's planning proposals. However, the higher the compensatory payment, the greater the potential tax liability, and affected landowners could be required to use some of that compensation to pay a potential capital gains tax liability arising from transactions occurring pursuant to the legislation if it becomes law.

I suggest to the Minister—and I will certainly follow this up in Committee—that there is a need. I would want to know what the Minister has done to resolve the uncertain income tax position surrounding this legislation; I would ask the Government to seek a ruling from the Federal Commissioner of Taxation on the potential capital gains tax liability so that landowners will know how they will be affected in this situation. In addition, landowners should be aware of the potential for stamp duty liability on creation and transfer of allocation rights and amalgamation units, and we will follow that up.

Finally, I indicate to the House that the Opposition has no idea—and neither, I would suggest, does the Minister know—how this system will work. I have already indicated that in at least one council area—the council of East Torrens—the system cannot be implemented. I hope that the Minister will take that into account as a matter of urgency. Significant questions need to be asked regarding the availability of markets, the need for amendment of the supplementary development plan and the need for further

consultation. I assure the House that, if a number of these areas are not acted upon responsibly, a future Liberal Government will recognise the need to take up a number of these issues as a matter of urgency and ensure that the scheme as it emerges from the planning review is practicable and acceptable to all involved.

Mr S.G. EVANS (Davenport): I am not thrilled with this sort of legislation. I have always thought that, when people acquired a right, a property or an object, they were entitled to believe it was theirs and that Big Brother would not take away all or part of it. I know it is easy for Parliament, and just as easy for the Government, to say that the individual does not matter. It is easy to say that those people who own a property in the Hills with several titles are just 'peasants'. They eke out a living and suffer in doing that. However, in the main, they are content with their life; it is the life they have chosen or inherited and they know no other way. No doubt they look at the titles and say, 'This is our superannuation.'

We talk about the theoretical effect of this legislation and say how people will be able to sell the rights to their land to someone else who can use it for whatever purpose. I do not believe it will work in terms of people receiving reasonable compensation. When Governments do something to improve an area by extending water and sewerage mains, constructing roads and railways or rezoning a piece of land to enhance its value, we could argue that the people in that area should be obliged to make a contribution to the State. If we follow that argument through generally I do not mind. Likewise, the argument in relation to this scheme is that the Government is trying to improve the quality of water in the metropolitan area. That sounds wonderful to the people on the plains; they see themselves getting better water, although whether or not the water is better is another matter. However, the vast majority do not give a damn about the argument, because the water they are getting now is of a reasonable quality. It does not affect them because the water has been filtered and it looks nice and clean, except in the areas where the mains are a bit old and the Government is too poor to replace them and has not made proper plans in the past. However, the majority is happy.

The people in the Hills, who will have these new regulations thrust upon them—and I do not know what they will be—will never get filtered water. It does not matter how good the water is; they have been told they will never get filtered water. They will go on getting the muck from the Murray River in the summertime and yet they are asked to cooperate with this scheme to provide better water for those on the plains. If there is a benefit to the people on the plains, would it not be fair to say, 'We will bring back land tax on each home'? Would that be a fair proposition if a $50 tax were imposed on each home? That would bring in about $20 million to compensate those in the Hills who have had the equity in their property taken away.

I am referring to the move to transfer titles and cluster titles. That will take away the equity in those homes. In referring to compensation, I am asking whether the people who will benefit from the scheme are prepared to pay $50 a year for that benefit. If one tried to implement that, the people affected would very quickly take an interest, because it would affect their pocket to the extent of $50 a household per year. However, we have not heard one utterance from them because their so-called brothers over the ranges, who in the main are 'peasants' on the land, eking out a living, will suddenly have a large proportion of their equity taken away from them as a result of this scheme.

Speculation can be in the mind or it can be a matter of playing around with material things—land or other commodities. It is only speculation for people to say that this system will work. If it does not work only one group will suffer: those who happen to have title to the land. They might not own the land in total; they may have a mortgage of $200 000 with a present day value on the land of $300 000. Suddenly the property is not worth as much as the mortgage. So, they have no equity at all. That is the truth of the situation.

The idea is that cluster titles and transfer titles will decrease the number of buildings in the catchment area, because buildings are seen to increase the risk of pollution. We are told that this scheme is aimed at improving water quality. If that is the case, why does the management plan allow for the building of up to eight bed and breakfast units? That is all right because it is a tourism development and, as such, it would be approved. Do the people enjoying those facilities not use the toilet, wash clothes or drive motor cars? Why does a tourist in a bed and breakfast facility not cause a problem whereas a family living in a home does? It is hard to understand.

I will provide some examples. When we knew that all these problems existed, a Federal authority rebuilt the Woodside Army Camp. The effluent was pumped out, so we are told that the development is all right. However, the buildings are inside the catchment area. Would it not have been appropriate for the Army to move right out of the water catchment area altogether and build the township somewhere else? I know that that would not have pleased some of the business people in the Woodside area, and I understand that, because it would have affected their businesses.

However, would that not have been a practical solution to part of the problem? That did not happen. In the past few years an Army settlement has been built in the middle of the catchment area. We have Government Ministers telling people to go to the Hills because it is a great place for tourists to visit. Millions of people visit the area each year and we have a pollution problem. We are told that that problem is caused by people. Do tourists not do the same things as people who reside there? I think they do. However, we say that that is all right.

We have 50 000 people attending a major race meeting, 30 000 people attending on the other days of the racing carnival and 30 000 people visiting the Schutzenfest. The toilets at those events cannot cater for that number and nor can the departmental mains. About three years ago just near the Oakbank racecourse the mains overflowed because they could not take the volume of sewage. Raw sewage overflowed across three acres of land. But that is all right; those people are tourists and their excreta apparently does not pollute.

The Federal authorities built a treatment plant at the Woodside Army Camp to pump waste water and effluent out of the catchment area. Why cannot the State Government do the same thing? Pollution is the reason for the introduction of this legislation. The capacity of the Mount Bold reservoir was doubled by increasing the height of the wall by 22 feet. My two brothers and I won that contract. As part of the contract we were told that we were not allowed to leave any eucalyptus leaves inside the water holding area. We had to burn them and cut down every tree to no more than 15 inches above ground level. Some of the country was pretty rough.

We had some great guys with us. We were told to get it all out because it polluted the reservoir. Now we have people telling us to replant with eucalypts because that will

help. Yet the River Murray Commission report shows that ageing forests are among the worst pollutants because the nitrogenous material brings about the utrification of the reservoir and they have to put in copper sulphate.

Has there been enough honest research or is there another reason for this? Is water pollution only part of it? Is there a pressure group saying, 'We want it all planted with native trees'? Is the first thing to cut down on the amount of building? Is the next move then to get rid of alternative agricultural pursuits? Like the member for Heysen, I was born and bred in the area. I do not have any vested interest in the catchment area—I am just outside—and neither does my family, except for one house in a suburban area and a shop in the main street which they part rent.

We have the argument about pollution. I hope members realise that every time someone picks fruit, a flower or vegetable and carts it out of the area to supply to people on the plains or somewhere else in the world, one has taken nutrient out of the catchment area which has to be replaced if one wants to grow another crop. Whether one uses urea, which many people use in the vineyards, or bone and organic or natural fertilisers, rabbits' heads buried, pigs trotters buried or animal excreta, some of it leaches out into the reservoir.

I want to see those properties continue their operations, but we are not talking about that at the moment. We must take one thing at a time. We restricted housing to the satisfaction of some people who have a bug about it, but they will come back and go on about rural pursuits. Intensive cultivation of those areas will be attacked as the next move, unless we carry out proper research first, and we have not done that. There may be an argument that already some areas, such as the Mount Bold catchment area, have development and agricultural problems with ageing forests—pine, conifers or eucalypts—and we may have to give that away and harvest and store water somewhere outside the area. I do not believe that the problem is as great on Kangaroo Creek, for example, and at Myponga. We need to think about that.

When the Government was proposing to build the Aldgate-Bridgewater bus depot in the catchment area, close to a stream, I went to the Minister of the day and said, 'Even though my family will not like it, you can build it outside the area and there are two pieces of land that you can take.' Stirling council took one of them. I said that the whole of that operation could be outside the catchment area about three miles from the present site. But, no, they built the bus depot in the middle of the catchment area. That was when we were talking about the problem of pollution. We have approved motel accommodation and other tourist facilities in Hahndorf. People can stay there for weeks. But, if some cocky, some poor 'peasant', has two or three titles and a couple of children and he wants to build a home for one of them, he has to move them all to one corner of the property or use the titles somewhere else.

I am not against all that as long as we accept the principle that this sort of action requires the consideration of fair compensation. If any member of Parliament or of the public tells me that the State cannot afford that, I say that they are hypocrites. If the majority of people in this State cannot afford that, how can the minority afford it? If this Parliament were to pass a law tomorrow to abolish the Hills management plan and were to say to people in the metropolitan area who have too much equity, 'We are going to take away a half or a third of the equity in your properties'—in other words, add a debt to the mortgage if they have one or create one if they do not—I suggest there would be a squeal and protest outside this building involving a crowd that would stretch for hundreds of metres. That shows the sincerity of people. When they come to our offices now they are concerned for themselves and how things affect their families, and many are affected quite seriously today. We need to be concerned about what we are doing to these people. If it is absolutely essential to do what we are trying to do, then all of those who are supposed to benefit should make a contribution. That is the only fair way of doing it.

The member for Heysen talked about the cost. We do not know what the cost of the plan will be in the long term. The cost is unknown. I believe that the regulations have been drawn up, and the matter is there for us to think about. However, no-one knows how much it will improve the quality of water or, indeed, if it will. We do not know whether reafforestation and the nitrogenous effect of runoff from that and leaching into the reservoir will be a greater problem. I would like every member to think how they would feel if their property, were suddenly going to be devalued quite dramatically. There has been some talk about sustainable agriculture. My colleague used that term. I would like to know what it is.

Mr Gunn: Viable agriculture.

Mr S.G. EVANS: I should like to know what viable agriculture is. Viable means something from which one gets a living. The needs and desires of all of us are different. Some people are content with little in order to work on the land, whereas others want a lot, with flash motor cars, machinery, and so on. It is a matter of judgment.

I am told that sustainable agriculture is when one can keep growing the same crops without putting on fertilisers that are not likely to pollute. Scientifically and practically it is not possible because the plant will not take it at the time that one wants it to do so. Some of it will leach out of the soil and into the reservoir.

I finish on this note. Before the white man came here the streams were polluted, but nobody had built a dam to store the water so that in the summer months when it got hot we could see what the pollution problem was. It may be greater today and we should tackle it.

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

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

ADJOURNMENT

At 11.19 p.m. the House adjourned until Thursday 9 April at 10.30 a.m.