HOUSE OF ASSEMBLY

Wednesday 24 March 1993

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

PRISONER SENTENCES

A petition signed by 100 residents of South Australia requesting that the House urge the Government to provide for mandatory prison sentences for serious driving, larceny and firearm offences was presented by Hon. T.H. Hemmings.

Petition received.

MODBURY HOSPITAL

A petition signed by 6 208 residents of South Australia requesting that the House urge the Government to increase funding to restore previous levels of staffing and bed numbers at Modbury Hospital was presented by Mrs Kotz.

Petition received.

STATE BANK

The Hon. FRANK BLEVINS (Treasurer): I seek leave to make a ministerial statement.

Leave granted.

The Hon. FRANK BLEVINS: Yesterday the member for Hanson made various assertions in this place about State Bank managers hiring a luxury motor launch to fish and cruise around the New Zealand coast in January 1991 at the bank's expense. I have been advised by the bank that these claims are, to the knowledge of the present management, without foundation.

The Hon. Dean Brown interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: The bank states that in January 1991 two of its senior executives used their own yacht in a local fishing competition while they were on annual leave. They were accompanied by two friends from the United Building Society. They state that they met all costs and the State Bank contributed nothing towards the trip. If the member for Hanson has any evidence to back up his assertions, I suggest that he gives it to me for further investigation.

Mr Becker interjecting:

The SPEAKER: Order!

PRISONER, DRUGS

The Hon. R.J. GREGORY (Minister of Labour Relations and Occupational Health and Safety): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.J. GREGORY: During Question Time in this House on 18 February, the member for Bright asked me a question concerning allegations of prison officers trafficking drugs in prison. He asked, and I quote from *Hansard:*

> Will the Minister of Correctional Services advise the Parliament why his department has been frustrating police investigations into alleged drug dealing by prison officers and advise what action he has taken to identify the culprits and reduce the opportunity to smuggle drugs into prisons?

The member for Bright claimed he had been reliably informed that for some time, and again I quote:

> ...police officers have been investigating the activities of a small group of correctional officers who are allegedly dealing in drugs in prisons.

The honourable member went on to say that, during their investigation of the officer, police were, at the insistence of senior Correctional Services management, forced to identify the officer under investigation. He claimed that within 48 hours of this, the officer had become aware he was being watched by the police and the investigation had to be called off. The member for Bright said:

> I am advised that police have good reason to believe that the officer was tipped off by his superiors in the Correctional Services Department.

When the member for Bright raised these issues in this House last February I seem to remember suggesting this was all a figment of his imagination. I have since contacted the Commissioner of Police and have been informed that, although. a corrections officer was investigated by the Police Intelligence Branch regarding drug trafficking, the investigation was terminated when no criminal evidence was found—

Mr Matthew: That is not true.

The SPEAKER: Order!

The Hon. R.J. GREGORY: —and, quite categorically, the police did not receive a request from senior management of the Department of Correctional Services to identify the officer being investigated. On the same day the member for Bright asked his question to me in this House he was cited in an article by the *Advertiser* as knowing the names of 10 prison officers under investigation for supplying drugs and he was aware of more. He was quoted as saying:

> My police sources advise me they believe they are serious investigations and not spurious allegations.

However, inquiries with the police by the department's senior investigations officer reveal that the police have no knowledge of 10 officers being investigated for supplying drugs.

As I have said before, if the honourable member has evidence about alleged misconduct of officers of the Department of Correctional Services, then I call on him to back up his claims and make them to the appropriate authorities. If the member for Bright will not, then he should not waste the time of Parliament and its members. Time and again the member for Bright has made allegations in this House and the media which are misleading and unfounded and which he will not or cannot support. I say to him, 'Put up or shut up!'

Mr Matthew interjecting:

The SPEAKER: Order! The member for Bright is out of order. There are appropriate avenues in this House for him to have any say he wishes: I advise him to use them correctly.

LEGISLATIVE REVIEW COMMITTEE

Mr McKEE (Gilles): I bring up the twenty-fifth report, together with minutes of evidence, of the Legislative Review Committee and move:

That the report be received and read.

Motion carried.

QUESTION TIME

GENTING GROUP

The Hon. DEAN BROWN (Leader of the Opposition): Is the Premier prepared to order a full review of procedures used to investigate the background of the Genting Group before its involvement with the Adelaide Casino was approved, in view of new information showing that the Government has failed to reveal the truth about the total inadequacy of these investigations? When this matter was raised previously, the former Premier, the present Deputy Premier and the Attorney-General all assured this Parliament that the South Australian Police, the Department of Public and Consumer Affairs and the Casino Supervisory Authority had investigated the background of the Genting Group before its involvement in the Casino was approved. However, this afternoon the Liberal Party presented a submission to the Casino Supervisory Authority based on detailed research we have carried out over the past six months. That shows that there was no investigation of Genting either before or since the Casino opened in 1985.

Further, we have uncovered official police information showing that later attempts by the Lotteries Commission and the Casino Supervisory Authority to obtain information about Genting were frustrated because the information was highly sensitive and considered potentially embarrassing to the former Western Australian Labor Government. The Casino Supervisory Authority, in its report tabled yesterday, advised the Government that it would be prepared to pursue investigations of Genting's background, and we now insist that the Government does this, based on the information we have now uncovered.

The SPEAKER: Order! Is the Leader quoting from that report or is that his own comment?

The Hon. DEAN BROWN: I am quoting from that report.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: Can we just clarify this point?

The SPEAKER: Order! If the Leader was making his own comments at the end of that question, they are out of order. If what he said is part of the report, it is allowable.

The Hon. DEAN BROWN: I was out of order for the last four words, Mr Speaker.

The SPEAKER: The Leader will resume his seat. The honourable Treasurer.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: The events leading up to the contract Genting had with the operators of the Casino in 1985 were, as I understand it, subject to a public inquiry. The whole of the process was in the public domain and anyone who had an interest, whether it was the Casino Supervisory Authority (and obviously that was the case), the police, the Opposition or anyone else, had the opportunity to go before that public inquiry and state their case. I do not know who chose to or did not choose to, because it was not something that interested me at all at the time. Various questions have been raised in this place, cowards' castle, by members opposite, but on every occasion that they have been raised I have taken them up with the appropriate authorities and brought a report back to Parliament. In fact, I tabled a full report as I got it.

I tabled the report on Mr Bakewell's involvement as I got it: no words changed, no words whited out, but as I got it. My understanding is that the Casino Supervisory Authority has of its own volition the authority to investigate anything it chooses as regards the Casino. My understanding is that the South Australian Police Department, likewise, has absolute power to investigate anything it wishes, any suspicion it has about crime, organised or otherwise, in this State.

The National Crime Authority has even broader powers, if that is possible, than the two bodies I have mentioned. All those bodies are free to investigate Genting and its relationship with this Casino or with any other casino. The Western Australian royal commission with its powers likewise has investigated Genting regarding its involvement in the Western Australian Casino, which is a much stronger involvement—I believe it is one of the operators, but it gives only technical and managerial advice to our Casino and is not part of the operation. All those bodies have all the powers that any of them could wish for if they choose to investigate Genting.

I have tabled in this Parliament all the advice that I have, and essentially it all comes to the same conclusion: there is nothing at all in the relationship that Genting has with our Casino or even with the Western Australian Casino that would warrant any further investigation or leave any stain at all on the character of Genting. I am not quite sure what else can be done but, if the Leader of the Opposition has taken some information to the Casino Supervisory Authority, that is good, because that is the appropriate place for it to be taken and investigated. Again, if there is any question of illegality, I suggest that the Leader of the Opposition also take that information to the South Australian Police Department which, I am quite sure, will investigate the matter or refer it to the National Crime Authority, because all those bodies are the proper bodies. But to date no substantial evidence has been found of illegality by Genting, as far as I know, in Australia and certainly not in South Australia.

All the advice I have had, the Opposition has had. However, again, as I do on a weekly basis, I will refer this question to the Casino Supervisory Authority, and I am sure that my colleague, who nods wisely, will also refer the question to the Commissioner of Police. On the advice of those bodies, if they require from the Government additional powers or anything else, they will

be given to them. We will not tolerate in our Casino or in the community at large any suggestion of illegality or, in particular, of the covering up of activities of an illegal nature, because the question implies that the Casino Supervisory Authority, the National Crime Authority, the Royal Commission into WA Inc. and the South Australian Police Department have information against a firm that is apparently, so the innuendo from the Opposition would state, conducting illegal activity in this State or leaving it open to such and that they are doing nothing about it. I argue that that is nonsense. Nevertheless, boringly I will refer the question to the appropriate authorities.

SPECIALISED ROOFING SYSTEMS

Mr FERGUSON (Henley Beach): Will the Minister of Labour Relations and Occupational Health and Safety inform the House whether it is acceptable practice for a member of Parliament to approach the Department of Labour and the State Industrial Court regarding matters concerning their family business? I have been informed that last month the Hon. Julian Stefani contacted the Department of Labour and the Industrial Court to question and criticise actions taken by both agencies against Specialised Roofing Systems, a company of which his wife and two sons are directors.

The Hon. R.J. GREGORY: I have been aware for some time of members of the Opposition approaching officers of the Department of Labour to discuss actions taken by the department against constituents. I am also aware that Mr Stefani has approached officers of the Department of Labour regarding actions taken by the department in respect of a company, Specialised Roofing Systems. The latest example of this relates to the building of the new Port Adelaide TAFE College. An inspector was called to the site to examine the safety procedures in respect of the erection of the roof the placing of the roof cover on the roofing structure. He was of the view that it was not safe.

My advice is that on numerous occasions Mr Stefani intervened in that matter. There were discussions with the officer in respect of that. At one stage when discussing the officer's concern in respect of the lack of safe working practices, a company officer said, 'If a worker did start to slip down the roof at a point where there was no parapet to stop his falling off, he could get a grip with his feet on the nails.' This is in respect of a roof averaging between 8 and 8.5 metres above ground level.

In the end, the inspector issued a prohibition notice, which was challenged before a committee of review formed under the Occupational Health, Safety and Welfare Act. It upheld the inspector's action. The allegation that Mr Stefani has approached the court in respect of that decision is a serious one, and I will be writing to the President of the Industrial Court asking him to inquire into that allegation. I will report back to the Parliament subsequent to receiving that report.

GENTING GROUP

Mr S.J. BAKER (Deputy Leader of the Opposition): On what basis has the Deputy Premier repeatedly told this House that Genting was fully investigated by the South Australian police before its involvement in the Adelaide Casino was approved, when I have a report by Chief Superintendent Mr N. McKenzie of the South Australian Police showing that this is not true? Chief Superintendent McKenzie visited Malaysia in 1984 to inspect casino operations in that country. However, his report of that visit states:

> I did not make inquiries concerning the suitability of Genting Berhad Limited to become involved with the Adelaide Casino, nor was I asked or expected to.

The Liberal Party has further documentation showing that the South Australian Police has never conducted an investigation into the background of Genting of the type claimed by the Government.

The Hon. FRANK BLEVINS: I hate to go through it all again, but I will be forced to. Before the Casino was opened, there was a full public inquiry as to—

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: There was a full public inquiry into the operators and everyone associated with it. A number of companies or consortiums wished to operate the Casino—

Mr Oswald interjecting:

The Hon. FRANK BLEVINS: The member for Morphett interjects. Goodness me—

The SPEAKER: Interjections are out of order, as the Treasurer knows, and I ask the Treasurer to direct his remarks through the Chair.

The Hon. FRANK BLEVINS: For the member for Morphett to show any sign of life whatsoever has taken me by surprise, and I do apologise. The procedures were open procedures and anyone, including all the South Australian authorities, including the South Australian Police, were entitled to make any investigation into any of those people—

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: —and any of those associates that they wished. The fact—if it is a fact—that the South Australian Police, when it was investigating (or whatever it was doing) Genting in Malaysia, chose not to do or to do something is entirely up to the police. Regarding the fact that the police went to Malaysia, I am sure that they did not go to Genting for a holiday: they must have gone for something. The fact remains that the position then is the same as it is now: the South Australian Police are not restrained in their ability to investigate who they like—Genting or anyone else. If they choose not to do so at a particular time, that is up to them.

My understanding—and only from memory—is that the material that was available from WA Inc was available to the South Australian Police. Again from memory, the police chose not to bother, because of the nature of the information, or for whatever reason, to go to Western Australia to investigate that. Again, that is up to them. I assume—and I have not asked them—that their reading of the WA Inc comments and evidence brought them to a view that there was nothing further for them to pursue.

That is entirely up to them. How far they take their inquiries, how deep they choose to go, is their business. I think every member in the House would object—or ought to object—to the Government's giving instructions to the police in this area. However, if the police of their own volition were to take this issue and pursue it to its ultimate, I would be delighted, but I do not know that I should ask them, or that the Parliament should direct them, to pursue something that they themselves apparently have made a decision is not worth pursuing.

CHARITIES

The Hon. T.H. HEMMINGS (Napier): Mr Speaker—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The member for Napier.

Mr S.J. Baker interjecting:

The Hon. T.H. HEMMINGS: My question is directed to the Treasurer.

Members interjecting:

The Hon. FRANK BLEVINS: Mr Speaker, I object to being called a liar by the Deputy Leader, and I would ask for a withdrawal.

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. Hemmings interjecting:

The SPEAKER: Order! The member for Napier is out of order. The House will come to order. The Treasurer has been offended and has called for a withdrawal of a statement by the Deputy Leader. I would ask the Deputy Leader to withdraw.

Mr S.J. BAKER: That is not what I said at all. For clarification—

The SPEAKER: Order! The Treasurer has asked for a withdrawal.

Mr S.J. BAKER: Sir, I did not say that, so I cannot withdraw it. But I will clarify it for the half deaf Deputy Premier, Sir—

The SPEAKER: Order! The Deputy Leader will resume his seat. A withdrawal has been requested by the Treasurer. The Chair has asked the Deputy Leader to withdraw. I did not hear the statement. I would ask the Deputy Leader to withdraw unequivocally: he should just withdraw or refuse to withdraw.

Mr S.J. BAKER: Sir, I said 'porky pies'; I did not say 'lies', so I cannot withdraw.

The SPEAKER: The honourable member is refusing to withdraw?

Mr S.J. BAKER: Sir, I did not say that—

The Hon. DEAN BROWN: On a point of order, Mr Speaker—

The SPEAKER: Order! The Leader will resume his seat. The Standing Orders and the traditions of this Parliament are clear. If the Deputy Leader implied that the Treasurer was lying, he must withdraw if requested to do so.

Mr S.J. BAKER: I will withdraw.

Dr Armitage interjecting:

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

Dr Armitage interjecting:

The SPEAKER: Order! I warn the member for Adelaide.

The Hon. T.H. Hemmings interjecting:

The SPEAKER: Order! I warn the member for Napier. The honourable member for Napier has the call to ask a question.

The Hon. T.H. HEMMINGS: My question is directed to the Treasurer. Can the Treasurer explain the purpose of the review of the Collections for Charitable Purposes Act; will the review jeopardise in any way the fundraising abilities of the many charities in South Australia that rely on donations? I recently received a deputation from community organisations in my electorate which expressed concern that any review of the Act could have severe implications on their fundraising capabilities. If this was the case, it could place an even greater strain on Government welfare agencies.

The Hon. FRANK BLEVINS: I thank the member for Napier for his question. The immediate answer I suggest the member for Napier give his constituents is that the Government is certainly not in the business of making life more difficult for charities. Principally, we are in the business of ensuring that both parties in the 'charity industry' are protected, that is, the charities themselves. I notice that some of the more prominent charities have started to advertise the style of collections that they adopt.

The other party, of course, is the public. I think it is important that the general public have confidence in the charities to which it donates, because there have been many stories over the past year or so of charities that get barely 30¢ in the dollar; indeed, I have seen some reports that, of the amount collected, they get only 10¢ in the dollar.

The working party consisted of people involved in the industry and representatives of the principal charities. I believe that what that working party has put together in its recommendations is now at a stage where the community itself can comment.

The principal findings of which the member for Napier can advise his constituents include the establishment of a two-tier licensing system based on annual gross receipts from collection campaigns. That is to avoid over bureaucratising the smaller charities and to provide for a less stringent reporting requirement. However, the larger charities that deal in millions of dollars obviously require closer supervision. There is also a recommendation for the licensing of commercial fundraising agents. I am not sure that the general public realises that there is an industry involved here and that very often the charities named are not necessarily the organisation that is actually organising the collections—it is a commercial enterprise. I believe that those commercial enterprises ought to be licensed.

I also believe that door knockers ought to be clearly identified. I think we have all had the experience of people knocking on our doors and stating that they are from a particular charity without sufficient identification. Another area that has caused some consternation is the minimum age of collectors. Again, the recommendation from the working party is that there be a minimum age of 12 for collectors and 15 for paid collectors, because

that paid collector category is now quite a significant industry in its own right.

There is also a recommendation restricting the times when collections can be made to between 9 a.m. and 8 p.m. or sunset, whichever is earlier, because none of us is too keen on collectors visiting during the dark hours. I think one other important recommendation is that charities would also be required to produce annual returns in accordance with professional accounting standards and to submit these to the State Business and Corporate Affairs Office. That will ensure that an annual report can be produced showing the various components of where the donator's dollar has gone—how much of it has gone to the charity and how much has been eaten up in expenses or in paying collectors to raise that money.

What is now required is public comment on the working party report. I am sure all members of Parliament have had complaints from constituents in relation to this area, and I urge all members to publicise this working party report and its recommendations and to get the responses in as quickly as possible. The sooner we have the responses the sooner we can make the necessary amendments to the legislation.

GENTING GROUP

Mr D.S. BAKER (Victoria): I direct my question to the Deputy Premier. On what basis has the Government repeatedly claimed that the Department of Public and Consumer Affairs investigated the background of the Genting group before its involvement in the Adelaide Casino was approved? The Opposition has had access to a report dated 29 November 1984 which was submitted by the Department of Public and Consumer Affairs to the Lotteries Commission. The report analysed the corporate structure proposed for the operation of the Adelaide Casino. The report also stated:

> This report does not delve into the character, honesty or integrity of the applicant (AITCO) or persons associated with the applicant (Genting).'

The Hon. FRANK BLEVINS: The answer might be that that is so, but so what? I assume that the honourable member was referring to the open public inquiry into the establishment of the Casino. If that particular office chose not to do so, that was up to it. It was free to do so, the same as the police were free to do so, the same as the Liquor Licensing Commissioner was free to do so and the same as the National Crime Authority or anyone else was free to do so. The Casino Supervisory Authority was obviously eligible to do so. The fact that that office chose not to do so was entirely up to it. I cannot see what the argument is. I will go through it again, and I apologise to the House and to you, Sir, for doing so.

The SPEAKER: I ask the Minister to do so as briefly as possible.

The Hon. FRANK BLEVINS: Indeed, Sir, but it seems to be necessary because the questions are somewhat repetitive. Unfortunately, the answer will be the same, despite the conversation that the member for Bragg is trying to have with me across the floor. Any fair-minded person listening would agree with my statement that all those organisations had the opportunity to investigate anything they wished connected with the Casino and the operations of the Casino. If they chose not to do so, if they chose not to put a submission to the public inquiry, that was entirely up to them. There was no restriction on their doing so. They must have made a conscious decision that they did not want to. That was entirely up to them.

Mr D.S. Baker interjecting:

The Hon. FRANK BLEVINS: The member for Victoria says that somebody told them not to.

Mr D.S. Baker: No, I didn't say that at all.

The SPEAKER: Order!

The Hon. FRANK BLEVINS: Well, you said that somebody told them not to. They were your precise words.

Mr D.S. Baker interjecting:

The Hon. FRANK BLEVINS: Good. To pick up the comment of the member for Victoria, why would anyone want to tell them not to investigate Genting? What is Genting to this Government, the police or the Liquor Licensing Commissioner? Nothing. To the best of my knowledge, these people do not even live in South Australia. To the best of my knowledge, I have never sighted them. What interest would we have in them? I am just a bit bemused.

The real way to settle this is for the member for Victoria to go outside Parliament with his innuendo against Genting or me, because I would be delighted to test it outside. I am free this evening and I am very happy to go on the *7.30 Report* or to do an interview now with the member for Victoria for Channel 10's 5 o'clock news. I am happy to do all those things. The member for Victoria should make his innuendo there so we can test whose reputation comes out clean. Genting can take care of itself. The honourable member is slandering the South Australian Police Department, the National Crime Authority, the Casino Supervisory Authority and goodness knows who else, implying that they are not doing their job, for some purpose. I find that quite outrageous.

STATE SERVICES

The Hon. J.P. TRAINER (Walsh): Has the Minister of State Services taken any action to try to prevent a recurrence of the wasteful delivery to the member for Bragg of bulldog clips, not glider clips, as detailed in this House yesterday?

The Hon. M.D. RANN: The member for Bragg stole his Leader's thunder again yesterday with these issues of great import, but we checked it out. The honourable member's original order was for mixed stationery with a total value of $125.91, and item 75100282 (bulldog clips) was out of stock. A mistake was made—a human error—and 10 bulldog clips, total value $1, incorrectly went on back order. The established procedure is that items totalling less than $5 in value are cancelled and the customer is given a message on the delivery advice note requesting that it be reordered with their next order as the item is temporarily out of stock. The bulldog clips were subsequently delivered by our normal courier service, not by the 'express courier' service claimed by the honourable member. The delivery charge to State

Supply was not $10 but $1.45, but that is a gross waste of money for delivering an item worth $1.

As a result, there will be a change in arrangements that members opposite probably will not like. From now on, an additional check to prevent this type of incident has been introduced whereby all delivery notes are checked and any orders of less than $25 in value to electorate offices are physically removed. Our customer services people will telephone the electorate office and advise the staff that the order has been cancelled and request that they include it on the next order. There will be no alibis and no excuses. I do not want to hear from members opposite, including the member for Bragg, that they are not receiving their orders on time. If he likes, we could put in a hotline, a 005 number, direct to my office, so he can ring me and tell me about his paper clips. I do not want to hear from the member for Bragg if he has a desperate need for rubbers or white-out to erase 'Deputy Leader' from his stationery. He would get a raspberry down the line.

I understand that the member for Bragg said some quite different things when he went down to State Supply last time, so I would watch out. Someone's arse will get kicked if it happens again, but it might be that of the member for Bragg if he complains.

The SPEAKER: Order! The Minister will withdraw that last comment.

The Hon. M.D. RANN: I withdraw.

Mr LEWIS: I rise on a point of order. Under Standing Order 110, the Minister just announced to this House his unilateral executive interference in my privileges, and I resent that.

The Hon. M.D. Rann: They don't like it!

Mr LEWIS: It falls within your province, Sir, not his.

The SPEAKER: Order! The Chair is a little confused, and I know that is not unusual. Just what point is the member for Murray-Mallee making here under Standing Order 110? I ask him to clarify it.

Mr LEWIS: With your grace, Sir, I will approach you quietly and privately to discuss the matter and to allow Question Time to proceed.

GENTING GROUP

Mr OLSEN (Kavel): On what basis has the Deputy Premier told this House that the Casino Supervisory Authority has investigated the suitability of the Genting group to be involved in the Adelaide Casino? The Deputy Premier told this House on 15 October last year that, to the best of his knowledge, Genting had been investigated by the authority. However, I have a letter dated 26 November 1992, signed by the Chairperson of the authority, Ms Frances Nelson, QC, which states:

The authority did not itself conduct any investigation into the background of Genting (South Australia) Pty Ltd in 1985 or subsequently.

The Hon. FRANK BLEVINS: Again, it is perfectly clear, and I apologise for having to go through it again, Sir. The member for Kavel stated correctly that I said that to the best of my knowledge this had been done, because we had a public inquiry.

An honourable member interjecting:

The Hon. FRANK BLEVINS: I am very careful. All these bodies were and still are free to investigate Genting, AITCO and individuals involved as employees of the Casino: they are free to do all that. If they chose not to do so, what I stated—and you read it out correctly—was, 'to the best of my knowledge'.

Members interjecting:

The Hon. FRANK BLEVINS: Don't keep interrupting. I stated very clearly that to the best of my knowledge this was the case, and they were perfectly free to do so. The Casino Supervisory Authority has probably done very little over the past few months but follow up these investigations brought forward by members opposite which turn out, as I have tabled the report, to contain nothing. The allegations contain nothing. If members opposite still want to suggest that I, Genting, the Casino Supervisory Authority, the South Australian Police Department and the National Crime Authority are in some way covering up for Genting, then the appropriate place to make that allegation, I would argue, is outside the Chamber, and then we can test it in a proper judicial atmosphere.

Mr Ingerson: That is what this place is for.

The Hon. FRANK BLEVINS: That is what the courts are for, too, because we all know how this place can be abused. Members opposite have a sorry record of abusing it.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: They have a very sorry record of abusing this place. However, it is very simple: if they have any evidence whatsoever of impropriety by Genting or anybody else connected to it, let us have it.

Mr Olsen: You misled the House.

The Hon. FRANK BLEVINS: I have a point of order, Mr Speaker.

The SPEAKER: What is the point of order?

The Hon. FRANK BLEVINS: The point of order is obvious, Sir.

The SPEAKER: I did hear that interjection, which is out of order. I keep reminding the member for Kavel that, if he believes that is so, the appropriate vehicle in this House is a motion before the Chair, and I invite him to put that motion forward. I assume that the Treasurer wishes the remark to be withdrawn.

The Hon. FRANK BLEVINS: Absolutely, Sir.

The SPEAKER: I would ask the honourable member to withdraw it or take the other option.

Mr OLSEN: I withdraw, Mr Speaker.

HENDON PRIMARY SCHOOL

Mr HAMILTON (Albert Park): Will the Minister of Education, Employment and Training advise when work to upgrade and redevelop the Hendon Primary School will be completed, and detail the estimated cost of these programs? The redevelopment of the school has generated considerable interest within my electorate and particularly in the local community, resulting in many inquiries in my electorate office; hence, my question.

The Hon. S.M. LENEHAN: This matter has been of great importance to the constituents of the member for

Albert Park. I am delighted to inform him that the upgrading and redevelopment of the Hendon Primary School will take place in two stages, and the total cost will be $2.1 million. Works are planned to be completed by early April, and these include the upgrading of existing buildings to provide teaching and support facilities at a cost of about $600 000 and also the relocation and disposal of the quad buildings on site, costing $25 000. The second stage, due for completion by October this year, comprises a number of things. We will be looking at providing new building works to include an activity hall, valued at $989 000, landscaping and site works at $390 000 and contingency and furniture at $93 000.

The decision to upgrade the Hendon Primary School arose from the western suburbs review into education and the most appropriate placement of schools within our western suburbs communities, and this follows the decision to close the Seaton North Primary School. When completed, the school will provide accommodation for 450 students and a child parent centre, as well as space to meet the requirements of the existing special education classes.

It would be quite remiss of me if I did not put on the public record my personal thanks to the member for Albert Park for the way in which he has consulted his community. He has worked within his community and he is now seeing a successful conclusion to his very productive work as a local member.

GENTING GROUP

Mr INGERSON (Bragg): On what basis has the Deputy Premier repeatedly told this House that the background of the Denting group has been fully investigated to the satisfaction of those South Australian Government authorities responsible for Casino matters? I have in my possession a police document that was given to the Hon. Mr Klunder, former Minister of Emergency Services, showing that the Casino authority and the Lotteries Commission have both been denied access to information about Genting held by the Western Australian police, with one reason being that this information was 'highly sensitive' and its release 'was considered potentially embarrassing' to the former Western Australian Labor Government.

The Hon. FRANK BLEVINS: I, too, have a document from the police, which has just been received by the Minister of Emergency Services. I will not go through the argument again, but I will try to precis it. At all times, from the moment the Act was proclaimed, all these various Government bodies have had the opportunity to—and have made decisions on what they will—investigate or not investigate. It is all there for them if they choose to do so. The Minister of Emergency Services has just handed me a document which I think helps clarify the issue.

Mr Ingerson: In relation to this question?

The Hon. FRANK BLEVINS: Absolutely; quite specifically in relation to this question. The response refers to some questions asked by the Minister of Emergency Services of the police this morning. The police have stated:

1. The agency responsible for the establishment of the Adelaide Casino was the Department of Public and Consumer Affairs. The department delegated areas of responsibility to other Government agencies. The South Australia Police Department... was delegated the role of conducting inquiries as to the background of individuals.

Those two individuals have been named: the two directors of Genting whom, to the best of my knowledge, I have never met. The document continues:

The Corporate Affairs Commission was responsible for examining company structure and persons proposed as contracting parties—

I assume that means Genting—

This procedure was agreed to in principle was [I assume that should read 'by'] Chief Superintendent McKenzie on 3 May 1985. Any formal agreement process and Government endorsement was the responsibility of the Public and Consumer Affairs Department.

2. The police have not been constrained by the arrangements.

In other words, they can do as they wish. The document continues:

3. The release of the western Australian police report was subject to the condition that it would not be released to a third party. There was no official reason for members of the South Australian Police Department to have access to that file—

even though they could have done so if they had chosen.

Mr Ingerson interjecting:

The Hon. FRANK BLEVINS: It is precisely to do with that question. Finally, the report states:

The police do not have any evidence to justify an investigation into Genting's activities.

So, all I can say to members opposite is that, if they have anything, they should take it to the police.

Mr D. S. Baker interjecting:

The Hon. FRANK BLEVINS: Certainly; you are free to have it.

Members interjecting:

The Hon. FRANK BLEVINS: Certainly; I will give it to you now. If members have any evidence against Genting, in all fairness they should take it to the police so that the police can investigate crime in this State—if there is any crime here. It is absolutely irresponsible of members of the Opposition to have information of that kind, although I have not seen any, and not to take that information to the police to have it investigated, because the police have stated quite clearly that they are not constrained under the present arrangement and that at the moment they have no evidence to justify an investigation into Genting's activities.

SOCCER CHAMPIONSHIP

Mr HERON (Peake): Will the Minister of Recreation and Sport tell the House about South Australia's contribution to the World Youth Soccer Championships? I, along with many other South Australians, was fortunate to be able to attend one of the games at Hindmarsh Stadium and was most impressed by the organisation, the venue and the number of spectators present.

The Hon. G.J. CRAFTER: The conduct of the World Youth Soccer Championships was very successful, and I believe that those involved in their conduct in

South Australia can be very proud of their contribution to this series that was conducted throughout Australia. It is the largest sporting event conducted in the world this year, and the Hindmarsh Stadium was the only soccer specific site that was used. This allowed South Australia to lead the way in the organisation of the events, as security in this State was better than elsewhere and the viewing position for spectators was much closer to the playing field than those venues that were not soccer specific. I have received reports from many of the officials, a number of the players and the national organising committee, and they indicate that Hindmarsh Stadium was the best venue and best organised section of the championships. The crowds over the four days of the tournament averaged just over 10 000 spectators per day. The capacity crowd of 12 500 was achieved on the final day and fell just short of that on one other day. The South Australian Government was one of the major contributors, I believe, to the success of the Adelaide section. We were able to provide some $1.8 million for the upgrading of the Hindmarsh Stadium to world soccer authority (FIFA) standards.

Along with the other States, South Australia underwrote the conduct of the championships to the extent of $100 000, and the Department of Recreation and Sport was able to provide administrative support to the event through the management and coordination of the press and media facilities and functions with one full-time manager plus seven part-time staff during the period of these events. The eventual winner, Brazil, came from the Adelaide series, and I am sure that anyone who was fortunate enough to see those magnificent young Brazilian soccer players will appreciate why soccer is such a rapidly growing sport here in South Australia.

The success in Adelaide and the improved standard of the Hindmarsh Stadium will ensure that international soccer events will be programmed in South Australia in future. I would like to personally congratulate the South Australian Soccer Federation for the way it conducted this event, and I thank the South Australian community for its support of this outstanding international event.

GENTING GROUP

Mr S.J. BAKER (Deputy Leader of the Opposition): My question again is to the Deputy Premier. Will he agree that the inquiry conducted by the authority was into only two matters, namely the premises in which the Casino should be located and the terms and conditions of the Casino licence, and that there has been no public inquiry into the suitability of any company or person involved in the operation or management of the Casino? In answer to earlier questions the Deputy Premier intimated that the public inquiry covered all aspects of the operations of the Casino, including the people who would operate the licence. Page two of the Casino Supervisory Authority minute states:

In accordance with the provisions of section 12 of the said Act, by letter dated 19 September 1983 the Minister requests the authority to hold a public inquiry for the purpose of determining (a) the premises in respect of which a licence should be issued and (b) the terms and conditions on which the licence should be issued.

The public inquiry into those other matters has not been undertaken.

The Hon. FRANK BLEVINS: I hate to disappoint the Deputy Leader but there was not, has not been and still is not any restriction on the South Australian Police, on the Casino Supervisory Authority, on the National Crime Authority or on any other law enforcement bodies investigating matters prior to and during the operation of the Casino: none whatsoever.

Mr Oswald interjecting:

The Hon. FRANK BLEVINS: The member for Morphett has interjected twice today. That is the longest contribution he has made in this place for a long time. But the position has not changed. Had the police chosen to investigate the member for Morphett in relation to the Casino, if they thought he had an association, they were free to do so. They still are. If they choose to investigate me as regards the Casino—and it was my private members Bill that brought it in—they were free to do so then and they are free to do so now. There is no restriction.

If any agency that has had the authority to investigate Genting prior to the establishment of the Casino or since has chosen not to, that is its choice. The police have stated quite clearly as late as an hour ago that they have had no restriction placed on them during the procedures surrounding the establishment of the Casino, that they have no restriction on them today, and that they choose, because they have no evidence, not to conduct an inquiry into Genting. I cannot state it more clearly than that, but I will make an offer.

If the member for Victoria or Mr Yeeles wants a briefing from the police, then I am sure that the Minister of Emergency Services would make that briefing available. I can assure members that there will be no restriction from the Government side on what they wish to tell them. There will be no restriction from the Government side on what they wish to broadcast. That will be between members and the police or them and the Casino Supervisory Authority. But again I stress that the cleanest way to tidy this up is for members to make their innuendo outside the House.

BUSHWALKERS

Mr De LAINE (Price): Will the Minister of Emergency Services consider making it mandatory for bushwalkers to carry inflatable marking balloons? If bushwalkers are lost or injured in rugged or heavily wooded country they would be easily located by spotter aircraft if inflatable balloons on long cords were used.

The Hon. M.K. MAYES: Obviously these matters arise from time to time. Particularly in New South Wales quite recently, we have seen a number of examples where bushwalkers have been lost, and it has cost the taxpayer enormous amounts to recover them. That is part of the service that is provided by emergency services in all States. There is a need for us to improve our educational programs, the educative role of various Government agencies such as the Department of Recreation and Sport, National Parks and Wildlife

Service and all other services, including of course private enterprise, various eco-tours and various bushwalking organisations throughout the State, to improve the knowledge of people who undertake bushwalking.

We have one of the great walking trails of the world in the Heysen Trail, and through Tourism SA we are encouraging overseas and interstate tourists to come and use this marvellous trail to view the beautiful scenery and enjoy being out in the bush, but we also need to ensure that they have the safety measures and protection available whilst they are enjoying that. The honourable member raised the question of carrying inflatable balloons. I will refer the issue not only to the National Parks and Wildlife Service but also to the Emergency Service units, because it is important that we look at whether or not that is the ideal solution. There may be other ways in which we can offer easier recovery for people who are lost in the bush. Certainly, there have been situations in which it has caused great distress to the individual and also to the organisations in endeavouring to find people who have been lost. I thank the honourable member for raising this matter, because it is an important issue, and I will certainly take it up. If we do not adopt that idea, we may find other means of quickly locating people who are lost.

GENTING GROUP

The Hon. DEAN BROWN (Leader of the Opposition): In view of the questions already asked today, will the Premier now agree that the background of Genting was not investigated as required by the Casino licence held by the Lotteries Commission, and will he order an immediate inquiry into why the investigation into Genting, which has failed to gain police clearance in both Western Australia and New South Wales, was so inadequate in South Australia? I point out that the document read to the House by the Deputy Premier this afternoon is, in fact, a document of the Minister of Emergency Services and not of the Police Commissioner.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I point out further that the Casino licence held by the Lotteries Commission required the commission to ensure that 'all persons to be associated or connected with the ownership, administration or management of the operations or business of the proposed Casino were suitable persons to be so associated or connected'. So, the licence required the persons to be investigated. In the submission to the Casino Supervisory Authority in march 1985 the commission advised the authority that it 'has caused the Commissioner of Police through his officers and available resources to make all inquiries which are reasonably able to be made concerning all such persons'. Information that the Opposition has now uncovered shows clearly that the commission's submission was both misleading and untrue.

The Hon. LYNN ARNOLD: The Leader seems to be suggesting all sorts of things. The innuendo we have heard from members of the Opposition today, which they are not prepared to say outside—that is quite clear—is now followed by the suggestion that the document tabled by the Deputy Premier a few moments ago is somehow bogus. This document came into the Chamber during Question Time, so it could not be the Minister of Emergency Services who donkeyed it up. Therefore, perhaps the Leader is making allegations about the Minister's staff. Members opposite are getting onto thin ground. Staff of the Minister of Emergency Services got this information in as quickly as possible.

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: The Minister was not outside the Chamber able to sign this docket, which obviously refers to something that has come from the Police Commissioner. So, naturally when the document came in here in its photocopied form it could not have a signature on it. Is that the strength of the argument of members opposite, that they will say, 'Hang on, there's no signature on this piece of paper'? Notably, they ignore the reference on the top of the document as to where it comes from.

Members interjecting:

The SPEAKER: Order!

Mr D.S. Baker interjecting:

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

The Hon. LYNN ARNOLD: It came by courier post-express courier, perhaps. I now have a signed copy of the self-same docket.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: I have every confidence in my Minister of Emergency Services when he gives advice such as this which states that the police have not been constrained, the police do not have any evidence and the South Australian Police Department was delegated the role of conducting inquiries, etc. He then refers to Chief Superintendent McKenzie.

The SPEAKER: Order! The member for Playford.

Mr QUIRKE: On a point of order, Mr Speaker, the member for Murray-Mallee is showing gross disrespect to the Chair.

The SPEAKER: I uphold the point of order. The member for Murray-Mallee knows that he should not turn his back on the Chair. The honourable Premier.

The Hon. LYNN ARNOLD: When I see a piece of paper with all these references to the police I have full confidence in my Minister of Emergency Services that he is not partaking in an attempt to mislead the House. Indeed, he is referring to advice from the South Australian Police Department. It may not be from the Commissioner of Police; it may be that the Assistant Commissioner of Police has provided that information—I do not know. However, the reflection by members opposite upon my ministerial colleague is grossly unfounded and I reject it utterly.

As to the other matters referred to in the Leader's question, we have had lengthy answers by the Deputy Premier today—indeed, repetitious answers, which in the ordinary course of events would be out of order because they have been so repetitious, but they have been no more repetitious than the questions from members opposite, who could not change their tack at all. What the Opposition needs is a kind of ready reckoner with a chronology of the events that have taken place regarding this matter over the years. I think that would help clarify

its understanding of this matter, which is sadly lacking. I believe it might be appropriate for some kind of a ready reckoner chronology to be prepared so that members opposite can see quite clearly that what the Deputy Premier has been saying today—as I have said, repetitiously—canvasses the very points that members opposite have raised.

GRIEVANCE DEBATE

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

Mr HAMILTON (Albert Park): Today, I detect a very disturbing trend amongst members opposite. Let me say from the outset in relation to allegations by members opposite, if they have any evidence of improper conduct by members of this Government, three members opposite in particular have the opportunity to bring that information before the Economic and Finance Committee if they choose. That is the challenge that I throw down to them. Let me also make another point. As one who did not support the Casino Bill—and that was made quite clear in statements I made to this House—I will not condone any semblance of impropriety or corruption on this side of the Parliament—no, I will not! So, I throw out the challenge to the member for Mount Gambier, the member for Hayward and the member for Hanson: if they have any evidence at all, bring it before the Economic and Finance Committee, and with four out of the seven members, without the support of my colleagues on this side of the Parliament, I will give support for an inquiry—if they have the evidence.

I have been in this place for 14 years. Right from the word 'go' today, this was a beat-up, because they knew they could make allegations in this place, but they do not have the guts to go outside the Parliament to make those allegations. 'Put up or shut up' is a statement we hear often by members opposite. Here is the opportunity for them—

Mr D. S. Baker interjecting:

Mr HAMILTON: You will have your go in a minute. If you are fair dinkum about democracy, and if you have the intestinal fortitude, go outside and make those allegations. They are political cowards who are not prepared to go outside the Parliament to make those statements. As I said, I have been a member of this Parliament for 14 years, and I am known on this side of the House for calling a spade a spade. I am angered today by what I see as a beat-up by members opposite. Even the member for Kavel, for whom I have much respect, knew that he was wrong when he stated that the Treasurer had misled the Parliament, and when you asked him to withdraw, Mr Speaker—and quite properly so—he did so. I have known the member for Kavel since 1979, and if he believes he is right on a particular matter he will stick with it through thick and thin. He indicated that when he was Leader of the Opposition. He knows that I have great respect for his integrity, and today I still have respect for his integrity because he withdrew that allegation knowing damn well that it was wrong. It was not based on facts.

An honourable member interjecting:

Mr HAMILTON: You can have your joke if you like, but I am fair dinkum. This is a beat-up, because members opposite wanted an issue for the press to report on. That is what they are about. They do not care about the damage they do outside. One thing that I can say with sincerity from my point of view is: if they have evidence—and I believe they do not—they should bring it before the Economic and Finance Committee and I will give them my support for an inquiry.

The sleaze-bag, the Deputy Leader, quite often makes those allegations. We have heard them, attacking members on the front bench over the years. Allegations were made against my colleague the Minister of Education, and they sickened me. I believe that the member for Kavel has integrity, and he proved it today. It is not an issue. I have seen over the years that, when they believe they are on a winner, Opposition members are hell-bent—as they were before the 13 March election—on jumping up and down, full of fire and brimstone. Today, that was not there at all. They exposed themselves by their own silence on these issues. It was a gutless display, because they were not prepared to go outside the Parliament and make these allegations. It is a nonsense.

I believe that this is a beat-up to extract some political capital. The Opposition stands condemned. Certainly, as a member who did not support the Casino Bill, I repeat that I shall be happy to see the Opposition bring the evidence before the Economic and Finance Committee. The investigation will have my support: four votes out of seven will be enough to get it through. Even my colleagues on this side would support the proposition. Put up or shut up.

Members interjecting:

The SPEAKER: Order! When the House comes to order, we will continue with the business. The Deputy Leader.

Mr S.J. BAKER (Deputy Leader of the Opposition): In 1983 this Parliament passed the Casino Act and charged the Government with the responsibility of ensuring that the actions of the Casino and everyone associated with it were above reproach. That required a full examination of all people associated with the Casino. Over the years we have had a number of assurances from the Government that that happened. Now we find that the assurances in that respect were completely untrue. I remind the House of exactly what was said as recently as 1987 when the then Premier, the member for Ross Smith, said:

> The Casino Supervisory Authority has let the licence to the Lotteries Commission and at all stages of that process rigorous checks are made, including police checks, checks with Interpol...

In 1992, the now Deputy Premier stated:

> ...there was a full inquiry into all the people who applied for the licence and all the people who assisted those who applied for the licence. I assume that involved the Commissioner of Police, who has some responsibility.

Again, that was untrue. We have a further reference on 4 March 1993, when the Deputy Premier stated:

The Casino Supervisory Authority has already had a look at this company and, to the best of its knowledge and its ability to inquire, the company has done nothing wrong...

In this House today the Deputy Premier used two defences, and the first was that there was a full public inquiry. We know that a full public inquiry had nothing to do with the people and characters associated with the operation of that licence. The second defence was that Genting had done nothing wrong. The Deputy Premier misses the point. The Parliament has to call the Government to account on this issue. We have received a number of assurances about the probity of Genting, assurances that Genting has been properly investigated. Genting has not been properly investigated.

The documents we have produced today, and there are other documents, show quite clearly that there has not been a full investigation by the police, that there has not been a full investigation by the Department of Public and Consumer Affairs, that there has not been a full investigation by the Casino Supervisory Authority and there has been no full investigation by any Government entity in this State. We question why it has been so slapdash and slipshod.

The Hon. Jennifer Cashmore: Why weren't instructions given?

Mr S.J. BAKER: Indeed, and the Deputy Premier uses as a defence the claim that there was a public inquiry. He was charged with making direction. He and the Government were charged with informing the police, the Lotteries Commission and the Casino Supervisory Authority that they had responsibilities in terms of checking those people out. Stringent checks should have been undertaken. Why was it incompetent?

Mr D.S. Baker: Why wasn't it done?

Mr S.J. BAKER: Yes, why wasn't it done? Can we believe that the Government, which has been here for the past 10 years, could be so erratic in its behaviour or could somehow miss the mark? I would like to refer to two issues. The first is the issue of the documentation, which says that, if the Western Australian authorities provided information on the proposed Genting operations in Western Australia, it would be damaging to the Western Australian Government at that time. Let me go back one step. We know that the royal commission found that in June 1985 Genting paid the Labor Party in Western Australia $300 000. We know that—the royal commission found it. We also know that it went into Brian Burke's account. We also know that the South Australian Branch of the ALP benefited to the tune of $95 000, which was paid to the ALP in South Australia.

One would have to question the slipshod investigation when all the evidence suggests that there is a cloud over Genting as to how it got the licence and how it got the licence for 20 years. How did Genting get the licence for 20 years when it had so many difficulties? The questions remain. For the Government to continue to say, 'Look, it has all been done—

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

The Hon. J.P. TRAINER (Walsh): Mr Speaker—

Members interjecting:

The Hon. J.P. TRAINER: That was somewhat bizarre. I suggest that members opposite ought to repeat their allegations outside. If they are too gutless to do that, as we suspect, there is another way open for them: they can take their allegations to the Economic and Finance Committee and have them examined.

Apart from the rubbish that I have just listened to, I am rather enjoying today for various reasons. Of course, one is the look of members opposite who are still stunned by the fact that their Federal colleagues managed to lose the unlosable. It is said to be the first time since 1966 that a Federal Government in office has actually managed to increase its majority. Whether or not that is 100 per cent accurate, it is certainly an unprecedented reversal of expectation. And weren't some members opposite so very cocky not so long ago? I heard a rumour of one over-confident MP who really came a financial cropper. I am not quite sure who it was, but I have been looking uphill and down Dale to try to work it out.

The Liberal Party managed to lose the unlosable election. After having already lost four previous elections, having been aced four times, they were sure they could not be aced a fifth time. As it turned out, they were not aced—they were trumped. Four aces, then a trump—five times in a row they were defeated. What did they then do? They blamed everyone except themselves and their policies. They blamed the media, which was the most sycophantic media that probably any Opposition Party has had acting on its behalf, particularly in this State.

They blamed what they called negative advertising. They said that negative advertisements were used against them. Now, it is true that by and large the public do not like negative advertising if it is too nasty, but certainly the Opposition has a lot of damn gall to be talking about negative advertising, given that this complaint comes from a Party which ran all those campaigns back in the 1950s, 1960s and 1970s on practically nothing but negative advertising.

Who can forget all those negative advertisements based on the Liberal Party's tangerine foreign policy? Tangerine because it was a mixture of half red threat and half yellow peril? The Liberal Party even had an advertisement prepared which, in the end, it had the good grace not to have put to air by its compatriots: an advertisement in 1966 which featured an Australian pulling a rickshaw with a Chinese or Asiatic character with his arm around a woman on that rickshaw being dragged across Sydney Harbour Bridge.

Yet the Liberal Party now complains about negative advertising! If anything was negative in the last ALP campaign, culminating on 13 March, it was there because there was much for people to be frightened about. But fancy members of the Liberal Party having the gall to talk about negative advertising when their campaign actually opened with a frightening portrayal of a grey world, of people falling through trapdoors and walking into gun-sights!

The Federal Liberal Party should jump on whoever was the tactical genius who thought up the political rallies. I was delighted when I saw them, because I knew that they would backfire.

To have someone like John Hewson chanting those mindless slogans ran the risk that, at the very best, he would come across looking like an absolute nerd and, at

the worst, he would look like someone trying to run Nuremberg-style rallies. The whole approach was a divisive one. Sporadic violence was an inevitable consequence on the edge of rallies of that nature, and everywhere this guy Hewson went people saw that he caused trouble.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.P. TRAINER: The Liberals were seen as un-Australian, as divorced from the middle ground. They threatened popular institutions such as Medicare. The Liberals mistakenly tried to get young people to vote for them by talking about a $3 minimum wage. They tried to divide people from their unions, to take them away from the only support that they have when things get really bad. They were un-Australian, divorced from the middle ground. The very slogans that they chanted in their rallies showed that their whole campaign was really aimed at the people in the eastern suburbs who are out of touch, and that is because so many of the members opposite are silvertails or, as in the case of one or two of them with whom the member for Albert Park has clashed on occasion, straightout class traitors.

They tried to blame their failure on the GST alone—the Good Ship Titanic, the GST. They thought that, if they could just exorcise that demon after the election, all their problems would be solved. But that will not solve their problems. The GST made the election difficult for them to win, but not impossible. They made it impossible themselves with their own conduct, and they now try to delude themselves that all will be fixed without the GST. Look at the way the Leader of the Opposition here in South Australia, the member for Damascus, is going through a triple somersault with a half twist to try to distance himself from it.

However, I would like to congratulate one or two members opposite—the member for Navel and the member for Coles—for the warm endorsement they gave the Labor candidate for Makin, Peter Duncan in the advertisement that appeared in the Messenger *Leader* of 10 March 1993 with wonderful statements of support from those two members. I will leave the details to my colleagues.

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

Mrs KOTZ (Newland): Petitions were tabled in this House today calling on this Parliament to recognise that the closure of hospital beds and staffing cuts at the Modbury Hospital are causing distress and hardships to residents in need of medical attention and also increased stress to staff. The petition also called on the Government to increase funding to re-establish necessary levels of staffing and the number of beds required for the provision of adequate health care by the Modbury Hospital.

Those petitions, including others that have previously been tabled in this place, were signed by some 6 324 residents from the Tea Tree Gully and Campbelltown areas of this State, resident members of a community who unequivocally recognise the tragic deterioration of hospital and medical services which, in relative terms, compared with the situation only a few years ago, were definitely equal to if not better than any hospital services one could hope to find anywhere in Australia, let alone in South Australia. In those few short years, this Government has destroyed the very essence of health care and the provision of health services for South Australians.

Nursing staff and medical practitioners, who are themselves in diminishing numbers, work around the clock, with less and less support and resources, to provide health care to greater numbers of patients. They must be admired for their dedication to their profession under what must be trying circumstances which, I am sure, would test the most durable and dedicated staff member.

At the Modbury Hospital, more than 120 operations have been cancelled during the past few weeks. This is an absolute disgrace. Here we have a Government whose only answer to the people of this State for this disgraceful and incomprehensible dereliction of Government responsibility is to stand in this place and, in an immature manner, mock members of the Opposition for providing rational and sensible alternative measures to assist this Government to correct the symptoms of decay, which have been brought about by the incompetent management of this Labor Government. With 800 individual people on waiting lists for Modbury Hospital, 120 operations were cancelled.

Allow me to just record a few of the human faces that fit those 120 cancellations. The husband of one of my constituents had an accident at home. My constituent took her husband to the Modbury Hospital and found that they had to wait for four hours to discover that he had broken ribs. During the time they were there, another small boy waited for five hours to have his gashed head stitched.

The Hon. H. Allison interjecting:

Mrs KOTZ: The honourable member is quite right. Another constituent of mine has been on a waiting list for two years for an operation in the ear, nose and throat area. When he was finally allocated a date for the operation, that too was cancelled and deferred for a further month. In a recent letter to the Editor in one of the local Messenger newspapers, a Gail van Ryswyk of Banksia Park wrote:

> Patience is a virtue which is not easily cultivated but when it comes to public hospital waiting lists, delays are causing unnecessary suffering.

She ends her letter by asking:

> Are we to sink to undeveloped country status, or is it that general health care is no longer a government priority?

The Government gains no credibility by its carefully worded promises of Federal funds to combat the ever increasing numbers on hospital waiting lists. The reality is that those promises are only window dressing for short-term political gain, rather than a true recognition that the people of this State are being denied access to taxpayer funded hospitals, to relieve the pain and suffering that necessitates the requirement of medical procedures.

Modbury Hospital will open 10 beds with part of that Federal money. This Government will then claim success in reducing the hospital waiting lists—and that is why the funds were allocated—but what it will not tell us is that the allocation of funds is so minimal that the 10 bed increase will involve 180 extra patients.

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

Mr QUIRKE (Playford): The member for Spence just interjected across the Chamber to the member for Newland, 'What would you do? What was your policy? What would you do where the Modbury Hospital was concerned?' I presume he means, 'What would the Opposition do about health care?' We have only one example of that, and that was during the recent Federal election campaign. What a lovely little scheme they had organised for Australia. Who wrote it for the Opposition? It was the Australian Medical Association.

One of my friends, a medical specialist with a conscience, said to me, 'It is totally unconscionable that any political Party would want to run with a 40 per cent wage increase', because that is the difference between the scheduled fee and the AMA prescribed fee that was to be used. There is no doubt that medical fees in Australia would have gone through the roof. It is unfortunate that the Opposition is now squawking in here about the state of public health care, when it should be talking about the enormous cost of health care in general. Of course, the Opposition will not do too much of that, because it involves their natural constituency.

I do not want to spent too much longer on health care in Australia except to say that on 13 March the people spoke. They spoke loudly; they spoke across Australia; and they spoke strongly for Medicare. There are a number of problems with Medicare, but one of the problems that Medicare does not have is three million people who cannot afford health care in Australia, and that was the system that those opposite presided over before it was established.

Mrs Kotz interjecting:

Mr QUIRKE: The member for Newland butts in again and says that there are people who cannot get health care in South Australia. She would know all about that, because that was Liberal policy through all the Fraser years, through the Menzies years and all the rest of it. Liberal policy has always been to provide medical care for those who can pay for it. On a similar topic—

Mr Hamilton interjecting:

The SPEAKER: Order!

Mr QUIRKE: —it was interesting to see that certain members of the Liberal Party went out of their way to have my local Federal member in Makin elected. There was an extremely good advertisement in the newspaper, and I will quote part of it. It refers to what Liberals say about Peter Duncan and under the large heading, 'His character', we have a quote from John Olsen, former Liberal Leader and former Federal Senator (South Australian Parliamentary *Hansard).* It states:

> I am stating a basic fact, something I believe about Peter Duncan. As I have said, he and I are poles apart in policy direction, but there is one thing about him—he is honest. He will say one thing to you and he will follow it through whether you agree with him or not. Where he stands today, he stands tomorrow.

That is a ringing endorsement from John Olsen. Of course, we know him better as the member for Kavel. Under the heading 'His politics', we have a quote from Jennifer Cashmore, Liberal shadow Minister *(Adelaide Review,* October 1990)—we know the good lady as the member for Coles—and it states:

> Only Peter Duncan... remains to remind us of what the ALP was once like. Of course, it has never been easy dissenting from your own Party's policies and decisions.

In this advertisement we also find other Liberals giving a ringing endorsement. I have cited some of those comments, and I pose the question whether there was a deal done and Mr Duncan will return the favour in Navel and Coles at the next State election. I will look forward to reading the local paper with a great deal of interest.

Mr MATTHEW (Bright): In this House the today the Minister of Correctional Services issued a statement which contains incorrect information. The Minister's statement referred to a question I asked in this House on 18 February 1993 concerning the frustration of police investigations into alleged dealing in drugs in our prisons.

I was particularly surprised to hear the inaccuracies in the Minister's statement today. The reasons for that are very simple. I have met, on numerous occasions, with police officers of the South Australian Police Force to detail concerns I have about the dealing in drugs in our prisons. Those discussions involved police officers through to the Commissioner and the Deputy Commissioner of Police in this State. For that reason, I now wish to put the following points on the record.

Following the question I asked in this House on 18 February, I had a message waiting for me to contact a sergeant of the Police Intelligence Branch prior to my leaving Parliament on that afternoon. As I had an appointment at my electorate office, I drove to my office intending to make that telephone call when I arrived. On arriving at my office on that Thursday evening, I found there was a message on my answering machine to ring a different officer of the Police Intelligence Branch. I rang that officer and was told that the two messages were related—the one telephone call would cover the concerns of both officers—and that police needed to meet with me as a matter of urgency. I explained that I had a meeting in my office that evening and wanted the matter to wait for at least a couple of hours. However, the police insisted the meeting needed to take place urgently. So, I absented myself from the meeting in my office to have a separate discussion with police. I met with a sergeant of the Intelligence Branch. I am happy to give his name to the Minister at a later stage, as I see no reason to state that police officer's name in this House.

In his hand the officer had an article from the *Advertiser* of that day and he explained to me that he was required to ascertain who had given me the information. The information concerned allegations that more than 10 officers in the Department of Correctional Services were under investigation. It also contained allegations about the dealing in drugs in our prisons. I advised that officer that all the information he required could be obtained from the Commissioner of Police. I explained to that officer that I had expressed my concerns to the Commissioner and, indeed, had asked the Commissioner, if I raised my concerns in this Parliament, whether they would jeopardise police investigations.

I left the matter there and rang the Police Commissioner the next morning. After contacting the

Commissioner and reconfirming that they were indeed the matters we had discussed before, I received another visit from the same police officer, and a meeting was arranged in this House. On that occasion, the police officer had documents that had been faxed to him—statements I had made in this House—from the Department of Labour, which originally had had them faxed from the Department of Correctional Services. Therefore, I can only assume that the documents came from the Minister. Reading between the lines, it would seem that the Minister is particularly angry about the accuracy of the information that I presented in this House and has seen fit to undertake a witch-hunt to determine the sources of my information.

At a subsequent meeting that I then had with an inspector and a sergeant of the Police Force in a room in this building, I was told my information was so accurate that police wished to know what further matters I would raise. The officers confirmed to me that the information I raised about the aborted investigation into a Correctional Services officer was completely accurate. They confirmed that my statements about more than 10 officers being under investigation were completely accurate. The fact is that there is high level corruption in the Department of Correctional Services in this State. Investigations are under way. For the Minister to claim in this House today that that is not the case is completely untrue. Those investigations are of a serious nature. At this stage I will not reveal more: I will wait for the police to continue those investigations and for those details to come before the public—perhaps through the media or in this House—as those offenders are brought to justice.

CONSTITUTION (ELECTORAL DISTRICTS BOUNDARIES COMMISSION) AMENDMENT BILL

Mr GUNN (Eyre) obtained and leave introduced a Bill for an Act to amend the Constitution Act 1934. Read a first time.

Mr GUNN: I move:

That this Bill be now read a second time.

In doing so, I want to explain to the House that the purpose of this Bill is to bring the South Australian Constitution Act into line with the legislation which provides for Federal redistributions. When the commission finally determines its position, it publishes draft findings, which are made available to all parties that have appeared before the commission and to the general public, and they are given a reasonable time to make comments and suggestions, which the commission must take into consideration before making a final determination.

It has always appeared to me that, in a parliamentary democracy, people are entitled to have a view about these matters. We have seen from time to time, particularly when Federal redistributions have been published, that, when the public has the opportunity to comment, there have been considerable changes. We saw the Riverland area split between three Federal electorates. Most reasonable people would agree that that is not desirable; it was not in the best interests of the Riverland or of the person trying to represent the area. Therefore, the Federal Boundaries Commission in its wisdom acceded to the representations of those communities and put the Riverland area into one Federal electorate.

My proposition is in no way designed to give political advantage to anyone. I understand this provision operates in Western Australia. I am not sure whether it operates elsewhere in Australia. However, I can see no reason why any fair-minded member or person would object to people having the ability to comment. When this Parliament passes laws setting up various tribunals or providing for people to make judgements, it adheres to one of the traditions of the Westminster system, that is, that people have a right of appeal. That is why we have two Houses of Parliament. That is why we have an appeal system in the courts.

In relation to matters as important as electoral boundaries, I am of the view that the public should have a right to comment on draft proposals. It certainly will not slow down the process because, under the Act, there is no proper appeal mechanism. It is very narrow and it really deals only with matters of law. Therefore, in my judgment, this proposal has worked very well elsewhere and it is appropriate that it be inserted into South Australia's Constitution Act. This is the first amendment that I intend to move to that Act but I have a considerable number of others to move in the relatively near future, because some of them are long overdue. I believe in fairness and common sense, and this proposal will only improve the ability of the public to participate in the making of electoral boundaries.

Members would be aware of the tremendous controversy that arose when Kangaroo Island was attached to the electorate of Flinders on Eyre Peninsula. The people on Kangaroo Island who were violently opposed to that proposition did not have the opportunity to comment on the draft proposals. During the hearings of the commission, it was suggested that that might take place, and I think that the commission itself tested the wind on a number of occasions by making pointed suggestions. At the end of the day, the people did not really know whether it was flying kites or was fair dinkum.

Under my proposal, if the commission determined to take a particular course of action, the people who would be affected would have the opportunity to make a considered response to that suggestion. Therefore, I commend the Bill to the House and sincerely hope that it will receive the support of all members, because it is not put forward for political advantage to anyone: I believe it is in the interests of public debate, and good administration and fairness in electoral boundaries.

The Hon. J.H.C. KLUNDER secured the adjournment of the debate.

EXPIATION OF OFFENCES (TRIFLING OFFENCES) AMENDMENT BILL

Mr GUNN (Eyre) obtained leave and introduced a Bill for an Act to amend the Expiation of Offences Act 1987. Read a first time.

Mr GUNN: I move:

That this Bill be now read a second time.

The purpose of this Bill is to give people who believe that they have been dealt with in a harsh or unreasonable manner the opportunity to have an independent authority adjudicate the case. Further, it allows the police to give people an official caution. There is within the community a grave concern that far too many on-the-spot fines are issued and, to clearly demonstrate that—

Mr Hamilton interjecting:

Mr GUNN: I am fully aware of who brought the legislation before the House, and I am fully aware that it was done with good grace. I do not think that anyone envisaged that as many on-the-spot fines would be issued as are being issued. I also remember, when the scheme came in, the former member for Stuart standing in this House naming police officers, because he believed that they were issuing harsh and unrealistic on-the-spot fines. It cannot be said that I am the only one.

Mr Lewis: That was Keneally, wasn't it?

Mr GUNN: It was Mr Keneally and I well recall it, as the honourable member does. Returning to the number of fines that are issued, I will quote from this year's Auditor-General's Report (page 131) as follows:

> Infringement notice system. The payment of on-the-spot fines allows offenders to expiate legal action for claimed offences under the Road Traffic Act and the Controlled Substances Act. The increase in receipts from infringements notices from $8.2 million to $23 million is due principally to an increase in the number of notices issued from 111 500 to 315 000.

That is more than double. I put it to the House that those people who believe that this is entirely a revenue measure and that the signs on the side of police cars should indicate 'State tax department' instead of 'Police' have a logical argument.

I am one of those people who believe that the law should never be enforced in a harsh or unreasonable manner and that people should be dealt with fairly and justly. The current administration of the Act is bringing the police into conflict with the public and is lowering their esteem in the community. I do not believe that the current arrangement is in the interests of public administration. People are being inflicted with on-the-spot fines far beyond their means to pay, and that creates unnecessary hardship.

Mr Hamilton interjecting:

Mr GUNN: If the honourable member does not believe me, he should get out into the real world. We are now building a gaol for fine defaulters. That is the road we are going down; yet, in my belief, instead of being issued with expiation notices, on many occasions people should receive an official caution. When they believe they have been dealt with harshly, they should have the right to have an independent person adjudicate their case. That is not unfair and it is not unreasonable: it is common sense.

Mr Hamilton interjecting:

Mr GUNN: If the honourable member does not believe in common sense, that is his problem, not mine.

Mr Hamilton: Let them go before the courts if they want to.

The SPEAKER: Order!

Mr GUNN: The honourable member knows that the current legal system in this State and across the nation is such that it is beyond the financial resources of the average South Australian to obtain legal representation. The cost is excessive. I happen to sit on the Legislative Review Committee, which is examining that matter, and I suggest to the honourable member that, when the committee reports, he read the evidence. However, I am being sidetracked.

This Bill is a fair attempt to address the problems that have been created. Whatever the House determines in the near future about this measure, I can say that the public are becoming concerned about what is taking place. Once the public become angry and unsettled in relation to these matters, Parliament has to do something about them. In my judgment, it is far too easy for enforcement officers to issue on-the-spot fines. The House would be aware that I have put questions on notice about how the instructions are given. One has to be particularly shrewd in drafting those questions or one will not get the answers that are required.

I have spoken to people about this, and I know that there is an expectation that police officers should issue a certain number of tickets. It is done in an interesting manner, but we know that the Administration expects a certain number of tickets to be issued. I am of the view that far too many tickets are issued, and I have made my views known on a number of occasions. I believe that the original intention of this legislation has been exceeded, and it will take a fair bit to get me to vote for more on-the-spot fines. Make no mistake, I do not care who brings it in, because I believe the system has been abused. Given the high cost of legal representation, the proposition that I have put to the House today is fair and reasonable. I have given this matter a great deal of attention and thought, because I do not want to be accused in any way of being anti-police or irresponsible. If people commit serious breaches of the Road Traffic Act, that is another matter. However, if people do not have a light on their numberplate, I do not believe they should be given an on-the-spot fine.

Members interjecting:

Mr GUNN: All right: I will give you some examples if you wish. A constituent of mine was driving through a country town. He had been out to Broken Hill shearing and obviously he was driving on dusty and rugged roads. He was stopped by a very courteous police officer who said, 'You are probably not aware, but your numberplate light is not working. It would be a good idea if you could get it fixed, because someone might give you a ticket.' It was a very sensible arrangement. In another town, there was no warning and an on-the-spot fine was issued to another constituent. That is ridiculous. I would say that the reason is that one town had a sensible, experienced sergeant and in the other town the sergeant was probably over-worked and had a more difficult town to police.

When those sorts of tickets are issued, these people no longer have any respect for the police or the law, because they believe they have been dealt with in a harsh, unreasonable and ridiculous manner. One could mention a number of other offences. The measure I have put before the House this afternoon would give police the opportunity to issue an official caution. If people are given an official caution and they ignore it they deserve all they get. If they are warned and they ignore the

warning, in my view they really are being very foolish and if they get pinged, that is fair and above board.

We cannot use the police as a revenue gathering organisation if they are to continue to have the confidence of the community and receive the cooperation and assistance that any police force requires if it is to discharge its duties properly and act in the best interests of the people of this State. There is a view within the community that too much attention is given to minor traffic offences and not enough to dealing with other forms of crime of a more serious nature, because it is easy to write out an on-the-spot fine but it is not so easy to deal with other forms of crime. I therefore commend the Bill to the House.

Mr HAMILTON secured the adjournment of the debate.

STAMP DUTIES (CONCESSIONS) AMENDMENT BILL

In Committee.

(Continued from 17 February. Page 2079.)

Clause 3—'Exemption from duty in respect of a conveyance of a family business.'

Mr LEWIS: I move:

Page 1, lines 29 to 32; page 2, lines 1 to 4—Leave out all words in these lines after 'duty'.

This has the simple effect of enabling the change of title or ownership of an instrument, the sole effect of which is to transfer the interest in the business from the parent to an offspring, without other conditions applying, since to attempt to make provision for that is unwise and unnecessary.

Mr HOLLOWAY: I reiterate the Government's position on this Bill. We will be opposing this Bill on the third reading, but I have no particular view on the amendment moved by the member for Murray-Mallee, mainly because I do not have a copy of it. No doubt the amendment was circulated some weeks ago, but I do not have it before me at present. I indicate that the Government will be opposing this measure on the third reading, and the reason for this was set out some time ago. This Bill has been on the Notice Paper for almost 12 months.

Mr LEWIS: On a point of order, Mr Chairman: I circulated the amendments to this measure on 26 August 1992. They are in my Bill file.

Amendment carried.

Mr LEWIS: I move:

Page 2, lines 9 and 10—Leave out all words in these lines and substitute 'For the purposes of this section, an interest in a business includes—'

This is sought to be included because we did not want to use the definition of 'business' in the way in which it was stated there. Really, it is semantics and has nothing to do with the effect of the legislation on society.

Amendment carried; clause as amended passed.

Clause 4—'Refinancing of certain loans.'

Mr LEWIS: I move:

Page 2, lines 27 to 36—Leave out paragraph (b) and substitute new paragraph as follows:

(b) a business where the business is situated in the State.

This has the effect of providing in section 81d(b) of the principal Act that, notwithstanding any other provision of the Act, duty is not chargeable on so much of a mortgage as secures the balance outstanding under a loan secured by a previous mortgage (which has been discharged) where both the mortgage and the previous mortgage apply to the same or virtually the same land and that land is used primarily for primary production or commercial fishing, or a business where the business is situated in the State (meaning our State). It is very straightforward. It merely requires the Government then to enable natural persons who so wish to rearrange their mortgage from one bank to another or one finance house to another—it may not be a bank—without a stamp duty penalty.

That will have the effect of increasing fair competition between banks, as you would understand, Sir, I know, because of your extensive knowledge of matters financial. At present there is no way a customer of a bank with a mortgage to that bank on real property can require that bank to adjust downwards its interest rate on the mortgage other than in circumstances where there is the opportunity for the customer to take his business elsewhere, and the bank knows that any attempt to take the business elsewhere will result in a stamp duty fee payable under the present law to the State Government. The bank knows that, if the customer is already in some financial difficulty, he will not be able to find the ready cash to do that, and it therefore represents an amount of capital to the customer that has to be applied across the interest rate benefit the customer might get by making the transfer to another bank.

So, on most small businesses and farm properties, any attempt to make the transfer to a more competitive interest rate which the bank may already be advertising, to get the interest rate down, will be impossible. The poor customer—and I mean 'poor'—will be captive of that bank, and that bank will continue to screw the poor customer mercilessly. It is therefore only reasonable and compassionate in my judgment for us to force the banks to be really competitive, so that not only will they offer a lower loan interest cost to prospective customers in their advertising but also they will need to make that same lower loan interest cost available to their existing customers, instead of holding it up three or four percentage points above what they would otherwise offer on that security.

All provisions in this Bill, but this one in particular, will cost the Government absolutely nothing in lost revenue, because at present the transfer arrangement does not occur: it just does not happen, and the bank screws the customer. The compassionate benefits to society are that families in farming and small business situations, who are presently bleeding to death and who have been for years, but more so in recent times, will, through this measure, be able to get relief and enjoy the benefits that the real money market is offering in lower interest rates. That will enable many of them to actually have some cash to live on other than welfare handouts, because their ongoing costs of interest payments to the banks presently so erode their cash position as families that they have to otherwise rely on taxpayers for funds on which to live.

If we make the market more honest through this provision, we will enable those families to recover their dignity and, in no small measure, to become again independent of the welfare services provided at taxpayers' expense. I have always believed that the Government's job, as far as possible, is to get out of people's lives, out of their hip pockets and out of their way, and enable them as far as possible to be responsible for themselves where they are able to be and want to be.

That kind of framework fits ideally with the suggestion that I am making with this proposal, because those people will be able to reduce their interest payments quite significantly. Let us say that they have a mortgage of $200 000, which is not an uncommon mortgage these days on business premises or a farm. The bank at present may be charging them 15 or 15.5 per cent interest, which means that they will be paying $30 000 to $31 000 a year interest. However, with that security they could get somewhere around 9.5 per cent.

I heard Daryl Gobbett from the State Bank say this morning that the bank has been on 9.75 per cent for secured mortgages and business finance up until this morning and will reduce its interest rate probably in competition with Westpac, which announced its reduction yesterday to 9.5 per cent. The State Bank will come down to 9.25. If the State Bank were able to offer 9.25 per cent to that struggling farming or business family, it would represent a 5.75 per cent drop in the interest charge on that $200 000 mortgage.

Let me run that past members so they will understand the saving to the family. It is $5 750 on each $200 and therefore amounts to $11 500. The vast majority of farming and small business families living in the Mallee of South Australia have lived for the past three years on less than half of that sum, and they have had to become welfare recipients to get another $100 to $150 or so a week, depending on their circumstances, the number of children or other dependants they have, and so on. So, if the Government agrees to this measure, the cash it otherwise has to pay out through its Education Department programs assisting low income families, and the cash that will otherwise need to be paid out from tax resources to support the family in its general domestic needs, will be significantly if not totally eliminated.

On a $200 000 mortgage there is an additional income immediately available of $11 500. I wish the member for Mitchell could tell me why it is silly to do that. It leaves the money in the hands of the farming family or small business men or women and enables them to get on with their life. You do not need to have public servants collecting taxes from others and you do not need to have other public servants handing out those taxes again, on salaries of $45 000 to $130 000.

The Hon. T.H. HEMMINGS: I rise on a point of order, Mr Chairman. The amendment before the Committee has nothing to do with the Minister of Environment and Land Management's position in the Chamber in relation to you and the member for Playford, and I ask you to rule accordingly.

The CHAIRMAN: I uphold the point of order, although the Minister was, in fact, out of order. No member should have his back to the Chair. Indeed, if members study the Standing Orders they will see that every member should be seated in the Chamber. If a member wants to talk to another member—and there is nothing to stop them from doing that—they should go to that member and sit down. I uphold the point of order, and I ask the member for Murray-Mallee to come back to the amendment before the Chair.

Mr LEWIS: I take your advice and direction on that point, Mr Chairman, and I invite the member for Playford to consider more seriously the matter before the Chamber, namely that what we are doing is relieving taxpayers—

Mr QUIRKE: On a point of order, Mr Chairman, I ask you to request the member for Murray-Mallee to withdraw the remark that I was not taking seriously the item that is now before the Chair. I have been listening to the member for Murray-Mallee, albeit under great sufferance, for the past 15 minutes.

The CHAIRMAN: As I understand it, the member for Playford has requested the member for Murray-Mallee to withdraw.

Mr LEWIS: I do not believe that my remark was unparliamentary. It is a matter of subjective judgment. If the honourable member takes offence, I am sorry for his state of discomfiture.

The CHAIRMAN: The remark is not unparliamentary, so I cannot demand that the honourable member withdraw. I have put the request to him, and he has refused to do so.

Mr LEWIS: I note also that the member for Napier is now taking an interest in the debate, and I ask him together with all members present to seriously consider—

The Hon. T.H. HEMMINGS: I rise on a point of order, Mr Chairman. The member for Murray-Mallee has reflected on me by saying that it is only at this stage that I am taking any interest in the debate. The member for Murray-Mallee would be well aware that I spoke at length at the second reading stage of this Bill; therefore, his remark is a reflection on me.

The CHAIRMAN: Order! I cannot accept the point of order. If the honourable member wants to make a personal explanation later, Standing Orders allow him to do so. I draw to the attention of the member for Murray-Mallee that the Chair has been extremely generous in the time that it has allowed the honourable member to speak to this proposition. Standing Orders allow him to speak for only 15 minutes on each occasion; I ask him to conclude his remarks.

Mr LEWIS: I simply say that where a mortgage of $200 000 is currently held at 15 per cent interest, the charge on the family per year is over $30 000. This provision would allow an element of competition to come into the financial market. From what we were told by Daryl Gobbett of the State Bank this morning, the rate would come down to about 9.5 per cent or 9.25 per cent, saving the family about $11 500 of that $30 000, which is enough for it to live on. That would mean that it would not be mendicant; it would not have to beg the welfare system to meet the education costs of its children with hand-outs from the department through the schools and it would not have to get further support from the Department of Social Security just to keep life and limb and family together in the home. The Government would not lose revenue; in fact, it would save revenue, and the citizen would recover a measure of dignity. I urge all members to understand and support my amendment.

Mr VENNING: I want to support my colleague the member for Murray-Mallee in this important amendment. Times are very difficult in rural South Australia, as all members would appreciate, and I plead with the Government to use some commonsense and compassion. As my colleague has spelt out quite capably and clearly, most members opposite would understand that most rural enterprises are existing on borrowed money. Lower interest rates are all the go today. The reason for that is debatable but, to the Federal Government's credit, interest rates are lower. Some families and businesses are locked into higher interest rates. To change banks or even to change an account in the same bank stamp duty must be paid, and that prohibits them from doing that.

I plead with members of the Government to support my colleague's amendment. Competition between banks is a good thing, and if this amendment is carried transactions between banks will be much more fluid, and that will help all businesses. Stamp duty is stifling transactions at the moment—it is killing them off. We do not see transactions between banks—that is, a farmer or a businessman taking his mortgage from one bank to another—because to do that attracts the dreaded stamp duty. We were talking about this matter a couple of weeks ago in respect of farm machinery. The honourable member assures me—and I thoroughly agree—that this is revenue neutral to the Government; it will not cost the Government anything because it is not collecting now. I am sure that members would be interjecting if they disagreed. So, it will not cost the Government anything.

I ask the Government to be compassionate. No transactions are happening at the moment. Cash strapped farmers must be helped to get lower interest rates, because if we do not help them the Government will have to turn around and hopefully assist them in another way, whether it be through RAS or whatever. Before we get to that level, the Government must see the mistake that has been made by someone in the past and change it so that farmers can help themselves. At the moment, country people are going through a terrible time. Last weekend I toured the Cambrai-Sedan district of my new electorate and I noted that, because of the current wool situation, their plight is absolutely desperate.

I make a plea to the Government that in this small way it will help people alter their affairs and save money, money that they do not have because they are already in debt. As my colleague said, many people with an average debt of $200 000 can save $11 000 immediately by obtaining a loan at the current interest rate. However, farmers are denied access because they are locked into a rate of about 15 per cent, and they cannot move their mortgage from the bank because they would have to pay stamp duty. I make a plea to the Government to be compassionate and support the amendment of my colleague.

The Hon. T.H. HEMMINGS: All through this debate I have had a fair degree of sympathy for the principles with which the member for Murray-Mallee has been arguing in support of some form of subsidy, and that is what it is, when we appeal to the generosity of the Government for such support. I draw the Committee's attention to that fine select committee that you chaired, Mr Chairman. The argument put to that committee was that there should be some form of concession in respect of transferring rural property from one family member to another. At no time was a request made to the committee (of which I was a member, as was the member for Stuart) for a concession so that people out in the community could dodge payment of stamp duty. Reasons were given, and the members for Murray-Mallee and Custance have canvassed them.

I have entered the debate now because, if one is to do something for one sector, one has to do it for the others. The member for Custance is one of the most honest members that I have had the pleasure to deal with in this Chamber, and I say that sincerely. If one is to argue in this way in these cash strapped times, as the member for Custance did, then one can equally put the same argument in respect of the corner deli owner. One can put that same argument in respect of the small businessman. Do I detect that the whole thrust of this amendment to the Stamp Duties Act is just to assist farmers? Does the great Liberal Party, which was founded by Sir Thomas Playford, whose cornerstone of support has been small business—we have heard many times that the Liberal Party represents small business—now indicate that this amendment is primarily aimed at cash strapped farmers?

I have no problem with concern about the plight of farmers, and I make that perfectly clear. My contributions in the select committee and during debate on its report clearly show that I have much sympathy for members of the farming community. Certainly, a main concern is to get young people back on the farm so that mum and dad can retire to Grange and possibly be represented by you, Mr Chairman, while the youngsters get on with farming. However, let me refer to 1979, which some members on this side consider was the blackest day that members on this side ever suffered electorally. The main cornerstone of the Liberal Party's promise to the electorate then was the abolition of death and gift duties.

Mr Lewis: Succession duties.

The Hon. T.H. HEMMINGS: I thought the member for Murray-Mallee, seeing the way that I am going, would at least have had the decency to listen, but I still call it death duties and gift duties. That plea to the electorate was not aimed at the corner deli owner, or at you, Sir, or even at me. That plea was not even aimed at 90 per cent of the South Australian population, because 90 per cent of the population in this State never paid death or gift duties.

If the member for Stuart wanted to give a motor car to one of her children, she did it through the normal procedures and it did not even attract gift duty. That election plea was aimed at the farming community. I well remember Dr Tonkin saying that he was deleting death and gift duties for the very reasons espoused by the members for Murray-Mallee and Custance, that is, old farmer Giles or whoever could not afford to pass on the farm to his son or daughter because the cost of the duty would cripple the capital value of the farm.

No-one has any argument about that. Having achieved that reform at an initial cost of about $40 million, one could claim that it created the impression out in the South Australian community that the then Liberal Government was totally a bad money manager who cared only about a small group in the community. Therefore, it

got the big A in 1982, although that has nothing to do with the amendment. What the Government of the day did and what was ultimately approved by the Parliament was to delete death and gift duties, thus making it possible for the transfer of a farm from a father to a son, whether it be at death or at a time when the father and mother wished to walk away and give their property to their son or daughter without breaking up the farm.

In hindsight, and after listening to the evidence presented to the select committee, that was not such a bad thing. But now in 1993 the members for Murray-Mallee and Custance want the icing on the cake. Gift and death duties have been abolished, and now they do not even want to pay the stamp duty on transfers. I have every sympathy with the argument put by the members for Murray-Mallee and Custance but, to get the amendment passed, some of the questions I have raised have to be answered. So far, all I have heard is about cash strapped farmers, but I want to hear about cash strapped deli owners, car repairers and others who are cash strapped. Members opposite should not just put the argument about farmers, because the abolition of gift and death duties overall helped farmers.

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

Progress reported; Committee to sit again.

LOCAL GOVERNMENT (SHOPPING TROLLEYS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 1875.)

Mr LEWIS (Murray-Mallee): I have found this measure to be of particular concern. I believe it is crazy for us to presume that we can continue to allow people who own trolleys to have them scattered around the neighbourhood without some means being provided for their recovery. There is no reason why shopping trolleys cannot be treated like roaming livestock and impounded by the local government authority, a fee having to be paid to get them out of the pound. That would make sure that the supermarket owners did what has already been done quite successfully in a number of other places, such as St Agnes, where there is no litter problem of shopping trolleys finding their way out of the supermarkets. There is a compulsory deposit to get hold of a shopping trolley, which is refunded completely when the shopper returns the trolley to the corral area from which it is taken. There is no way they can get their money back without returning the trolley to the corral area.

That is the kind of direction in which this legislation would take us, and it would be of great benefit to everybody. All the reasons why it is necessary have been spelt out by the member for Mitcham. I do not think I need to go into the personal reasons I have relating to the number of injuries that have occurred to people I have known, the damage that has been done to their motor vehicles and so on in consequence of the serious litter problem caused by shopping trolleys straying from where they belong.

Mr QUIRKE (Playford): The shopping trolley debate is very interesting. In fact, I must say that I thought it was a unique idea when I saw it on the Notice Paper. I thought it ought to be taken seriously and looked at. A couple of weeks ago in a parliamentary break, I tuned in the TV to Channel 2 at 6.30 p.m., I think it was, and I saw an interesting television show about a lady MP. She shared an office with a fellow MP who had come up with a brainstorm. He wanted to do something so that he could tell his constituency he had got a Bill through Parliament. It was his turn in Westminster to get a private member's Bill up. No, he was not worried about the nationalised coal industry; no, he was not worried about British ships; and he did not care too much about economic development in his own electorate which, as I understood it, was around Newcastle: he was worried about shopping trolleys. The whole program was written around shopping trolleys.

I felt a sense of *deja vu* when I saw that program. I listened to the arguments on that TV program and, at the end of it, I came to the conclusion that I had heard it before. So I looked at *Hansard* and saw that the member for Mitcham had put up a similar proposal. I would like to share a couple of points with the House.

First, in that television program, the shopping trolley debate was taken as seriously as I think we ought to take this debate today. Further, I must say that my good friend from Napier really should get a mention in this House for the way he has conducted himself during this debate. I have never come in here and referred to comments made in a private conversation, but I am going to do that today, because the member for Napier deserves a belt around the ear-hole.

The SPEAKER: Order! Before the member for Playford does that, I would ask the member for Napier to either take a seat—preferably his own seat—or leave the Chamber. The member for Playford.

Mr LEWIS: I rise on a point of order, Mr Speaker. Given that the member for Playford has indicated his intention to embark on a course of action that will lead to a quarrel between him and the member for Napier, I ask you, Mr Speaker, in compliance with Standing Orders, to direct him to desist.

The SPEAKER: The House has the power to intervene in a quarrel between members. However, at this stage it is only an opinion by the member for Playford that he might offend the member for Napier. It is not within the power of the Chair or the House to intervene at this stage. If a dispute or a row does occur between these two members, the House can rest assured that the Chair will take the necessary action to intervene and prevent any row continuing. The member for Playford.

Mr QUIRKE: That is a wise ruling, Mr Speaker. In the three years I have been here, I have found it impossible to offend the member for Napier. However, I had a discussion with the member for Napier and I told him not about the Baker-Mitcham shopping trolley Bill but about the Westminster-ABC TV Bill. What did I find? He could not get in here quickly enough; at the first opportunity, he used it in his own address to the House. He stole my lines, Mr Speaker. I just want to say that it is all right by me; he can steal my thunder.

The SPEAKER: Order! The time for private members' Bills has expired.

Debate adjourned.

TOTALISATOR AGENCY BOARD

Adjourned debate on motion of Mr Oswald:

That this House express its concern at the failure of the Government to provide a response to a question from the member for Morphett asked during the Estimates Committees on 24 September 1992 into the decrease in profit incurred during the 1991-92 financial year in the operations of the TAB and request the Economic and Finance Committee to inquire into the following matters:

(a) the reason why the TAB increase in profit on operations of 28 per cent in 1987-88 on a turnover of $316 million has deteriorated each year to the extent that profit on operations has now decreased by 5 per cent in 1991-92 on a turnover of $496 million;

(b) the cause of the reversal and identification of those areas of TAB administration which have eroded the earlier profit base;

(c) the negative implications of this 5 per cent decrease in profit on operations on Government revenue both in the past financial year and in the future;

(d) the impact that this decrease will have on future distribution of profits to the three racing codes; and

(e) any other matters of a financial nature which the committee may deem appropriate.

(Continued from 19 November 1992. Page 1558.)

Mr S.G. EVANS (Davenport): I support the motion, which proposes that certain matters relating to the TAB be referred to the Economic and Finance Committee, and I believe there is no better time than now for such consideration. The TAB has some concerns. There has been comment in the press in relation to certain matters by members of the board who, more particularly, also have a keen interest in the racing industry. I am not the racing industry's favourite boy because, as a shadow Minister, I once said that it should realise that gambling is a privilege that Parliament gives to its sport or sporting industry. Some members of the SAJC did not appreciate that comment. They have ensured that, in terms of any opportunities I have had along the way to contribute in the area of sport as a shadow Minister, that point of view has been mentioned to those who make the decisions. That aside, I respect the contribution that is made in the community by the TAB and the racing industry for those who have an interest in that field.

In supporting the motion, I believe another point should be added to it; the Government should be obliged to make public the report that the TAB had carried out on the telephone betting proposal for bookmakers. There is no doubt that there is a report. One of my colleagues might move an amendment to this motion along those lines if the Government does not release that report and respond to it.

I will say no more because a lot of private members' time has been used up and we want to clear up some matters from the Notice Paper. I will not take up any more time of the Parliament at this stage except to say that I support the motion. I hope that the report bears some fruit and that the Government shows some cooperation and is not secretive in the future; I hope that the Government makes available to all who have an interest in this industry this important report. I support the motion.

The Hon. T.H. HEMMINGS (Napier): Since the member for Morphett moved this motion, the revised TAB budgeted distribution to the three codes has been increased by 8 per cent, that is, to $21 million. The details of the revised distribution are as follows: galloping is to receive $15 535 241; harness racing, $3 698 867; and greyhound racing, $1 902 275. As members would understand, this allocation of $21 136 383 is important to the racing codes and will be well received by the people involved.

I now come to what is perhaps the lack of understanding that the member for Morphett has displayed not only in the way he has put forward this motion but in his understanding of the way that the TAB operates. It has always been the practice of the TAB, as well as of most other commercial organisations, to undertake a half-yearly review of its budget estimates. The TAB has always adopted a conservative approach to its budget forecasts, and the House would understand the value of this approach. If the codes that receive money from the TAB distribution were told early in the year that they could expect a certain sum of money, they would, of course, plan expenditure of that sum. However, if there were an unexpected drop in TAB revenues, the codes would be trapped, having made promises to clubs and other commitments of amounts that they could no longer fund. This conservative approach to budget forecasting would seem to be a sensible as well as a recognised business practice.

There has been a minimal decrease in profitability of approximately .47 per cent in 1991-92 from the average of 1987-88 to 1991-92. This small decrease is despite considerable infrastructure and operational cost expenditure to maintain market share and increase accessibility to customers. Those in the House who have any interest in racing or, for that matter, in the State's economy would recognise that the growth of the TAB has contributed significantly to the racing industry, which in turn contributes to the State's economy.

The member for Morphett is correct in saying that the racing industry is facing a time of crisis. Now is the time for the industry to address its future—to set goals and directions for the future and to establish a comprehensive plan that can be a basis from which to work. The Government has played an active part in this, assisting with such innovations as telephone betting and the betting auditorium planned for Morphettville_ In fact, South Australia is leading the way in these innovations. I am positive that the Opposition will play its part in supporting these initiatives, for once recognising that small-minded quibbling will not help one of our State's most important industries.

I understand that the Racing Ministers conference held here recently addressed many issues for the racing industry including, of course, at that time, the goods and services tax. However, we are fortunate that that is no longer a threat to the racing industry. You may well recall, Sir, that the racing industry completely, without any division, supported Paul Keating in his opposition to

the goods and services tax. If the Armageddon had occurred 12 days ago, the problems that the member for Morphett sees in regard to his motion would have been piddling compared with the problems that the goods and service tax would have caused for the racing industry. However, that is no longer an issue.

There are still many issues which confront the industry and which can be addressed on a national basis. On behalf of Government members, I urge the Opposition to encourage interstate Ministers who are in the same political Party to recognise the value of this industry to the national economy and to work with the South Australian Government to bring about change and innovation that will improve the profile of racing and encourage greater participation throughout the community. This broader participation will benefit all aspects of the racing industry, including the TAB.

The Minister recently tabled in this House two reports into the TAB. As a result of these reports, there will be a number of changes to the TAB, and those changes will result in serious consideration of the functions and directions of the TAB. I sincerely believe it would be inappropriate to instigate yet another inquiry into this organisation; it would serve no useful function except to occupy the time of the Opposition spokesman on racing. As a more general comment, I understand that the staff of the TAB are maintaining a professional and efficient standard of service, and that is to their credit, given the publicity that the organisation is receiving.

Finally, I would like to quote from the answer supplied to this House by the Minister of Recreation and Sport on 12 November 1992. It states:

> In summary, SA TAB has advised that it operates in a cost-effective manner providing a lean, high quality productive level of service with an objective to primarily minimise costs and, secondly, maintain costs within consumer price index levels.

The significant capital expenditure that has been undertaken by the TAB to maintain market share now and for the future will in itself provide an increased profit for the TAB in the future. I oppose the motion.

Mr OSWALD (Morphett): The honourable member who just resumed his seat addressed the subject using notes that, I presume, were supplied by bureaucrats. I can only assume that he had been briefed by the bureaucracy, because the very reason for the establishment of an Economic and Finance Committee is that it should carry out investigative inquiries into financial institutions that are either run by government or are semi-government organisations and ask questions and get answers. The honourable member's reply was that there is nothing wrong with the institution and that we do not need to inquire into it. The codes were given an extra $21 million last year, and that is a good thing.

It is a good thing that that money was provided, but we do not know where it came from; there was nothing in the reply that indicated where the $21 million came from. We know, and the honourable member admitted, that there was a crisis in racing. We also know that there has been a heavy demand on the TAB to produce additional revenue for stake money.

During the Estimates Committee last year, I was highly critical of the funding for the TAB and money going out to racing, and there was pressure to find money from somewhere. Talking to the representatives on the TAB from two of the racing codes, I learnt that they were acutely aware that they had to do something to get money into the codes, because racing was going to fall over. They did that, and we were pleased to see that $21 million increase. It got the codes over a difficult budgetary period. However, we do not know whether that came from the reserves, and that question would be asked by the Economic and Finance Committee. We do not know whether that money came out of the building fund—the money that has been set aside for the new TAB headquarters. None of the codes wants that controversial building to go ahead, because they claim that the money being invested in that building could be invested in the sport, and those questions have to be answered.

I do not want to impose another inquiry on the TAB, given that it has just gone through three inquiries, but one of the inquiries, which we thought was to look at the financial management of the TAB, glossed over that point, saying that the books were checked and there was nothing wrong with the accounting. There might be nothing wrong with the accounting in the eyes of the Auditor-General, the accounts might be set out in the correct form and the amounts might add up, but that sort of inquiry does not demonstrate to the racing public or to those involved in the industry that the TAB's management is not faulty.

I noted in my motion that, back in 1987, the TAB made a 28 per cent profit on a turnover of $316 million. In the last financial year, when turnover went up to nearly $500 million, the profit decreased by 5 per cent. There must be a reason for that, and I would have thought that the Economic and Finance Committee would pick up this issue with relish and go for it.

Mr S. G. Evans interjecting:

Mr OSWALD: The honourable member said that the Government would have gone for it, too, and that is exactly the point I am coming to. Why is the Government attempting to block the referral of this matter to the Economic and Finance Committee? I can only assume that it wants to block it because there is something wrong in the financial management of the TAB. It is a good committee and it has a track record that goes back over the 12 or 13 years that I have been in this place of being conscientious; never has the Economic and Finance Committee, or the former Public Accounts Committee, failed in its duty of getting to the bottom of these questions. However, the fact remains that there are questions concerning the financial management of the TAB, where the funds are and where they are going. It is insufficient to say that it put out $21 million this year and, therefore, it does not have a problem. We want to know where the money came from, what is happening with the reserves and why the TAB went into a negative profit rise last year.

One honourable member opposite said that the Government hoped the Opposition would support the changes taking place in the industry. Every member in the industry and most members in this House know that, in the three years I have been spokesperson for the Opposition, there has not been a Government initiative that affects racing that the Opposition has not supported.

I like to think that the majority of initiatives put forward by the Government have been urged by me and, if the Government had not put them up, I would have.

Racing is my hobby, my sport, and I love it. I want to see what is best for the racing industry, and I think that, with respect to this motion, an independent inquiry into the TAB, which is the main source of funds for the three codes, is warranted. It is an exercise that falls within the competence of the members of the committee, and they would enjoy their task. I urge members to think about this motion carefully, because it is not really a political motion: it is a motion on behalf of the third largest industry, which would like to find out how the TAB is functioning and where the money is really going. I call on all members to support it.

The House divided on the motion:

Ayes (21)—H. Allison, M.H. Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, H. Becker, P.D. Blacker, M.K. Brindal, D.C. Brown, J.L. Cashmore, B.C. Eastick, S.G. Evans, G.A. Ingerson, D.C. Kotz, I.P. Lewis, W.A. Matthew, E.J. Meier, J.K.G. Oswald (teller), R.B. Such, I.H. Venning, D.C. Wotton.

Noes (23)—L.M.F. Arnold, M.J. Atkinson, J.C. Bannon, F.T. Blevins, G.J. Crafter, M.R. De Laine, M.J. Evans, D.M. Ferguson, R.J. Gregory, T.R. Groom, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway, D.J. Hopgood, C.F. Hutchison, J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, M.K. Mayes (teller), J.A. Quirke, M.D. Rann, J.P. Trainer.

Majority of 2 for the Noes.

Motion thus negatived.

The SPEAKER: Order! It is time we got some order in the Chamber. Members will resume their seats.

Mr MEIER: I want to make the point that at the time the division was called I was in the annexe to the library, which is the photocopier area. While I was listening to the Speaker and heard a division called, no bells were audible to me. I wish to bring that to the attention of the House in case there was any problem with other members not being able to hear the bells being rung in their area.

The SPEAKER: There is no indication from the numbers that this affected the division at all. Did the honourable member miss the vote?

Mr MEIER: No.

The SPEAKER: So, it would not have affected this vote. However, I will have the bells checked. As members know, we have an antiquated system, but we will try to fix it and ensure that no problems occur.

STATE TAXES

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

That this House views with concern the impact of State taxation on South Australian business prospects and in particular the pressure being placed on such businesses to move their operations interstate to avoid the highest rates of taxation in Australia being imposed by the Government.

In moving this motion it gives me no pleasure to observe that South Australia is falling behind economically, and part of the reason is not only Government mismanagement but also the taxation rates that apply. In certain areas we have hit the top of the scale, and that is of no comfort and a great deal of concern to the business community, which is struggling to survive out there in the marketplace. We only have to go along the streets of the city of Adelaide or along all the major arterial roads into Adelaide to count the number of vacant shops and premises that have closed their doors because businesses have been bankrupted. We only have to look at the *Government Gazette* each week to realise how many other businesses are continuing to suffer and are being placed in receivership.

The position in South Australia is particularly grim, as I hope most members would realise. The unemployment statistics are among the worst in the country. We have 90 000 people on the unemployment queues. Some of the long term unemployed are now waiting 67 weeks to get a job, and that will increase. We know the Federal budget cannot be sustained and that it will be drawn back. That will mean more pain for those people who are on the unemployment queues now and for those people who depend on some form of Government assistance, because the budget will have to be cut. The $18 billion deficit that I believe will be brought down this financial year will put this country into deeper and deeper debt, and even an economic crazy like the current Prime Minister would understand a few simple principles such as the overseas debt in net terms.

Mr Quirke interjecting:

Mr S.J. BAKER: Well, the member for Playford said he is very successful, but—

Mr Quirke interjecting:

Mr S.J. BAKER: Well, it certainly did, as the member for Playford said. He can gloat and, as they say, the losers can please themselves, but it is Australia that will suffer. We are not talking about one million unemployed. We know that underlying those statistics there are at least another million out there who either are looking for work or are in tertiary institutions because they cannot get a job. That situation will not improve overnight. The member for Playford can gloat that Paul Keating won the last election, but I would have thought he would say quietly that the system has to be cleansed and we need a new start, irrespective of the final outcome of the last election. Unless we see a complete change in the attitude of the Federal Government and a complete change in the Government of this State, our future will be particularly grim.

I wish to crystallise the argument in relation to taxation as it applies to South Australia. Whilst we are suffering the worst economic recession or depression since the Great Depression, there is no light out there; there is no light at the end of the tunnel to suggest that it will improve. The only way we will get marginal advantage over our competitors interstate and overseas will be to give businesses in this State a fair go, and they are not getting a fair go at the moment, as everybody in this House would recognise.

I take up the issue of FID and BAD taxes in particular, and I will refer to some other areas as well. As everybody would again recognise, the FID tax is the highest in the country and the BAD tax is the equal highest in the country. The Government may say that we

need all this revenue to shore up its financial position because of the State Bank disaster, but the impact on our businesses and on the future of South Australia is quite dramatic. It is not just the dollars and cents involved here but also the movement of capital out of this State.

The Treasurer of this State has been asked at least twice to give some indication of the loss of funds to South Australia as a result of businesses in this State taking their financial transactions to another jurisdiction, namely, Queensland. The Treasurer has refused even to estimate it or to take some action to overcome it. The action cannot be to shore up the borders, because section 92 of the Constitution does not allow it, but the action must be to bring our rates to a point where there is no relative advantage in people taking their businesses interstate. Everybody recognises that there is a considerable cost in transmitting data to Queensland, getting bags back to South Australia and setting up offices, yet for a number of businesses in town it is the only way they will survive and at least stay partially competitive.

The budget suggests that $105 million will come in through FID tax this financial year and when we compare it with the actual receipts we can recognise pretty easily that the FID tax will fall far short of the budget estimate. That is not just because of the economic downturn. The facts of life are that a large number of businesses, particularly large businesses, have already made the decision to take their finances out of this State to pay their payrolls and some of their accounts through another jurisdiction, such as Queensland. So, what we are doing is losing a very important component of business in this town and this State. Without that component there, again, confidence in South Australia dries up. People get greater confidence in another area of activity, namely, Queensland, and that is the last thing this State wants or deserves.

So, while FID and BAD taxes are, in a sense, less draconian than other forms of taxation, it is the disparity between the States that causes the problems. If we are not competitive, we lose. And we cannot afford to lose. My estimation at this stage is that, because of the way the taxation system is structured and because of the high rates of taxation in the FID and BAD areas, we will lose at least $15 million worth of revenue this financial year. But more than just the $15 million worth of taxation loss will be suffered by this State and will need somehow to be made up by cost cutting measures, borrowings or whatever method the Government will use to overcome the problems. There is a terrible impact on South Australia which goes far further than the $15 million, and that is basically that businesses that continue to take their wares from the State, take their finances and their banking facilities from this State, will not come back until we can create some marginal advantage for them.

The more they concentrate their activities elsewhere, the easier it is for them to leave them there, and the longer they leave them there, it becomes a habit and, even if we drag back those rates, South Australia will have great difficulty bringing back the people who have already gone, because they have been able to set up an operation and they know that there are certain advantages in being nationally based rather than State based. We know that the banks are helping some of the security services provide the facility to manage that process very readily and at low cost, so the movement out of this State is gathering momentum for medium and small firms.

Unless we get the dynamics right we will see a continual erosion of our financial base simply because, in its mad grab for money, the Government has not recognised that the State will suffer ultimately for that action. FID and BAD really are bad from the point of view of causing people to take their demand for financial services elsewhere. Just in relation to the BAD tax, it is unbelievable to me that the BAD tax keeps rolling on, irrespective of whether or not you have made a transaction.

A number of people have approached me about this situation. Quite simply, if a firm or an individual writes a cheque for, say, less than $100, an automatic tax of 30 cents is applied. Under the current banking regime that 30 cents is applied at the beginning of the next month. Every debit in that cheque account is subject to the BAD tax, so that 30 cents incurs another 30 cents the following month, and it can then never be taken off the books. So, if persons or firms are running a cheque account, they will always have a debit on their cheque account every month, irrespective of whether or not they have signed a cheque. I do not know that members opposite are great mathematicians, but even they can understand—

The Hon. M.K. Mayes: As good as you.

Mr S.J. BAKER: The member for Unley, who will not be with us after the next election, says as good as I am: I could I say that there is no way any person on this side would have lost $3 150 000, and if the member opposite is proud of that I suggest he take that to the electorate at the next election. Then the honourable member will start to learn to count. He will start to tell his constituents the truth about their education facilities, about their hospital facilities, about their transport facilities and emergency services, and then see how far he gets. The honourable member would be far better keeping his mouth shut.

There are some inconsistencies in the way this taxation is applied. The FID tax, when applied to a deposit in a cheque account, again is a debit in the system, and that debit in the system will incur a further debits tax. So, if a person pays a deposit into the cheque account and never uses that cheque account, the 30 cents will keep going on month after month after month. The Government has made no attempt to clear up this matter. It has not contacted the financial institutions. It has not suggested to the financial institutions that it is unfair, yet these anomalies remain in the system.

It is not only the differences, it is the anomalies that fail to be fixed up, which I believe has caused great concern to the business community. The Government saw fit to increase the tax on petrol to the highest in Australia. That sounded like a good idea to the Government, which thought that it was all extra revenue, but it has created a new economy. It created the desire by long hauliers to fill up over the border where the tax was far cheaper. They did not want to be paying the big bills, so what they did is put extra tanks onto their trucks and now South Australia is losing that revenue.

I suggest that anyone who does their sums may find, again, that business lost from this State is rarely recovered. We have to get the dynamics right. We cannot continue to overtax, because we are in a competitive market, whether it be interstate or overseas. That is one of the sad consequences of a Government that has failed the people in its economic management. The fact is that the Government got itself into such difficulties with the State Bank that it said, 'We have to apply taxation in a draconian fashion to somehow haul back on the deficits created through the increased cost of servicing that debt.' That has had regrettable repercussions.

Whilst it is true that payroll tax of 6.1 per cent is the second lowest in Australia, the facts of life are that our payroll tax exemptions are among the lowest in Australia. So we have many more people in that net paying payroll tax than those involved at the 7.2 or 7.5 per cent which prevails interstate. So, for small and medium size businesses there are extra cost implications. With stamp duty we are the highest in the country. Again, if we want to give this State a fair chance we have to work out what taxation regime will assist our businesses, not retard them or cause them to move their operations interstate, because that affects employment; it affects the confidence of the State; and it affects employment in this State. I ask the House to support the motion.

The Hon. J.C. BANNON secured the adjournment of the debate.

STATE DEBT

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

That this House condemns the methods used by the Government to avoid meeting accounts due and payable with the express intention of misrepresenting the true budget position and understating the State debt, which is currently in excess of $8 billion and which could well exceed $9 billion by the end of this financial year.

Anyone reading the financial accounts of this Government could only view with absolute horror what happened in the budget prepared for the 1992-93 financial year. We do not need to be reminded of the impact of the State Bank: what we do need is to bring to account those items that are due and payable. When the former Premier brought down the budget, he seemed fairly pleased with it, but it was crooked accounting. What he did was allow certain accounts that need to be met to go on the bankcard system. Members should look up the financial statement for 1992-93. They will find that the State liabilities as at 30 June 1992 had reached $13 billion.

As at 30 June 1991 the figure was $11 billion. In one year $2 billion was added to the State liability. In other words, the Government was failing to meet its commitments; it was bankcarding them. An analysis of what happened is revealing. The then Premier came into the House and said, 'We will need $850 million additional indemnity to shore up the State Bank.' An amount of $2 300 million had already been committed to the losses of the State Bank, and a further $850 million was deemed necessary to complete the bail-out process, but the Premier did not commit that $850 million at that time nor did he commit it in this budget.

On the accounts payable side we had an indemnity of $450 million, the half payment to shore up the State Bank's losses, which brought the total to $2 750 million. An additional $400 million-odd has yet to be paid, although the Treasurer of this State has clearly indicated to the House that the full $850 million worth of extra indemnity will be required. That money was not committed; it was bankcarded, so somewhere down the line someone will have to pay the bill. Interest accrued, another item under 'accounts payable', which the previous year amounted to $500 million, suddenly shot up to $1 500 million-plus. We have not been able to track down how much interest was accrued and not paid by the Government, but it will have to be paid at some stage. So, nearly $900 million worth of commitments which have been deferred and which must be met were not included in the State debt and were not effectively included in the State budget; they were put off side and off-line.

Mr Holloway: You don't understand accounting.

Mr S.J. BAKER: The member for Mitchell says that I do not understand accounting. I understand accounting far better than he does. The only vague comfort that the member for Mitchell has is that he is a more recent member of this House and he cannot take the full blame that the Cabinet will have to take for the State Bank losses and the economic mismanagement of this State. That is his only comfort. I can imagine that the member for Mitchell, knowing that he will have to save his backside at the forthcoming election, will probably put out a disclaimer, as Gordon Bilney and Paul Keating did. He will say, 'Look, it's not my fault; I'm really a good person, it was all those other people who were in the Cabinet at the time who made decisions that have affected my future.' I can imagine hearing that from the member for Mitchell, but if he claims to be a financial genius who knows about accounting methods, he might wear personally some of the results of the catastrophe caused by his colleagues on the front bench.

I suggest that the member for Mitchell take a course in accounting, because when he is on the Opposition benches he might be able to guide some of his front bench colleagues. In fact, if he survives the next election he may well be on the front bench of the Opposition. I suggest that he take a course in accounting because if he thinks that a future Government will carry out financing in this State in the same way as the previous Government has done he has another think coming. He should get up to date with current accounting methods and he should understand that a debt deferred must be paid. The people of South Australia will have to pay that debt, and it will be under a Liberal regime rather than the regime of the current Government. That is the challenge we face.

I was explaining that the Government, the former Premier and the whole Cabinet cheated in the last budget by the method of accounting they used. Not only did they leave the $850 million indemnity off the State debt and the borrowings of the Government, but they cheated on a number of other items. They pumped up SAFA to create an artificial surplus. They sold off debentures with

a low return and then claimed the capital gain from them and put that into SAFA as an artificial surplus. They also understated the deficit for this financial year. The net financing requirement of $317 million falls far short of what will eventuate by 30 June 1993. The Government knew at the time it was doing the budget estimates that there was no way that that could be sustained.

We should remember that in the last financial year (1991-92) the cost of running Government (recurrent expenditure) was $288 million over and above receipts—that is, a $288 million overhang on the budget. This year the suggestion is that the current account deficit will be only $158 million. I have news for this House: it will be more like $258 million, and that should have been predicted in the budget papers but was not. So, we have a growing problem in this State. I do not know what will happen with the $400 million accrued interest. I do not know how the Government will account for the $850 million indemnity, which has not been brought to account yet. I do not know how it will cross-subsidise its over-expenditure this year—perhaps with capital.

Mr S. G. Evans interjecting:

Mr S.J. BAKER: And I am sure that the Government does not know, either, as the member for Davenport has quite rightly pointed out. So, we have a hell of a mess on our hands with this budget, which is fraught with long-term dangers, because it is my belief that either the State debt will blow through the roof by about $9 billion, as I mentioned in my motion, or alternatively there will be more bankcarding for the next Government to face. Both of those scenarios are absolutely unpalatable, because if we bring them to account we have to pay the interest on the borrowings and if we defer them they will have to be met in the future. That is an untenable situation and it should never have occurred. It came about through incompetence on the part of the then Treasurer and the whole front bench of the Labor Government.

I have extreme concerns about the financial malaise of this State and about the conduct of the Government and the way it accounts for its expenditure and commitments. To compound the problem, the financial statement suggests that there are $12 billion or $13 billion worth of net assets. If we looked at convertible assets we would be lucky to see about $7 billion. I could give the House a long list. The remainder of the assets comprises things such as roads and bridges, hospitals and schools that are being well utilised. We cannot sell those things and neither should we. The assets that can be used to pay off the State debt comprise a very small amount.

I have extreme concerns about the accounting measures used by this Government and I have extreme concerns about the future of South Australia. Somehow, we must get this budget under control. We must get debt financing under control. Whilst it might be helped a little by the low interest rates that currently prevail, that situation will not be sustained in the long term. Any movement upward of interest rates, which I think we can guarantee will occur some time in the next year, will put pressure on the State budget, and a debt of $8 billion (not $7.3 billion)—or even worse, $9 billion—will place the State in an absolutely untenable situation concerning its next budget. I condemn the Government for its accounting methods, for the way it has committed future South Australians to debt in this State, for its lack of control over its finances and for its lack of management expertise and the application of sound management methods. This House must support the motion.

The Hon. J.C. BANNON secured the adjournment of the debate.

DEBT ACCUMULATION

Adjourned debate on motion of Mr S.J. Baker:

That this House condemns the debt accumulation of the Federal and South Australian Governments which have placed the nation and this State in such difficult financial circumstances and which will act as millstones around the necks of our citizens for at least the next decade.

(Continued from 3 March. Page 2248.)

The Hon. J.C. BANNON (Ross Smith): I oppose the motion outright, because it is not only fraudulent in its presentation but also totally unproductive in that it does not seek to do anything constructive about the issue that it addresses. Let me go through the two arguments. The motion is worded to put the worst possible complexion on the whole issue of public sector debt and debt generally.

The tone of the motion and the tone of the honourable member's speech in support of it was all about condemnation of a particular issue, without in any way trying to analyse what has been done, what the historical position has been, where we stand comparatively both as a State and a nation, and about what we should do in respect of our debt in the long run. There was total silence on that point.

The motion targets specifically the Federal and State Governments. Let me deal with that. Certainly, we are in difficult financial circumstances. Governments, the Australian economy and the economies of most developed nations of the world are in difficult financial circumstances. It is a time, as we know classically, whereby in order to preserve and ensure that economic development continues, in order to ensure that hardship is alleviated, Governments traditionally tend to produce deficit budgets.

That is quite a reasonable and responsible course of action to take. The difficult economic financial circumstances are of course very relevant to a consideration of our level of debt at the time that the honourable member wants to talk about. As to the millstone around the necks of our citizens, the fact is that there has always been public sector debt. It has always been seen as a fair principle that the services that are developed to ensure that the community can operate appropriately—whether it be to assist the community's transport, education, health, housing or to provide the environment, in fact, in which business and other activities public and private can take place—involve a degree of borrowing, of debt, and they always have.

It is totally reasonable that that should be so. It would be an outrageous proposition that the present generation should pay for every single thing, even though the benefits will be enjoyed by those generations to come. Far from being a millstone around the necks of citizens,

in many ways the debt engendered is a means of spreading the burden of paying for the benefits that will be enjoyed. For instance, if the total cost of the education of today's children is borne by just today's generation, it means that those children in no way will contribute to the education advantage that they enjoy.

It is only reasonable that they put something back as the beneficiaries of that system, and one can apply that to a whole range of goods and services. One might have a kind of Soviet approach, which says that the populace should be in grinding want and need and defer everything, defer any rewards, until some eons into the future. That long term deferral—and, as they say, in the long term we will all be dead—is an unacceptable doctrine.

I suppose it carries a religious connotation which says that the rewards are enjoyed in the life hereafter, if one believes in the life hereafter. Again, there should be no debt in that instance. The fact is that the concept of debt is a reasonable and understandable thing. Indeed, if we did not have it, families simply would not be housed today; no-one would have a mortgage; no-one would take out hire purchase; and no-one would have a bankcard. They are all reasonable things provided they are not abused.

Let us go to the history of this matter. First, in the case of South Australia, the fact is that our net indebtedness as a percentage of gross State product, which is the reasonable measure against which one should measure, throughout the period that we were in office, until the last couple of years, progressively went down. It went down from the level inherited from the previous Government of 23.4 per cent in its last year in office to 15.5 per cent in 1989-90. That was a major achievement. The fact is that the problems of the State Bank in particular and the recession in general have meant that that situation no longer prevails. But even in the current situation, and I refer to the 1991-92 budget papers, the percentage of debt as a percentage of gross State product was 25.7 per cent, which is way below the historical level of debt with which this State was burdened.

If one wants to talk about millstones around the necks of citizens, one should go back to such sainted figures as Sir Thomas Playford. In 1949-50, when Sir Thomas Playford had been in office for 11 years, debt as a percentage of gross State product was 61.2 per cent. We had been through a war and we were into post war reconstruction, and that debt level was regarded as acceptable.

In 1959-60, 10 years later with the same Premier in office—the sainted Sir Thomas—the debt as a percentage of gross State product was 56.9 per cent, yet in this case we are talking about 25.7 per cent. That is the historical perspective in which one needs to look at this matter. Secondly, what about the comparative debt in relation to other States? The fact is that, despite the impact of the State Bank, in the figures that can be produced as at June 1992, South Australia's per capita debt is still by no means the highest of the States. It is certainly not as high as Victoria, which is way above South Australia's—

An honourable member interjecting:

The Hon. J.C. BANNON: That is indeed a good comparison. Victoria, that highly industrialised State, with a large population base and productivity, is way above us. We are about on a par with Western Australia and, again, that represents the impact of the State Bank. Certainly, without it, one can see how extremely well we have performed. The honourable member scoffs at our assets. The fact is that our debt must always be judged against our asset base. Yes, one can point to the level of debt, but one can also point, as our budget papers do, to total assets of $25 billion. They are substantial assets and it is nonsense to say that they cannot be realised. Of course they can; they have true economic value. Taking into account those assets and the total of our debt, we have net assets in this State of $12.6 billion. They are the figures.

Let us look at the State's financing requirement. The fact is that progressively we have brought down the State's net financing requirement. We have kept it within very good limits indeed. I refer honourable members to the budget papers which set this out very clearly indeed. In fact, it segregates our net financing requirement from the impact of the State Bank, and in each of those recession years—1990-91, 1991-92 and 1992-93—it has gone down, and it has gone down as between the last two years.

What about the Federal debt? Again, let us take a comparison. In fact, the burden of servicing our foreign debt has fallen due to the interest rates, because that has an influence on it. Australia's debt servicing ratio, measured by taking interest payments on net foreign debt as a proportion of export income, fell from 18.1 per cent in 1990-91 to 14.5 per cent in 1992. So, it is costing us less to service it.

Again, let us look at comparisons. Overall our public sector debt position is very low. Australia is on 15.8 per cent of GDP, against an OECD average of 34.5 per cent. In the United States the ratio is 37.9 per cent, and Germany, France, UK, Italy and Canada are all well above us. That is the sort of perspective in which our debt should be put, and much of it is private as well.

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

Mr MEIER secured the adjournment of the debate.

STATE BANK

Adjourned debate on motion of Mr S.J. Baker:

That this House rejects any attempt by the Premier to force a sale of the State Bank without ensuring that—

(a) all moneys from such sale are directed at debt reduction;

(b) the sale price is maximised; and

(c) South Australians retain the banking services of the State Bank and the Head Office thereof.

(Continued from 17 February. Page 2096.)

Mr S.J. BAKER (Deputy Leader of the Opposition): When I last spoke to this motion I raised serious concerns about the future of the State Bank and the way that it would be managed to the point where it would be sold. The Government seems intent on selling the bank at any price. It would be unconscionable, given the damage that has been done to this State, if we did not maximise the opportunities from the sale of the bank. It would be unconscionable if we allowed the bank to be

sold off without a guarantee in respect of the branches, the networks and the capacity of the bank to remain as a vital financial institution in this State. It would be unconscionable if we did not get a good price for the bank. It would be unconscionable if we allowed the decision making on banking in this State to again drift across to our eastern neighbours.

When I placed this motion on the Notice Paper, I was unaware of the full range of discussions that had already taken place in the Labor Party at both Federal and State levels. I did not realise at the time that the Government was so committed to the sale of the bank, and that it would do anything within its power to get rid of the State Bank, even if it meant taking a lesser price or placing the future of South Australians at risk. It is absolutely vital that we have a clear indication, right now, of what the Government intends.

We know that South Australians want to preserve the financial assets of this State. We know that, despite the tremendous damage that has been done by this Government through the State Bank, most people still want the capacity to deal with a bank that has a local flavour to it, where the local decisions are being made, where we can actually invest in our future. There are no guarantees whatsoever in the way that the Government is operating.

The Premier of this State would sell his soul for 30 pieces of silver, because we know that he stitched up a deal with his mate in Canberra. Paul Keating happens to hate the bank because it reduced his vote in this State. He hates the bank because of the diminution of support for Labor in this State. He hates the Government here for what it did to him at the last election whereby the number of Federal Labor seats was reduced.

We know that Paul Keating is determined to sell the bank at any price. We understand that the Premier of this State is of a like mind and he does not have concern for South Australians. After all the damage that has been done, the Premier of this State and all the front bench want to quit the bank, irrespective of the damage that such a fire sale will cause. I stand up on behalf of all South Australians and say that some preconditions have to be satisfied.

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

Mr HOLLOWAY secured the adjournment of the debate.

ENVIRONMENT POLICY

Adjourned debate on motion of Hon. D.C. Wotton:

That this House welcomes the coordinated and the cooperative approach to environmental enhancement and protection which will result from the Coalition's environment policy and looks forward to working with the Federal Coalition in establishing a 'national Commitment to the Environment' with distinct goals and obligations for all levels of Government and the community.

(Continued from 10 March. Page 2399.)

Mr De LAINE (Price): First, we will not have to worry about the Coalition's environment policy being implemented at national level, because on Saturday 13 March we saw the re-election of the Keating Labor Government for the benefit of all Australians. Purely for academic reasons, and for the record, I would like to make a comparison in four key areas between the Coalition's environment policy and the policy of the Keating Labor Government.

The first area I wish to compare is the fast tracking of developments. The Coalition said it would relax environmental controls to fast track developments. The Labor Government's policy is that it will ensure that approval processes are streamlined and efficient. However, Labor will not relax environmental standards to bulldoze through developments. The Coalition announced the creation of a Department of Sustainable Development to ram through development approvals with minimal environmental assessment. Labor's policy is that it will maintain the integrity of environmental assessment processes.

Dr Hewson said that, if environmental assessments were not completed within 12 months, the development would be approved anyway. What a recipe for disaster. Clearly, that would be an incentive to delay the process until a development qualifies in that 12 month period for automatic approval. As I say, that would be absolute disaster for developments. On the other hand, Labor's policy is that it will ensure that environmental assessment is as efficient as possible, but it will not apply unrealistic time lines and will not approve any development until the assessment process has been completed.

Mr Hewson is on record as saying that environmental evaluation and Aboriginal concerns are just 'green and black tape' to be cut through. Labor supports proper evaluation of projects to ensure that environmental, heritage and Aboriginal cultural issues are thoroughly considered. Labor is committed to informed decision making. The Coalition's 'fast tracking' and 'cutting green tape' approach was exemplified in its proposed resource security legislation. It contained no conservation objectives and no requirement for environmental or heritage assessment before granting resource security.

Labor has developed a comprehensive national forests policy, which emphasises conservation objectives while also providing for sustainable jobs in the timber industry. The Coalition said it would allow the Wesley Vale pulp mill to proceed under the grossly inadequate guidelines organised by the Tasmanian Liberal Government and the company. The Labor Government approved the project under much stricter environmental guidelines. The company then withdrew from the project. Labor will continue to insist on world best environmental guidelines for projects.

The second issue I would like to touch on is uranium and nuclear power. A Coalition Government would have allowed the development by private enterprise or public utilities of domestic nuclear power stations in Australia. This is clearly spelt out in the energy policy released by John Hewson and Tim Fischer in December 1992. Under Labor, no nuclear power stations will be built in Australia; none whatsoever. The Coalition would have encouraged the development of a uranium enrichment industry in Australia. Labor will not permit uranium enrichment in this country. The Coalition has announced that it would abandon Labor's three mines policy on uranium mining. Open slather uranium mining will lead to mining in national parks and world heritage areas,

which contain most of the known uranium deposits. Labor will maintain the three mines policy and will not permit mining in national parks or world heritage areas.

The third area, and one that was touched on by the member for Heysen in his motion, is State rights versus national leadership. A Coalition Government would not intervene in State affairs even when destruction of the environment was at stake. Its policy has not changed since it refused to intervene to stop the Tasmanian Liberal Government some years ago from destroying the Franklin River. Labor has worked very hard to achieve a cooperative national approach to key environmental issues, culminating in the 1992 inter-governmental agreement on the environment. However, the Federal Labor Government will continue to provide leadership by requiring a high standard of environmental responsibility from all State and Territory Governments.

The Coalition does not believe in the Commonwealth's playing a leading role in environmental issues. It had planned to hand important environmental issues such as Kakadu and Uluru back to the Northern Territory Government and devolve other environmental responsibilities to the States. On the other hand, Labor believes that the Commonwealth should lead the way on environmental issues. Consequently, Labor will continue its involvement in national and international environmental policy making across the whole spectrum of issues.

The Coalition planned to slash $10 million from the environment portfolio, including $4 million from the Commonwealth Environment Protection Authority. On the other hand, Labor will continue to provide increased resources for environmental programs and will continue to support the vital role of the EPA in the development of the national approach to major environmental issues.

The fourth issue I would like to raise is national parks and world heritage. The Coalition has always believed that the States should hold power of veto over world heritage matters. If the Coalition had been in office over the last decade, the Franklin River would have been dammed and Queensland's wet tropics would have been destroyed by logging. Australia now has 10 world heritage properties and several others are awaiting assessment. Labor will continue to assess areas for their world heritage values. The Coalition was calling for mining in world heritage areas and national parks. Under its policy, the long-term future of Kakadu as a world heritage area must be in serious doubt. Labor will not permit further mining and exploration in world heritage areas and national parks.

The Coalition said it would allow Coronation Hill to be mined. Labor decided against mining after a proper assessment process and an official inquiry showed a clear wish by the Aboriginal traditional owners to protect the area. The Labor Government has put it into the Kakadu National Park and it is now a world heritage area.

The Coalition opposed the protection of Tasmania's tall eucalypt forests, and it would not intervene to prevent Tasmanian Liberal Governments from permitting further exploration and mining in the south-west. Labor, on the other hand, protected the tall eucalypt forest and will continue to take the hard decisions to protect the environment. Under Labor, world heritage areas in national parks will be assured proper protection and management.

These policies would have been absolutely disastrous for the environment of this nation. As I said, this comparison of policies is only academic because, as we saw, a Hewson Coalition Government was not elected by the people of this country on 13 March. Instead, we saw the return to power of the Labor Government with a recording breaking five in a row win, led easily by the most capable person in the Federal Parliament, Paul Keating. I oppose the motion.

Mr Ferguson interjecting:

The SPEAKER: The member for Henley Beach is out of his seat and interjecting. He will resume his seat and not interject.

Mr S.G. EVANS (Davenport): In the few moments available to me, I want to underline the hypocrisy that has been displayed by the honourable member who has just resumed his seat and those around him who said 'Hear! Hear!' in support for their Party's Federal and State policies.

There is a piece of land in the Hills called Craigburn that is of a great significance to this State and, in the long term, to this country—to today's generation and, more particularly, to future generations. All it needed was a commitment of money from the Federal Labor Government and the State Government and it could have been be saved. It is not a huge commitment when one thinks about the amount of money the unions spent to spread untruths to win an election. There it is in the Hills: beautiful gum country within the urban part of the City of Adelaide. It will be needed in the future, and the Government says it wants to see those sorts of areas protected and preserved for future generations.

An honourable member interjecting:

Mr S.G. EVANS: The honourable member knows the piece of land quite well. I am sure he is aware of it. I am sure he is also aware of all the argument that has gone on. In the latter part of the motion, the member for Heysen refers to the obligation on all levels of government and the community. The community has met the obligation of trying to save it and the local council is trying to save it, but this State ALP Government and the Federal Government have not. Members opposite are showing hypocrisy here tonight in opposing the motion. I hope that they will learn and will do something in the next few weeks to save that property.

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

Mr S.J. BAKER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

TOURISM INDUSTRY

Adjourned debate on motion of Hon. J.C. Bannon:

That this House, recognising the adverse effect that a goods and services tax will have on the tourist industry, supports the

industry in its rejection of any proposals to impose such a tax in Australia.

(Continued from 25 November. Page 1700.)

The Hon. J.C. BANNON: I seek leave to withdraw this motion, as it has now become redundant in consequence of the result of the election of 13 March.

Leave granted; motion withdrawn.

McKINSEY REVIEW

Adjourned debate on motion of Mr Venning:

That this House notes the recently released Organisation Development Review Report of the Department of Agriculture but has great concern at the intended closure of nine regional offices vital to extension services in rural South Australia.

(Continued from 17 February. Page 2087.)

Mrs HUTCHISON (Stuart): I move:

Delete all words after the word 'Agriculture'.

The motion would then read:

That this House notes the recently released Organisation Development Review Report of the Department of Agriculture.

I would like to make several points and to explain the reason for my moving to amend the motion in this manner. The Organisation Development Review, which was going on for some time and which was released in October, looked at the overall position of the Department of Agriculture, but there was a change in the structure during the time of that review, and the Department of Primary Industries was formed, so extra work had to be done towards the end of that review to take into account the changed structure of the department, which now includes the Woods and Forests Department.

When the review was carried out, a number of opportunities were seen for the department, particularly for the agriculture industry in South Australia, which was a very strong component of the new Department of Primary Industries. The review highlighted that it is important that, because of the important role that agriculture plays in this State's economy, there be a clear definition of the current and potential contribution of agriculture to the South Australian economy. No one could deny that it is a very important sector of our economy and one which we need to foster and help.

The agriculture industry, including processing, provides an annual contribution of $3 200 million to the South Australian economy, so we can see that it provides a big part of the overall economy of this State. The Organisation Development Review considered that the industry could grow further by 3 per cent per year, or $540 million over six years, given the right mix of services. This was one of the reasons why the review was done; even though the agriculture sector in South Australia and indeed in Australia is an efficient sector, we can always do it better. It does not matter how good we are, we can always do it better. Because of the competition we now face in overseas markets, it is extremely important that in a review of this kind we get it right and we make the right decisions to further the interests of agriculture in this State and also the State economy generally.

The projections for growth were encouraging and highlighted the added contribution that the Department of Primary Industries could make to South Australia's well-being. The Organisation Development Review (the ODR) stressed the importance of considering all components of the value chain in the agricultural industries, including market development—and one of the things we need to be looking at now is the marketing aspect—resource management, farm production, product handling and downstream processing. Whilst the ODR was continuing, one of the things that came up was the Arthur D. Little report, which also stressed the importance of the agriculture sector to South Australia and the need for us to be looking at value adding in that sector of the economy.

Regarding the effects on the agriculture industry of the recommendations of the ODR, it was indicated that it would enhance the viability and profitability of agriculture in South Australia, and I use the word 'enhance' deliberately; we already have a very good agriculture sector here, but we need to do it better, and one of the reasons for this ODR was to find out how we could achieve that. It was decided that, if we could target the high value opportunities, maximum benefit could be derived from services provided to agricultural industries.

Another of the recommendations was that new program development processes would ensure that the needs of all sectors were considered in future programs, so there was a coordination of all the different sectors and what could be done in those sectors. By thoroughly analysing the opportunities in all sectors of all agricultural industries, for both expansion and maintaining current output, agricultural industries will receive the services they need most in order to contribute to the economic development of South Australia. This is a vitally important aspect of the whole ODR. It looked at rationalising and providing services where they are most needed in the communities and at the community level.

The agricultural industries will become more competitive with interstate and overseas competitors by building on their existing strengths, and I mentioned that a little earlier, because it is an extremely important part of the ODR. There will be less emphasis on regulation and greater responsibility taken by the industry itself, and it is well capable of taking on that extra responsibility. Services are aimed at conserving the resources used in farming, such as land and water, and that will receive greater attention because of the ODR recommendations. The role of the Department of Primary Industries in the future is to become a more effective agricultural service deliverer, and customer service will become one of the primary roles of the new Department of Primary Industries.

The department's mission will be clearly focused on economic development and the protection of the natural resources relevant to agriculture. We are all becoming more and more concerned about protecting our environment because, if we are not concerned, our agricultural community will not be able to continue into the future. So, we must be very sensible about that, and I know personally of many moves on the west coast and in other parts of the State where much work has been done in the environment protection area by the farmers themselves. Some of that has been innovative, and much initiative has been shown by those farmers.

I am sure that the member for Custance could also cite instances where there has been quite a lot of innovation in terms of the environmental protection of the farming community's asset, that is, the land, and it is one of the vital assets of the agricultural community. The ODR suggested an organisational structure and operational processes that would allow the services to be continually adapted and changed to maximise the department's contribution to the agricultural industries. That is one of the reasons why I moved to amend the motion, but there is another reason, which I will go into in just a moment.

One of the other roles that the DPI will play is to help industries realise the growth in maintenance opportunities that exist. I am sure that the agricultural community generally will be assisting the department in ensuring that that does happen. Looking at the field services—and this is the reason for my amendment to the motion—the department has a strong public image at the community level, and it is well regarded by its key constituents. That was highlighted on a visit I made with the Minister to the farming communities in the Mid North.

It was obvious that there was a good relationship between the regional officers and the farming community as well as a general reliance of each party on the other to make good the industry as a whole. The concern that was expressed by the member for Custance with regard to a suggestion that some of those regional offices might be closed was another aspect that was raised with us at that committee level. The Minister (Hon. Terry Groom) did take note of that, and I quote from his press release of 17 March, entitled 'Revamped primary industries profiles, marketing', as follows:

Decisions about the future of district offices will be subject to further analysis and will depend on the programs to be developed for each industry. These offices will now be examined by the new program general managers in close consultation with local communities, industry bodies, department staff and relevant organisations.

I am very pleased about that.

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

Mr MEIER secured the adjournment of the debate.

WATER QUALITY

Adjourned debate on motion of Hon. D.C. Wotton:

That this House condemns the Government for its blatantly irresponsible attitude in condoning the ongoing polluting of our marine and riverine environment resulting from the discharge of effluent and waste water from Engineering and Water Supply Department sewage treatment works.

(Continued from 3 March. Page 2239.)

The Hon. D.J. HOPGOOD (Baudin): I oppose the motion but want to make perfectly clear the basis on which I am doing so. If one strips the remarks made by the member for Heysen in introducing this matter from their polemical garb, certain matters of fact that he raised with us simply cannot be contested, and I do not intend to contest those matters of fact, but the difference between the honourable member and me is a little like the difference between two people coming upon a half filled glass of water, one of whom rejoices that the glass is half full and the other of whom laments the fact that the glass is half empty. In these circumstances, it is not unreasonable to ask just how full the glass is, to continue the metaphor, because, if the glass is seven-eighths full, we can quite truly say that the honourable member is being churlish in condemning the Government at this point.

If the glass is only one-eighth full, I think it is true to say that I am in cloud cuckoo land in suggesting that the House should reject the motion. In fact, I would suggest to members that it is about three-quarters full. But far from simply concentrating on those matters that have yet to be achieved, which was the gravamen of the honourable member's remarks, we should also be looking at what has been achieved and, indeed, how we line up with other States. How do we line up with the State of New South Wales, ruled at the present time by the honourable member's Party colleagues? How do we line up with Victoria or Western Australia? These things must be taken into account in merely judging the polemical content of what the honourable member had to say, because he simply did not embark on what one might call a pedagogical exercise, informing us as to the state of play.

He wanted the House to condemn the Government in these matters. Surely, a reasonable person would look at what is happening elsewhere before determining whether this Government deserves condemnation over these matters. I have spoken at length from time to time about the Murray River, but I cannot allow the opportunity to escape without saying one or two things about it because, after all, I guess what the honourable member is talking about is the discharge of various forms of what we can generally call pollution to the Murray River, to the catchment areas of the rivers of the Mount Lofty Ranges and Flinders Ranges, and to the marine environment, principally of Gulf St Vincent but also, of course, of Spencer Gulf.

Let us start with the Murray River. As I have indicated to the House on a number of occasions, South Australia no longer discharges effluent into the River Murray. It is important that we establish one piece of language here. People talk about primary, secondary and tertiary treatment. Primary treatment is the very crude removal of larger solids from the effluent stream. Secondary treatment, of course, involves the normal sort of treatment to which we are used in our sewage treatment plants in South Australia, with a considerable digestion of bacterial material, and that sort of thing, while leaving the nutrients in the stream. Tertiary treatment involves the removal of the nutrients, the phosphates and the nitrates as well as those grosser pollutants.

South Australia continues to discharge some nutrients into the river, if only because there are evaporation ponds from some of the towns in the Riverland, such as Berri, which are actually on the flood plain. This effluent is not without treatment. It is treated under what is called a STED scheme but, from time to time, high levels of river almost certainly mean that some of these nutrients are washed into the river although, of course, at a time when the dilution factor is large indeed.

I have some very brief statistics through which I can indicate to the House that, of the percentage of the nutrients entering the Murray, South Australia contributes only 1 per cent of phosphates and 1 per cent of nitrates; 53 per cent of the phosphates come in from New South Wales and 38 per cent of the nitrates; 11 per cent of the phosphates come from Queensland and 8 per cent of the nitrates; 2 per cent of the phosphates come from the ACT and 31 per cent of the nitrates; and 33 per cent of the phosphates and 22 per cent of the nitrates come from Victoria. So, we do very well in that respect in comparison with the other river States.

Once the towns of Waikerie, Berri, Renmark and Loxton are required to upgrade part or all of their treatment and disposal facilities, which, under the Water Resources Act, must occur by July 1995, we can say that point source pollution of the Murray by these nutrients will be effectively at an end. in South Australia. So if the honourable member is looking for grounds for condemning this Government on that score, he certainly cannot do it from the point of view of the Murray.

So far as the marine environment is concerned, the question really has to be asked whether in fact the Government is letting itself off the hook in relation to these matters; whether it is running a double standard; whether, indeed, it is requiring of private industry things that it is not requiring of itself. I would remind the House that under the Water Resources Act licences have to be applied for and, indeed, that is a requirement of the E&WS Department, which is an arm of Government, just as it is of any private show and that, in fact, has occurred. For example, there is a licence in respect of the Gumeracha area which expires on 30 September of this year. There are licences in respect of Myponga, Angaston, Murray Bridge, Millicent and Naracoorte which, in the first three cases expired at the end of last year, and in the next two cases expire at the end of this year, and one in respect of Hahndorf on 30 June 1994.

All of those licences require an investigation of options for land-based disposal of treated waste water and/or waste water nutrient reduction prior to discharge, and that is proceeding. There has to be a public advertisement of expressions of interest in relation to these things so that people will see exactly what the Government's instrumentalities have in mind. These licences also extend to the Marine Environment Protection Act, which was really what I was getting onto before I slightly diverged to the licences in relation to those areas in the Hills which I have mentioned.

We know where the discharges are. We know the terms and conditions under which there has to be control of those things. We know that by January 1994 a report must be prepared on quantity and quality characteristics of effluent discharges into the marine environment. We know that by July 1995 there has to be an economic and environmental improvement plan aimed at upgrading the treatment plant to incorporate the best available technology economically available, and from January 1996 onwards each economic and environmental improvement plan will need to be reviewed annually to reflect any new targets nominated by the Minister of Environment and Land Management or to meet an appropriate quality of discharge.

We also know, of course, that the Government is working towards both tertiary treatment and complete land-based discharge of these effluents, and in this respect it is considerably in advance of most other jurisdictions around this country. For example, at Bondi and along the Pacific coast of New South Wales there are discharges to the sea which are subject only to primary treatment and, in the light of a good deal of adverse newspaper and other media comment about some of the disgusting things that were seen floating in the surf at Bondi, what did they do? They merely transferred the discharge further out to sea and did nothing about the actual treatment at source. The glass is not yet full, to go back to my original metaphor: we have a way to go, but if we concentrate very much on the three-quarters that is already there I think we can say that so far as Australia is concerned this State has nothing to be ashamed of regarding the way in which we are standing up to our responsibilities in the control of pollution, that being, of course, one of the most important challenges that this country faces.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

WINE TRADE EXPO

Adjourned debate on motion of Mr McKee:

That this House expresses its support for the concept of hosting an international wine trade expo in South Australia involving all the key wine growing regions of the State as a boost to wine exports and to tourism and encourages the wine industry to fully support such an expo.

(Continued from 3 March. Page 2249.)

Mr VENNING (Custance): I wish to congratulate the member for Gilles on this motion, which I fully support. The wine industry is a bright spot in an otherwise gloomy picture, and anything that will boost it and this State is worthy of bipartisan support. An international wine trade expo in South Australia could well be seen as an idea whose time has come. In fact, a cursory look at the industry in the State leads rapidly to the conclusion that we should be able to stage the wine expo to end all wine expos—dare I suggest perhaps even the mother of all wine expos. Australian wine has become firmly established on the international stage as a world class product worthy of taking its place in any arena on any market. South Australian wines are without doubt the best in Australia and therefore the best in the world—and we would all drink to that. Quite simply, South Australia leads the world. I am proud and honoured to have in my electorate the Clare Valley and following the boundary changes, if I am honoured to return here, I will also have the Barossa Valley. So, I am rapidly brushing up on my wine knowledge, expertise and taste—and I am really enjoying that.

Mr Meier: Don't let it go to your head.

Mr VENNING: I will not let it go to my head as my colleague the member for Goyder warns—we must be ever vigilant. We should add to these areas the Coonawarra, the Southern Vales and the Riverland,

which is so important in the bulk wine section of the market—

The Hon. Jennifer Cashmere: And the Mount Lofty Ranges.

Mr VENNING: And the Mount Lofty Ranges, a new and growing area producing the cooler climate wines. We have so much going for us. It is clear that Adelaide is the wine capital of the world. We have the potential here to run another international event that could put the Grand Prix in the shade. We might even see a new State motto, a new catchcry: 'SA Grape'. Such an event would certainly put Adelaide firmly on the map, and a winemaker's map can be a most expressive document indeed.

This State's wine industry is one of the few bright spots in view. It is extremely bright; in fact, it may even be seen as a ray of hope. For example, in the 12 months to the end of last January, Australia's wine exports jumped by more than one-third in the current climate, by 37.1 per cent to an amazing 91.1 million litres or $245 million worth of wine. That is a lot of money and a lot of wine, and it is a huge increase in the market, particularly when we realise what we are up against. We have attained this increase in a static world market, largely at the expense of the world's traditional wine nations.

Look at our trade with the United Kingdom. Just eight years ago the UK imported 594 000 litres of our wines, but in the past 12 months our exports to the UK amounted to 32.7 million litres—an incredible increase. The same sorts of figures apply in the US: 541 000 litres eight years ago and 9.4 million litres today. This is in competition with their own huge Californian industry, so we are doing it right. It is great to be positive about something in the terrible economy that we have today. Success stories abound, and we read about them in the newspaper every day. The Swedish market has rocketed from 379 000 litres to 14.9 million litres. As Sweden is so close to France, we are certainly showing that country the way.

The Australian Wine Industry Council has a global strategy to reach exports of $750 million by 1996-97 and $1 billion by the turn of the century. That is certainly aiming high. An international wine expo on a scale worthy of our industry would be another step toward ensuring that these targets can be reached and maintained. It is worth noting that these results have been brought about by visionary individuals and a determined industry and not to any extent by Government or bureaucratic effort, but we cannot expect the industry to continue to go it alone when it has become so important to our economy. For example, it is estimated by the Australian Wine Export Council that export sales of $750 million a year will boost employment by 1 600 people and bring 1 million extra tourists to Australia. Many of the jobs and tourists that come to South Australia will make us even further the leading wine State.

However, there are issues in the industry that need to be resolved if its future is to be assured. One of the most immediate is the matter of indicative prices, and that is on the go right now—a very difficult situation. It is important that the Government does all it can to resolve the issue of grape pricing. This matter has long had the potential to factionalise the industry. Grape prices for this season have, in many cases, still not been resolved, despite the fact that crop losses in many areas resulting from disease will mean that there will almost certainly be a shortfall in production. A fortnight ago, while visiting the vineyard of one of my key growers, Mr Leo Pech, I looked at the disease in some of the crops in the area. There is none in Mr Pech's vineyard because he carried out a very heavy spray program and his crops are magnificent, but some of his neighbours' crops to a large degree are decimated by mould and fungus diseases. I do not think we realise how bad those diseases can be.

This brings us to the important matter of disease control and prevention. I am fearful that the proposal to reduce the presence of agricultural advisers in the region will impact severely on the grapegrowing regions, including those in my electorate. We spoke about that a few minutes ago. A news release by the Minister at the weekend states that the regional officers to some extent will be maintained. I hope they will be, particularly in areas where we are doing so well in industries such as this one.

The industry deserves encouragement and incentive for investment to cope with the plantings, inventory and equipment that will be needed to meet the export potential I have outlined and also to keep us at the world front. In order to keep us there, we have to adopt the most modern technologies and use the most modern plant, and we have to have top hygiene, which we have had until now, and this costs a lot of money. I hope that we will always make sure that the climate is there to encourage investment in the industry. A stable tax regime will be of considerable assistance in this respect. The taxing of wine has been a problem over the years, particularly the taxing of wines in storage—a problem that we must solve.

In conclusion, I again commend the member for Gilles' motion. I am only too happy to give bipartisan support for good constructive proposals such as this. We should all drink to the success of a great international wine trade expo in South Australia.

Mr McKEE (Gilles): I would like to thank the member for Custance for his support for my suggestion of an international wine trade fair and expo. It is not entirely lost on me that the electorate of Custance takes in the fertile valley of Clare—a wonderful wine producing region.

Mr Ferguson interjecting:

Mr McKEE: As the member for Henley Beach says, it is well known for its red wine. I am mindful of the support of the Opposition for my motion. It is important to point out that an international wine trade fair and expo held in Adelaide will combine three areas. It will enhance and underwrite the export drive already undertaken by the wine industry itself. To that end, some months ago, the Premier announced that the Government would make a grant to the wine industry of $1.5 million to assist it in that export drive. It will also encompass the areas of hospitality and tourism. Last night, during the debate on the Tourism Commission Bill, much emphasis was put on the future of tourism in Australia and many suggestions were put forward by members on both sides of the House in that debate. Finally, and probably one of

the most important considerations in the present climate, there is the area of employment. So, those three areas will benefit from an activity such as this.

During the past several months in which I have been pushing this suggestion I have made sure that I have discussed the idea with members of the wine industry and the Winemakers Federation, including its President, Brian Croser, and wineries in the Clare Valley (in the electorate of the member for Custance), the Barossa Valley, the Southern Vales and the Coonawarra district. Of course, Brian Croser represents not only the umbrella Winemakers Federation but also Petaluma, which is in the Adelaide Hills.

All of them have been supportive. I have written to all of the larger wineries, including Orlando, Wolf Blass, BRL Hardy and Angove. They have written back in support of the proposition. It is an unique opportunity for South Australia to push one of its home grown products. If we get this Expo going, and I am sure we will, because we will be starting the organisation on Friday, it will be the first of its kind and hopefully the only one of its kind in the Southern Hemisphere.

All the other major wine fair exhibitions are in the northern hemisphere, mainly in Europe, and in France in particular. With South Africa and Argentina emerging as wine growing countries in the southern hemisphere, it is important for South Australia to get in first and establish our credentials in the wine industry now. That can occur only if we establish an international wine trade fair and expo here in Adelaide, South Australia, which is the key State for wine growing in Australia.

As the member for Custance said, South Australia's wine product has now been recognised all over the world. We have taken our product overseas and competed with the major wine growing areas of Europe. We have been picking up markets over the past few years, and it is now time to bring people to Adelaide from around the world to look at the way we grow and manufacture wine in this State. This event will do that, and I believe it can be continuous. The French Vin Expo, which is held every two years, is on its fifth event. A wine expo would be important for those three areas of export: the wine industry, the tourism industry and the creation of jobs in South Australia. I thank members of the Opposition, particularly the member for Custance, for their support of the motion.

Motion carried.

PAYROLL TAX

Order of the Day, Other Motions, No. 8.

Mr S.G. EVANS (Davenport): With the knowledge of the honourable member concerned, I move:

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

NATIONAL PARKS

Adjourned debate on motion of Hon. D C Wotton:

That this House condemns this Government for its appalling neglect in the management and resourcing of national parks and reserves and calls on the Minister of Environment and hand Management to inform the House what immediate action the Government intends taking to reverse this totally unacceptable and irresponsible situation.

(Continued from 3 March. Page 2243.)

Mr De LAINE (Price): This motion moved by the member for Heysen is about the management and resourcing of the State's national parks and reserves. I strenuously disagree with the honourable member's views and comments about the way these important areas of South Australia are managed. First, the honourable member quoted part of a sentence by the Minister out of a three page letter. The letter was sent by the former Minister of Environment and Planning, Hon. Susan Lenehan, to the Public Service Association, which represents the interests of National Parks and Wildlife rangers.

I would like to quote the sentence that the honourable member refers to in his speech, as follows:

...there are a number of important weed and feral animal control programs and fire protection programs which cannot be fully addressed.

The part quoting of this sentence is mischievous because it is taken out of context. The quote makes sense only when it is read in context with the rest of the sentence and the rest of the three page letter. When read in its true context, it takes on a responsible position in relation to parks management. I will quote some of the relevant points in the then Minister's letter to the PSA in respect of park management, as follows:

The National Parks and Wildlife Service is committed to maintaining service delivery positions in the field so far as possible... There has been a steady increase in staffing in the service's general reserve trust operations... The service predicts healthy growth in general reserves trust operations as the country recovers from the recession. This growth will provide a requirement for additional employment.

Funding resources for the 1992-93 [at the time the letter was written] financial year will be directed at maintaining a field presence at the current regional and sub-regional basis. Beyond that, priority will be given to critical community management obligations, for example, public safety and the provision of essential visitor services such as rubbish collection and facility hygiene.

I now refer to the full sentence that the member for Heysen quoted only in part, as follows:

Essential resource protection functions will be addressed including specific fire protection works and the maintenance of high investment weed control programs. As you will appreciate, there are a number of weed and feral animal control programs and fire protection programs which cannot be fully addressed given budgetary constraints.

I emphasise that last sentence, which the member for Heysen quoted in part:

...there are a number of important weed and feral animal control programs and fire protection programs which cannot be fully addressed given budgetary constraints.

The letter then goes on to outline the areas of activity likely to be restricted in the reduced funding, as follows:

— a variety of weed control problems. Priority will tend to be given to weed control in areas of high conservation value where control could demonstrate a high benefit to cost ratio. Priority is also given to schedule 2 weed problems which are addressed in concert with neighbouring landowners.

— rabbit and goat control programs. Priority will be given to programs carried out jointly with neighbouring landowners. Goat control programs involving isolated populations in 'island' parks will also receive priority.
— a range of visitor facility maintenance programs. Beyond general reserves trust operations, priority will be given to high use, high impact areas. Work includes repairs to visitor facilities including fencing, signs, tracks, toilet facilities. Low to medium use areas will receive attention in the event of breakdown.
— road works. The capacity of the service to significantly address road maintenance issues is limited. Priority is given to high use roads, particularly those recently upgraded under recapitalisation programs.
— fencing maintenance. Priority will be given to particular trouble spots.
— general patrol. The service's capacity to maintain patrols of parks to control vandalism and other breaches of the Act and regulations is limited. Priority is given to reports of serious incidents.

When read in proper context, the letter gives a reasonable position about the management of parks. Priority is given to the areas that I have mentioned, such as safety, essential visitor services and health issues. These are commonsense issues in relation to the amount that can be spent on our parks.

In his speech, the honourable member states:

In 1985 an amount of $7.9 million was allocated to manage 4.6 million hectares of parks in this State. In 1991 the amount was $11.8 million to manage 20.2 million hectares.

This highlights not so much the amount spent on parks to manage them but the fact that this Labor Government over the past few years has been responsible for a large increase in the area of national parks in South Australia. I do not know what the honourable member was getting at in quoting those figures, but I assume that he was saying that $7.9 million was spent in 1985 to manage 4.6 million hectares. He also said that, because we had 20.2 million hectares of parks in 1991, on a proportional basis the Government should be spending $34.7 million today to retain that same ratio.

That is an enormous amount of money, and obviously the honourable member is well out of touch in these economic times. If the honourable member wants more resources spent on national parks and reserves, bearing in mind the tremendous increase in the hectarage of these areas throughout the State, the Opposition will have to tell the Government from where the extra money will come. The Opposition will have to say whether it wants to cut funding to health, education, police and so on. That is quite an important area.

One of the other points the honourable member made was that there are 60 Friends of the Parks organisations and that, if the Government does not take action, it will lose those volunteers. In fact, there are over 60 of those groups. Mr Speaker, I seek leave to have some statistical data incorporated in *Hansard*.

The SPEAKER: Is it purely statistical?

Mr De LAINE: Yes, Mr Speaker.

Leave granted.

1992 Volunteer Statistics

Year	1986	1987	1988	1989	1990	1991	1992
No. of People	2 200	1 685	2 049	2 669	2 649	2 452	4 712
No. of Days Worked	3 300	2 704	3 332	5 479	5 267	8 281	12 197
No. of Projects	117	164	224	281	345	366	336

* No. of projects is reduced due to some parks sending in one registration form for multi activities.

Mr De LAINE: The table displays the number of volunteers and their input on behalf of the community into the workings of the national parks system of South Australia. I will quote a few extra figures. The honourable member mentioned that there were 60 Friends of the Parks groups. In fact, the figure is 70. There are 30 camp ground hosts, 30 overseas volunteers and 16 consultative committees. As the statistics show, there has been an increase in the number of people giving their valuable time to the parks system. This is widely recognised as extremely valuable work by these dedicated people. The consultative committees are important in the running of the national parks system. The Minister takes notice of the suggestions and recommendations that the committees put forward because they represent local community requirements for the parks system.

Camp ground hosts help tremendously by being a welcoming group to the tourists who use the parks system and they help to free up the park staff to undertake important field duties. Overseas volunteers wish to see the South Australian parks system in action. That is another area that emphasises the way the parks are managed in this State.

The honourable member warns that if immediate action is not taken many volunteers will be lost. This is true. Some people are becoming disillusioned with the volunteer system. This is principally due to the inability of the ranger staff to support the demands of some of the volunteer groups in some areas to establish new volunteer groups. This problem of coordination of the groups has been helped by the utilisation of volunteers to coordinate the activities of a number of volunteer groups in some national parks. The work is ongoing in this area.

A very important part of the strategy of the present Government to manage parks is the announcement fairly recently of the review into National Parks and Wildlife Act reserves. I was going to read the terms of reference, but due to the lack of time I will just mention the fact that the review has been launched.

The SPEAKER: Order! The honourable member has run out of time.

The Hon. JENNIFER CASHMORE secured the adjournment of the debate.

NATIONAL OUTLOOK CONFERENCE

Adjourned debate on motion of Mr Venning:

That this House notes the findings of the Australian Bureau of Agricultural Resource Economics recent National Outlook Conference in Canberra and expresses its concern at the effect on the South Australian economy of the crisis facing primary industries.

(Continued from 3 March. Page 2245.)

Mrs HUTCHISON (Stuart): I rise to support the motion moved by the member for Custance. I know that the honourable member has a very keen concern about what happens at the National Outlook Conference. I believe he attended last year, but I am not sure—

Mr Venning: I have attended seven times.

Mrs HUTCHISON: He tells me he has attended the ABARE conference seven times. That is very important because he is in the industry and it is of vital importance that he knows what is happening. One of the real problems we have had in the past few years has been the volatility of commodity prices around the world. Because we are in the export market, it is difficult for us when we have to contend with a number of variable factors in the industry. That is why the ABARE conference plays a very important role: it can give some indications to people who are in that industry as to what is happening around the world and then give them some opportunity to plan for the coming years.

In February 1993 the Australian Bureau of Agricultural Resource Economics National Outlook Conference was told that, based on the commodity overview, world commodity prices in 1992-93 were forecast to fall by two per cent in US dollar terms. Looking at that on the surface, that is a reasonably worrying forecast. One of other variables is that, as a result of the depreciation of the Australian dollar relative to major currencies around the world, world commodity prices in Australian dollar terms are forecast to be seven per cent higher than in 1991-92. So, it makes a difference to look at the overall picture.

The net value of farm production in 1992-93 is forecast to be $1.7 billion, which is significantly higher than in 1991-92 but still well below the average of around $4 billion in the late 1980s. I am sure that the member for Custance would remember that time very well. It was a very good time for Australian farmers and we hope to see it again in the future. Over the medium term the net value of farm production is projected to be in the range of $1.9 billion to $2 billion in real terms. However, that is still only around half that of the late 1980s. So, we need to ensure we can get that up. Whilst it may not reach the level of the 1980s, at least we should get it up so that it is within reach of that level.

A number of key global issues obviously influence the outlook for commodities in the short and medium term. Some of those are the pace of world economic growth, and the rate of progress towards trade liberalisation and environmental policies. One of the things that has happened in the past 18 months has been the very big environmental meeting, which was held in the Americas and which was attended by people from around the world. That conference made some decisions that will have an impact on farmers around the world. So, the jargon of economically sustainable development is one we have to look at quite seriously.

The other issue, of course, is that has there has been a major change in the situation in Europe. The USSR no longer exists—it has been replaced by the Commonwealth of Independent States. Again, that is having an impact on what is happening worldwide. Obviously, that impacts on Australian products going overseas. It is interesting that we recently had a delegation of young farmers from the Ukraine. They spent five months in Australia looking at our farming practices. One of the interesting things that came out of talking to them was the fact that they had never known land ownership as such. It was going to be quite a major change of emphasis for them to be able to own land and to make the decisions, even in respect of when to plant, because previously they were given a directive from Russia as to when they could plant their crops. So, there is a change in emphasis in the way farming practices are carried out in the Commonwealth of Independent States.

The decisions which will be made by GATT will obviously impact in a major way on us here in Australia. The negotiations and resolutions at the GATT rounds are vital for us. We need positive resolutions that will assist us in the world market.

I now turn to some of the major commodities and the key points that were made by ABARE. The bureau predicted an Australian price of $171 a tonne in 1993-94, which is down some $26 a tonne on the 1992-93 forecast price for wheat. On the other hand, there were some positive predictions, because the Australian price for grain legumes, for example, is forecast to be relatively stable over the medium term. Demand for Australian legumes is forecast to expand significantly over the next five years as feed demand increases, so there is some light there.

Earlier today the House passed a motion to hold a wine trade expo in South Australia. The wine industry is the highlight of our export market at the moment. The considerable rise in the volume and value of wine exports that has been in evidence since 1985-86 is expected to continue, although at a diminished rate, because there has been a rapid rise in the sale of wine overseas. In 1992-93 dollar terms, the value of wine exports is projected to rise by 65 per cent—which is quite a rise—to $498 million in 1997-98. So, it looks as though the South Australian wine industry will go from strength to strength. That is one of the reasons why we should wholeheartedly support the idea of the expo, as we have done.

ABARE points out that wool growers experienced a sharp fall in returns during the 1991-92 season, and low returns have continued into the 1992-93 season. I am sure we do not have to tell the member for Custance that. The recovery in grower incomes has been delayed by continued low economic growth in the major purchasing countries and, hence, low demand for wool. But over the medium term, growth is expected in wool consumption as a result of economic growth in major wool consuming countries and continued low wool prices relative to prices of other fibres. However, the positive effects of this on prices is projected to be offset, in part, by sales of stockpile wool by the Australian Wool Realisation Commission. As a result, returns to growers

are expected to improve only slowly during the next five years. So, with wool we really need to have more of an input into the markets.

Interestingly enough, Australian beef production is projected to expand by about 20 per cent between 1992-93 and 1997-98. The consumption of sheep, pig and poultry meats will maintain its upward trend, as relatively low prices and increased production help maintain the competitive position of poultry meat with other meats.

The financial situation in the farm sector has been dire over a couple of years. ABARE expects that the Australian farm sector will show an improvement in financial performance in 1992-93, following two years of depressed incomes. While incomes are expected to increase on average, the distribution of these improvements is expected to be uneven. I think that we can probably estimate here in South Australia where there will be increases and decreases in farm incomes. In the broadacre sector, the upturn is expected to be strongest in the cropping industries. Modest gains are expected for livestock industries, with farm businesses dependent on sheep and wool still lagging behind the sector in average performance characteristics. But there has been steady improvement in both the productivity and financial performance of dairy farms. So, overall I think, as the member for Custance has pointed out, we have to show some concern with regard to this and to continue to monitor the situation because, after all, it is one of the most important aspects of our economy.

I have pleasure in supporting this motion. I know that the Government will continue to monitor closely what is happening at the GATT round of talks and the estimations for commodity prices to ensure that, as far as possible, South Australia can get the best deal on the world markets.

Mr VENNING (Custance): I thank the member for Stuart for her support in this debate. I have found the ABARE conference valuable and, if I continue to attend, I will bring back any findings to this parliament. The ABARE predictions might be wrong and the returns to all industries might be much better than predicted, although the wool prices have fallen to crisis levels in recent days. I hope, as do all Australians, that our key industry—the wool industry—will rise shortly to give all those involved a reasonable income and, therefore, better prices. I also share the hope of the member for Stuart that the GATT round will solve our problems. If these problems were solved, it would stop this dumping of the product from other countries, and we should be able to fight without our hands tied behind our back. I thank all members for their support and I commend the motion to the House.

Motion carried.

EXPORTS

Adjourned debate on motion of Mr S.J. Baker:

That this House believes that South Australia must become more export oriented and welcomes the Federal Liberal taxation initiatives which will assist in the achievement of that essential aim.

(Continued from 3 March. Page 2247.)

Mr S.G. EVANS (Davenport): I move:

That this motion be read and discharged.

Order of the day read and discharged.

RETIRED PERSONS

Adjourned debate on motion of Hon. D.C. Wotton:

That this House commends the Federal Coalition for the sympathetic assistance it will provide in Government to self-funded retirees under the Fightback package in recognising the unsympathetic taxation discrimination that has been of major concern to those who have prepared for their own retirement.

(Continued from 3 March. Page 2251.)

Mr S.G. EVANS (Davenport): As far as we know, no part of the Fightback package will become reality in the near future through a Federal Coalition Government. We know that some aspects of that Fightback package—and maybe a lot in the end—will be implemented either in a similar form or under a different name by the Government that has been elected federally. In saying that, I wish to pick up the point about self-funded retirees and the position in which they find themselves in our society.

Some of these self funded retirees are people who have put money into trust funds, property or some form of superannuation for their retirement. They have suddenly found in recent times, given a substantial decrease in interest rates, that their investments are no longer enough to support them in the lifestyle which they thought they would have maintained to the end of their life, whenever that may be. So they end up being the semi-poor, and sometimes the poor, because they do not quite qualify for a pension and the benefit cards that those on a part or full pension receive, to varying degrees. They really find themselves in a difficult situation.

In some cases, members of their family have moved to other States to chase work in their vocation. The retirees wish to see their grandchildren, and it is no longer the simple process that it was. The family linkages will be more tenuous and more distant. It is not what they expected in a country where many of them had contributed significantly in effort, not only in the work place. Many of them were salaried people, not business people. More particularly, some of them contributed in war. Some of them suffered because of that, and they might have received a small compensatory pension in some cases, which did not affect their ability to go out and earn an income after coming back from the war and receiving that pension.

So, in debating this motion, we need to be concerned that whoever governs federally is compassionate to their needs and, more particularly in this area, one has to look at the most recent decision of the State Labor Government; no longer will there be no discrimination because of age. We know that there will be discrimination on the basis of age. Two ladies rang me today who hold key positions in a Government department, one being 63 and the other 61. They believed they would be able to go on until they no longer had the capacity or the will to serve in that employment. If the Government sticks to its most recently announced

policy (not its previously announced policy, whereby it did not support age discrimination) these two ladies, who are still alert and capable of carrying out their duties, will be forced to retire at 60 and, more particularly, a gentleman who may be working alongside them can go on until he is 65.

I thought there was a move throughout all Parliaments in Australia and some other parts of the world to cut out discrimination between the sexes, and here we have an announcement that people will be forced into a self funded retirement position, in many cases. Females have to retire at 60 whereas males can go on to 65. What blatant hypocrisy! I hope that those members of the ALP who say they support equality of the sexes will show their colours and come out and speak openly against this stated policy of the Government that will force more people into this category of retiree, whether they be in the public or the private sector.

There is no doubt that the trade union movement will move into the private sector and attempt to make sure that the 60 retiring age for women and the 65 retiring age for men is applied. Yet there should be no limit. If we are true to our word as a Parliament and if the Government is true to its word, there should be no age when people have to cease work. If they are 95 and still capable of doing the job, they should be able to do it.

I wonder why the change occurred. We all know the reason—to try to create jobs. There are so many unemployed that we will force a few more out of a job where they are effective, productive, useful, achieving something in their life and feel satisfied; we will force them out of the work force to create jobs. I wonder who will stand up at a ALP convention and say that females should retire at 60 and males can retire at 65 and at the same time say they do not believe in discrimination on the basis or sex or age. They are double standards, so we have this situation.

The taxation system discriminates against self retirees at the moment. They have no way of making any claims to reduce their taxation. They might have decided that they will try to stay in the family home. They might live in a reasonably expensive area; they might have a double block or they might want the tennis court and to keep playing as long as they can to keep fit or they might want to keep the garden going. But now, suddenly, because of what the ALP has promoted in the past and appears to want to practise in the future, they will not be able to do that.

If the philosophy of the Keating Government is to bring about equality by tearing down those who are successful or, more particularly, those who have put something aside for their future to be able to maintain a standard of living and not to be dependent on the other taxpayers of the country—if that is its philosophy—it should come out and say it, because I thought in this country we wanted people who are prepared to work and to save for the benefit of the country, to be as productive and creative as possible, and to earn an income so they can put something aside and not be dependent upon the community. I know the ALP philosophy is to have a compulsory superannuation payment by employers, but all that does is to make sure we have fewer jobs.

In supporting the motion of the member for Heysen, I want members to stop and think seriously about why the Government is saying that a woman at 60 can no longer work but a man can and, more particularly, about why one has to retire at 65 years of age, regardless of how capable one is. I support the motion of the honourable member, although I know that Fightback will not be implemented.

Mrs HUTCHISON secured the adjournment of the debate.

ECONOMIC DEVELOPMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3 (clause 7)—After line 12 insert new subclause as follows:

(2A) The Minister must ensure that copies of any Ministerial direction given under this section are laid before both Houses of Parliament within 6 sitting days after the direction is given.

No. 2. Page 6, line 12 (clause 13)—After 'board' insert 'or the State'.

No. 3. Page 6, line 14 (clause 13)—After 'gain' insert 'directly or indirectly'.

No. 4. Page 6, line 15 (clause 13)—After 'board' insert 'or the State'.

No. 5. Page 6, lines 21 to 23 (clause 14)—Leave out subclauses (1) and (2) and insert new subclauses as follow:

(1) A member of the board incurs no civil liability for—

(a) an act or omission done or made in pursuance of a Ministerial direction given under this Act; or

(b) an honest act or omission in the performance or purported performance of functions or duties under this Act.

(2) The immunity conferred by subsection (1)(b) does not extend to culpable negligence.

No. 6. Page 9, line 14 (clause 16)—After 'if the agreement is' insert 'consistent with the law of the State and'.

No. 7. Page 9, line 15 (clause 16)—Leave out 'resolution of Executive Council' and insert 'the Governor'.

No. 8. Page 9 (clause 16)—After line 17 insert new subclauses as follows:

'(3A) If an authorisation is given under subsection (3)—

(a) the statutory power may be exercised by the board as if the power had been duly delegated to it by the authority, body or person in whom the power is primarily vested; and

(b) the board must consult with that authority, body or person in relation to the exercise of the power (but is not bound to comply with directions as to the exercise of the power given by that authority, body or person); and

(c) any statutory provisions governing, or incidental to, the exercise of the power must be observed by the board as if it were that authority, body or person; and

(d) any statutory provisions for appeal against or review of a decision to exercise the power or to refrain from exercising the power apply in relation to a decision by the board in relation to the exercise of the power.

(3B) An authorisation under subsection (3) is to be given, varied or revoked by proclamation.

No. 9. Page 9 (clause 16)—After line 27 insert new subclause as follows:

(6) Any approval, authorisation, ratification, consent, licence or exemption given under subsection (2), (3), (4), or (5) must—

(a) be notified in the *Gazette* as soon as practicable after it is given;

(b) be reported to both Houses of Parliament within 6 sitting days after it is given.

No. 10. Page 10 (clause 17)—After line 14 insert new subclause as follows:

(3A) The board cannot delegate a statutory power that the board is authorised to exercise by the Governor under section 16(3).

Consideration in Committee.

Amendments Nos 1 to 8:

The Hon. LYNN ARNOLD: I move:

That the Legislative Council's amendments Nos 1 to 8 be agreed to.

Motion carried—

Amendment No. 9:

The Hon. LYNN ARNOLD: I move:

That the Legislative Council's amendment No. 9 be disagreed to.

In disagreeing with this amendment to the Bill as it has come back to the House, I would point out that the Attorney-General in another place has indicated that the Government would not object in principle to the amendment applying to clause 16(3); however, the Government believes that the Opposition's concerns are met by the Government's own amendment to clause 16(3)(b). The proposed amendments to clauses 16(2) and 16(5) need to be opposed, since they are likely to confuse the local business community and potential investors as to the likelihood of undertakings made with the EDB being made public and open to detailed discussion in the Parliament in inappropriate time frames. The Government would also be concerned that parliamentary members in time may interpret the requirement to report as affecting a much broader range of matters than is proposed within 16(2) and 16(5), as drafted for the Government.

The intent of clause 16(2) was that, in exceptional circumstances with major developments, where an agreement may need to bind the State and other Government agencies, the board could seek the Cabinet's approval to do so. It does not imply that every agreement reached by the board for industrial expansion or development would be subject to ratification by the Governor. It also need not be necessary to operate under this clause for the EDB to effect agreements involving other Government instrumentalities. Agreements could be reached with those parties for industrial expansion or development by the parties binding themselves in an agreement, provided they have the legal power to do so, of course. As has occurred with the former Department of Industry, Trade and Technology and its predecessors, the Government does reach agreements with firms to locate or expand in South Australia, and those agreements may include incentives to companies.

The Government can currently provide financial assistance to industry through the provisions of the Industries Assistance Act or by the Minister's acting as a body corporate. Agreements reached are between the Minister and the relevant business parties. It may not be readily apparent to the business community that these arrangements are not affected by the provisions of this Bill. The local business community or potential investors could come to believe that any agreement negotiated by the Economic Development Authority 'for industrial expansion or development' could be drawn into a requirement that there be gazettal and notice to both Houses of Parliament. There could therefore be perceived to be a detrimental factor in the State's business climate and, as the Government is only too well aware, such perceptions can be exceedingly difficult to counteract.

From the companies' perspective, they may perceive themselves as needing a considerable period between negotiating with the Government and making their plans known publicly, for example, if a firm is relocating to South Australia from interstate or overseas. They need time in which their competitors are not publicly advised of their plans and they need time to address the needs of stakeholders such as employees. They would not want to be caught in a situation where they thought their negotiations may be known prematurely, nor would they want to be caught in an argument in the Parliament that negotiations with them should have been made public.

A distinction needs to be made between shares held by the Economic Development Board in its own right and shares, convertible notes or options that may be negotiated by the Economic Development Board on behalf of the Minister, funded through the South Australian Development Fund or through the Economic Development Program, and held by vehicles such as South Austral-Asia Pty Limited. While incentives and support by such means are not common, they do provide flexibility in meeting the needs of industry and protecting the interests of the Government.

The current guidelines of the South Australian Development Fund stipulate that no such support shall be provided except on the approval of the Minister, and proposals of significance, as members know, are subject to the recommendations of the Industries Development Committee. The Auditor-General reports on South Austral-Asia as part of his report to Parliament. This process ensures there is bipartisan parliamentary support for any such proposal while maintaining the commercial confidentiality which is often vital in negotiating for industry expansion in this State.

It is unlikely that the Economic Development Board would have any difficulty in disclosing the details of shareholdings acquired in its own right, but this would restrict the flexibility of the Economic Development Board in the future should it be decided that the South Australian Development Fund and/or the Economic Development Program should be placed under the direct responsibility of the Economic Development Board rather than the Minister. If the amendment of the Upper House were to apply and were clearly understood by all the relevant parties to apply only in exceptional circumstances of the Economic Development Board (1) having an agreement ratified which bound other Government instrumentalities; (2) acquiring shares or other interest in the capital of a body corporate; or (3) contracting for development projects or joint ventures, then there would be fewer concerns with the amendment.

However, it is distinctly possible, and this is the concern of the Government, that the business community may come to believe that there is an impediment to development if their agreements were prematurely to be made public knowledge. So, for those reasons I move that amendment No.9 be disagreed to.

Mr OLSEN: The Opposition supports the amendment. We are talking about a requirement that the Government, after approval, authorisation, ratification, consent, licence or exemption that has been given under the clauses referred to, should notify such approval, authorisation, ratification, consent, licence or exemption in the *Government Gazette* as soon as practicable after it is given. So, we are talking about a matter that has been determined and completed; an arrangement between Government and an instrumentality has been put in place.

The Premier's comments that this could put at risk a project or a development because commercially sensitive or confidential components might be included in such gazettal, or you might be giving notification to other parties and that therefore the private sector would be concerned that any gazettal or notice would be transmitting information of some kind to competitors, really does not stand and is not substantive, in that what we are talking about is after the event and merely means that this Parliament and the public should be notified of the course pursued by Government.

In other words, what we are trying to do is take off this guise of commercial confidentiality that has got this Government into considerable difficulties over the past 10 years. The guise of commercial confidentiality has been misused and abused by Government so that it did not have the responsibility to explain its actions to the Parliament and the public of South Australia. Given the track record of the past 10 years, it is an eminently sensible and reasonable request to the Parliament to require the Government, based on its track record, to inform the public and the Parliament of its actions, not putting at risk at all the agreement, because it is complete, it is signed and in place; it is merely notification of what has taken place.

I draw the Premier's attention to the debate in the Committee stage, when I raised with the Premier the point that there ought to be public notification of agreements, contracts that have been put in place, and that it is the responsibility of not only the Government to go out and argue the merits of that case in the public domain but also of the private sector, because I think there is equal responsibility on the private sector to argue its case in the public domain for the course it is pursuing. It should not only be left to the Government, but the private sector also has a responsibility to explain the course of action it is taking.

And the Premier agreed with me. In the short time during which the Premier was reading the statement I attempted quickly to turn up the *Hansard* page, but I cannot find it; but I am sure that I am paraphrasing very accurately, and I note that the Premier did nod some agreement, that he supported the view that the private sector and the Government ought to be prepared to argue publicly the case for the decision that has been made. What we are doing in the amendment approved by the other place is simply formalising that arrangement; putting clearly and concisely the course of action the Government must take.

I do not accept at all that it places at risk any agreement entered into by the Government. I do not accept that it would be an impediment and set a perception that this is another problem in doing business in South Australia, because once the business has been concluded and people are getting on with the job, it is merely telling people what arrangements have been put in place. Those arrangements will become public in the fullness of time anyway, and all we are seeking to do is ensure that there is a mechanism that can lift once and for all from this Parliament the excuse of commercial confidentiality for explaining Government actions. I do not accept that it puts at risk the decision making, and I do not accept that it places any real impediment in the way of agreements being reached between the board and any private sector group.

The Hon. LYNN ARNOLD: I listened with great interest to the comments made by the member for Navel, and I might say that I do not disagree with some of the comments made by the honourable member, and he was quite right in drawing attention to some of the views that I expressed in the Committee stage when this matter was before this place previously. What I did indicate, however, at that time is that we must make sure that the formula is right. In my comments a few moments ago I said that we do not necessarily disagree with the principle of what was inherent in this amendment that has come from the other place but disagree with some of the ramifications of that.

Notwithstanding the comments made by the member for Navel, I still recommend that the Committee oppose this amendment, and it looks therefore as though we might have a very interesting debate in a conference stage as we pursue this matter to the best outcome. That would be a good thing for us to do.

Mr OLSEN: There is no doubt that there is goodwill and bipartisan support—tripartite I almost would suggest to the Parliament at the moment—for the right outcome of this legislation in the interests of South Australia. There is absolutely no disagreement with that. Given the sequence of events that will follow and the fact that I can count numbers sometimes, we will not divide on the measure but will allow it to go back to the other place and proceed to conference in due course, and see whether the measure is finalised there. But the Opposition supports the amendments as proposed by the other place.

Motion carried.

Amendment No. 10:

The Hon. LYNN ARNOLD: I move:

That the Legislative Council's amendment No. 10 be agreed to.

Motion carried.

CLASSIFICATION OF PUBLICATIONS (FILM CLASSIFICATION) AMENDMENT BILL

Received from the Legislative Council and read a first time.

DRIED FRUITS BILL

The Hon. T.R. GROOM (Minister of Primary Industries) obtained leave and introduced a Bill for an Act to assist the dried fruits industry; to repeal the Dried Fruits Act 1934; and for other purposes. Read a first time.

The Hon. T.R. GROOM: I move:

That this Bill be now read a second time.

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

Leave granted.

South Australia normally produces only about 10 per cent of Australia's dried vine fruit (dvf), but in excess of 50 per cent of Australia's dried tree fruit (dtf). In the 1991 season, the last season for which complete figures are available, South Australia produced 9 260 tonnes of dvf out of the 92 130 tonnes national production. In relation to dtf, South Australia produced 2794 tonnes out of a national total of 5 162 tonnes. Of the South Australian tonnage of dtf the majority are dried apricots whereas the majority of the balance are prunes produced in New South Wales.

The development of the *Dried Fruits Acts* was brought about as a result of the policies of Governments in the Southern States (Victoria, South Australia and New South Wales), supported by the Commonwealth Government, to settle large numbers of repatriated World War 1 soldiers in the River Murray areas of these States. Prior to government involvement with soldier settlement in these areas, there had already been steady growth in settlement. The government activity in this area led to a rapid increase in production which in turn led to the request from the industry for legislation to be developed to secure organisation of the marketing of the fruit.

The Victorian and South Australian Dried Fruits Boards were formed in 1925 and the New South Wales Dried Fruits Board was formed in 1927. To enhance the role of the Boards, the Commonwealth in 1928 passed legislation that allowed the State boards to act on the Commonwealth's behalf and grant licences to packers.

To ensure that the dried fruits industry was best equipped to take advantage of the opportunities that exist in producing quality products, and as part of the South Australian Government's commitment to regulatory review, a review of the *Dried Fruits Act 1934-72* was instigated.

The review has been supported by the majority of those involved with the dried fruits industry and all significant industry organisations representing dried fruits growers and packers have contributed comments to the review.

The *Dried Fruits Bill* 1993 has been prepared following the receipt of industry and community responses to the Dried Fruits Marketing Green Paper released in January/February 1991 and the Review of Dried Fruits Marketing White Paper, released in July 1992.

From these papers, it has been concluded that some of the current functions and powers of the Dried Fruits Board (DFB) are outdated and should be phased out or not included in the new legislation.

It is proposed that the functions, powers, structure and method of nominating the Dried Fruits Board of South Australia be changed (through replacement of the current Act), to provide more focus on market development, generic promotion, collection and dissemination of marketing information.

Overall objects of the legislation are to:

- Establish a statutory corporation to oversee and assist the dried fruits industry; and
- Register producers and packers and require certain standards to be met for registration; and
- Require certain standards to be met in the production, packing, storage and handling of dried fruits.

Recommendations made in the White Paper which have been incorporated in the drafting of the Bill encompass the following changes from the current *Dried Fruits Act 1934-1972*.

- The following powers have been removed:
  - to make and carry out contracts with any person in respect to the purchase or sale of dried fruits in Australia;
  - to fix the remuneration paid to repackers (including the category 'dealers' which is to be removed from the new legislation) for the sale or distribution of dried fruits.
- The new Board will not be able to use the licensing provisions to unfairly restrict entry and competition in the packaging and processing sector of the South Australian dried fruits industry. Processors and packers would be registered if minimum standards are met.
- The DFB operations will retain emphasis on the following areas:
  - registration of packing sheds and stores;
  - setting and monitoring standards for equipment, facilities, etc.;
  - setting grade standards;
  - inspection of properties and drying grounds;
  - registration of growers and packers;
  - collection and dissemination of market information;
  - promotion of dried fruits;
  - assistance to research and development into dried fruit production, handling and packing procedures;
  - collection of levies and other revenue.
- The DFB retains the power to make and carry out contracts or arrangements with boards appointed under legislation in force in other States with objects similar to those of this Act for concerted action in the marketing of dried fruits produced in Australia, or in taking or defending legal proceedings, and for purposes incidental thereto.
- A five member Selection Committee will be formed for the purpose of selecting four members of the DFB. The Minister of Primary Industries will nominate the chairperson of the Committee.

Members of the Selection Committee will represent the various organisations and sectors which make up the dried fruits industry. The Selection Committee will be appointed by the Minister of Primary Industries following consultation with the industry.

- A new five member Board be appointed consisting of the following:
  - a chairperson selected by the Minister of Agriculture;
  - two members selected primarily on the basis of skills and experience in the dried fruits production sector of the industry;
  - two members, one selected primarily on the basis of skills and experience in the packing sector of the industry and one selected primarily on the basis of skills and experience in the marketing sector of the food industry.

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

The Bill provides for commencement on proclamation.

Clause 3: Object

The object of the Bill is to assist the dried fruits industry, in particular—

1. by establishing a statutory corporation to oversee and assist the dried fruits industry; and

2. by registering producers and packers and requiring certain standards to be met for registration; and

3. by requiring certain standards to be met in the production, packing, storage and handling of dried fruits.

Clause 4: Interpretation

"Dried fruits" includes both dried vine fruits and dried tree fruits.

A **"producer"** is a person who dries fruits for sale.

A **"packer"** is a person who processes or packs dried fruits for sale.

PART 2
DRIED FRUITS BOARD (SOUTH AUSTRALIA)
DIVISION 1—THE BOARD

Clause 5: Dried Fruits Board (South Australia)

The *Dried Fruits Board* continues in existence under the name *Dried Fruits Board (South Australia)* and is a body corporate.

Clause 6: Composition of Board

The Board is comprised of 5 members appointed by the Governor as follows:

1. one (the presiding member) will be nominated by the Minister; and

2. one will be a person, nominated by the selection committee, who has, in the opinion of the committee, extensive knowledge of and experience in the production of dried tree fruits; and

3. one will be a person, nominated by the selection committee, who has, in the opinion of the committee, extensive knowledge of and experience in the production of dried vine fruits; and

4. one will be a person, nominated by the selection committee, who has, in the opinion of the committee, extensive knowledge of and experience in the grading and packing of dried fruits; and

5. one will be a person, nominated by the selection committee, who has, in the opinion of the committee, extensive knowledge of and experience in the marketing of dried fruits or any other foods.

Clause 7: Selection committee

The Minister is to appoint a 5 member selection committee after seeking nominations from such organisations as are, in the opinion of the Minister, substantially involved in the dried fruits industry.

Clause 8: Conflict of interest over appointments

A member of the selection committee cannot be a member of the Board and cannot deliberate on a nomination if the person under consideration is closely associated with the member.

Clause 9: Conditions of membership of Board

Members of the Board are appointed for up to 3 year terms and may be reappointed.

Clause 10: Remuneration

The Minister determines the remuneration of members of the Board. Payments are to be from the funds of the Board.

Clause 11: Vacancies or defects in appointment of members

Vacancies or defects in appointments of members do not result in invalidity of the acts of the Board.

Clause 12: Procedures of Board

A quorum is 3 members. The presiding member has a casting vote. Meetings may be conducted by telephone or video conference. In other respects the Board may determine its own procedures.

Clause 13: Disclosure of interest of member

Potential conflicts of interest must be brought to the attention of the Board. The Board's permission is required for participation of a member in deliberations once a disclosure has been made.

Clause 14: Member's duties of honesty, care and diligence

Members are required to act honestly and with a reasonable degree of care and diligence. Members must not make improper use of information or of their official position.

Clause 15: Common seal and execution of documents

The method for affixing the common seal of the Board to a document and of executing documents is set out.

DIVISION 2—OPERATIONS OF BOARD

Clause 16: Functions of Board

The Board is required to co-operate with industry, industry bodies and the Board's interstate counterparts.

The functions of the Board are—

1. to encourage, assist and oversee the maintenance and continued development of the dried fruits industry in this State;

2. to plan and carry out programs of inspection of premises, facilities and equipment used in the production, packing, storage or handling of dried fruits;

3. to collect and collate information relevant to the dried fruits industry, and to disseminate that information to persons involved in the industry and other interested persons, with a view to enhancing the competitiveness of the industry;

4. to work with and provide advice to persons involved in the dried fruits industry with a view to improving the quality of dried fruits, the methods of producing, packing, storing and handling dried fruits and the marketing of dried fruits;

5. to undertake or facilitate research related to the dried fruits industry and in particular research into the quality of dried fruits, the methods of producing, packing, storing and handling dried fruits and the marketing of dried fruits;

6. to promote, or facilitate the promotion of, the consumption of dried fruits produced in this State;

7. to keep registers of all persons registered under this Act;

8. to keep this Act under review and make recommendations to the Minister with respect to the Act and regulations made under the Act;

9. to carry out any other functions assigned to the Board by the Minister that are consistent with the objects of this Act.

Clause 17: Five year strategic and operational plan of Board's activities

The Board is required to develop rolling 5 year plans of its proposed activities and to present the plans to public meetings.

Clause 18: Powers of Board

The Board is given powers necessary or incidental to the performance of its functions.

Clause 19: Delegation

The Board may delegate its functions or powers.

Clause 20: Accounts and audit

The Board is required to keep proper accounts and to have them audited.

Clause 21: Annual report

The Board is required to make an annual report to the Minister who must table it in both Houses.

PART 3
DRIED FRUITS INDUSTRY
DIVISION 1—REGISTRATION

Clause 22: Obligation to be registered as producer

A producer is required to be registered although it is a defence that neither the producer nor a business associate produced dried fruits for sale before the current financial year.

Clause 23: Obligation to be registered as packer

A packer is required to be registered.

Clause 24: Application for registration

The manner and form of application is regulated.

Clause 25: Grant of registration

The Board is required to register a person if satisfied—

1. in the case of an application for registration as a packer, that the applicant has sufficient business knowledge, experience and financial resources to properly carry on the business of processing or packing dried fruits; and

2. that the applicant fulfils the appropriate requirements set out in the regulations; and

3. that the premises at which the applicant's business will be carried on, and the facilities and equipment at the premises, comply with the appropriate requirements set out in the regulations; and

4. that the applicant has made satisfactory arrangements to ensure compliance with any continuing obligations under the Act.

Clause 26: Conditions of registration

Conditions may be imposed by regulation or by the Board. In addition registration is subject to the condition that alternative premises will not be used without the approval of the Board. The Board is required to give approval if the premises satisfy the requirements set out in the regulations.

Clause 27: Duration and renewal of registration

Registration is for each financial year and the Board must renew registration on due application.

Clause 28: Notification of ceasing business

A producer or packer is required to notify the Board on ceasing business or on ceasing business at particular premises.

Clause 29: Cancellation or suspension of registration

The Board may, with 2 weeks notice, cancel or suspend registration for contravention of the Act or failure to pay contributions or fees.

Clause 30: Appeal against decisions of the Board

An appeal to the District Court is provided against decisions of the Board relating to registration.

DIVISION 2—OTHER OBLIGATIONS OF REGISTERED PERSONS

Clause 31: Contributions

The Board may require registered persons to pay contributions to the Board towards its costs.

Clause 32: Returns

The Board may require registered producers or packers to furnish returns.

DIVISION 3—INSPECTION

Clause 33: Appointment of inspectors

The Board may appoint inspectors. In addition police officers are inspectors for the purposes of the Act.

Clause 34: Powers of inspectors

Inspectors are given powers relating to the enforcement and administration of the Act including power to require an owner or person in charge of dried fruits to detain and store the dried fruits. An inspector may only enter residential premises with the permission of the occupier or pursuant to a warrant.

PART 4
MISCELLANEOUS

Clause 35: Immunity of members and inspectors

Members of the Board and inspectors are given immunity against civil liability for actions not extending to culpable negligence.

Clause 36: Notice

A notice under the Act may be sent by post.

Clause 37: False or misleading statements

It is an offence to provide false information under the Act.

Clause 38: General defence

It is a defence to prove that an offence did not result from failure to take reasonable care to avoid the commission of the offence.

Clause 39: Proceedings for offences

Prosecutions may be taken by a person authorised by the Board at any time within 12 months of the alleged offence.

Clause 40: Evidence

Evidentiary aids are provided.

Clause 41: Regulations

The regulation making power expressly covers various matters relating to dried fruits and registered persons and allows for exemptions. Fees imposed by the regulations may be differential.

SCHEDULE

Repeal and Transitional Provisions

Clause 1: Repeal of Dried Fruits Act 1934

Clause 2: Transitional provisions

The transitional provisions relate to the continuation of the Board, the continued registration of producers, the continued registration of persons in whose name packing houses are registered and the continuation of the obligation to pay contributions under the repealed Act.

Mr INGERSON secured the adjournment of the debate.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) (RETURNS) AMENDMENT BILL

Second reading.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I move:

That this Bill be now read a second time.

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

Leave granted.

The *Members of Parliament (Register of Interests) Act* has been in operation since 1983.

The Act has generally speaking operated well. However, as part of the Government's initiative in the fields of anti-corruption and anti-fraud in the public sector, a review of the Act has been conducted.

These amendments tighten up the situations in which Members are required to disclose connections with entities with which Members have connections of a financial nature. The Bill also picks up deficiencies identified in the Act by the Registrars and by the former Solicitor-General, Malcolm Gray Q.C. I shall

deal first with the minor deficiencies identified by the former Solicitor-General.

Minor amendments are made to the definition section. The definition of "spouse" is amended to bring it into line with the definition of putative spouse in the *Family Relationships Act,* which was amended slightly in 1984.

The definition of "financial benefit" has been amended to exclude remuneration received by a person as a Member or officer of Parliament or a Minister of the Crown or in respect of membership of a Parliamentary Committee. Remuneration received under the *Parliamentary Salaries and Allowances Act 1965* is presently excluded. Money received by Ministers and Members as a consequence of holding Parliamentary Office or Ministerial Office are matters of public knowledge and record and there is no need for those sums to be recorded in the Register.

Section 4(4) of the Act provides that a Member is not required to include in an ordinary return any information which has been disclosed in a previous return. The provision has been responsible for creating uncertainty as to what information should be included in ordinary returns. It is not clear whether a nil return can be lodged by Members thereby indicating that all previously advised information still stands, or whether all information already registered must be repeated in each ordinary return. The former Solicitor-General advised that the sub-section does not serve a particularly useful purpose and can be repealed. The repeal of the sub-section will result in Members being required to furnish full information in each annual ordinary return.

The major amendments fall into two categories. The first category expands the requirement to disclose to include disclosure of the existence of the relationships between the Members and organisations with which the Member has investments. The second category ensures that where a Member gains a financial benefit as a result of organising his or her affairs so that income is derived via a proprietary limited company, or via a trust, the Member is obliged to make the same kinds of disclosures about the company's or trust's income sources as an individual Member is obliged to make.

The purpose of the Act is to provide a safe-guard whereby Members can be seen to be making full and frank disclosure of those persons and bodies with whom they have dealings, where those dealings might be seen to have a bearing on matters before Parliament. Members are currently required to lodge annual returns which disclose the names of those from whom the Member has received certain financial benefits during the previous year.

The definitions of "income source" and "financial benefit" are narrow. A strict interpretation of the Act requires Members to disclose only sources from which they receive financial benefits, where those financial benefits are derived from employment or paid offices or a business or vocation engaged in by the Member.

While many Members have complied with the spirit of the principal Act by disclosing sources of all income received by them, a strict interpretation of the principal Act did not require disclosure of the sources of investment income. This Bill addresses this situation by requiring Members to disclose the names of those people and organisations with whom and in which they have investments. This will ensure that where Members derive income from investment sources they will be required to disclose the existence of the link with the bodies from which they derive investment income. The Bill puts in place a $10 000 threshold, so that it is only where a Member has an investment of $10 000 or more that the link has to be disclosed.

The other aim of the major amendments is to ensure that any interests held by "a person related to a Member" are disclosed.

Where a Member organises his or her affairs through either a family trust or a family proprietary company, nothing in the Act requires the Member to disclose the interests of the trust or the company. The very nature of such trusts or companies requires disclosure of their interests if the purposes of the Act are to be achieved. Accordingly the amendments include a new definition of "a person related to a Member".

The definitions in the Bill mean that a person related to the Member covers:

1. Members of the Member's family which is defined to mean the Member's spouse and children under 18 who normally reside with the Member;
2. Proprietary limited companies in which the Member or a member of the Member's family is a shareholder and in respect of which the Member or members of the Member's family have a controlling interest ie where they are in a position to cast more than 50 % of the votes in the company: and
3. Trusts of which the Member or a member of the Member's family is a beneficiary, where the trust is established or administered wholly or substantially in the interests of the Member or members of his or her family.

This definition is significantly narrower than the definition which was introduced by the Government in another place. The Government is considering the definitions and may introduce an amendment to widen the ambit of family company and family trust so that those terms include adult relations of the Member within the concept of the Member's family members for the purposes of deciding whether or not a company or a trust is a family company and a family trust as the case may be.

Trustees of testamentary trusts, that is executors of wills, are excluded from the definition of persons related to a Member. Thus, Members will not be required to disclose the names of the trustees of wills under which they are beneficiaries.

However, beneficiary is defined broadly and includes a person who is an object of a discretionary trust.

The Bill also requires more explicit disclosures where a Member is involved with a trust. This will bring the level of disclosures required from these Members into line with the disclosures required of Members who are members of companies. The identity of a Member's fellow directors or shareholders is already the subject of public record at the Australian Securities Commission. Members who are trustees or beneficiaries of trusts will be required to disclose the names and addresses of co-trustees or trustees of those trusts respectively. These changes will ensure that the purposes of the Act are not thwarted.

In addition, the amendments clarify the situation where Members are obliged to disclose gifts. "Gift" was not previously defined, though Members were required to disclose the names of people who made them gifts of over $500.00, where those people were non-family members. The amendments provide a definition of gift which sets out that a gift is a transfer of property which is made for less than adequate consideration and not in the course of an ordinary commercial transaction or in the ordinary course of business. The monetary threshold for disclosure has been raised to $750.00 to reflect changes in the value of money since 1983.

The amendments create a parallel requirement to disclose the name of a source of benefits other than gifts. Previously, Members were obliged to disclose the names of persons who allowed Members to use their real property. The distinction between use of real property and other assets is no longer seen to be justified. Where a Member derives a benefit which is worth more than $750.00, whether from the use of someone else's house or from the use, for instance, of someone else's car, the fact that the Member has a close connection with the benefactor is to be disclosed.

The Government foreshadows that it proposes to introduce an amendment to ensure that if a Member receives a series of gifts from one source, and the total amount of the gifts amounts to more than $750, there will be an obligation to disclose the source of such multiple gifts. In other words, the amounts of gifts will be aggregated.

Some Members have from time to time expressed concern about the breadth of the obligation to disclose matters in the principal Act. For instance, where a Member does not actually know what his or her spouse's interests are, the Member is unable to disclose interests which the Act makes liable to disclosure. The Bill gives a statutory basis to the position that you cannot disclose what you do not know.

The opportunity has also been taken to vary the other monetary limits in the principal Act. Where the Member is owed money by someone else, the amount is raised from $5 000 to $7 500. Gifts, as I have said are up from $500 to $750. Travel benefits have been raised in line with the gift threshold. Financial benefits have been raised from $500 to $1 000.

In conclusion, let me remind Members that they are not required to quantify the values of income received, investments or assets held, or of other benefits received. Nor are they required to distinguish between assets held by them and those held by their family members. The object of the Act is to disclose the fact that the Member or a close family member has the relationship with the person or organisation in question.

The amendments will ensure that public confidence in Members is sustained.

I commend the Bill to Honourable Members.

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 2—Interpretation

A definition of "beneficial interest" is inserted to extend the concept to include a right to re-acquire property. The concept is to be used in section 4(3)*(a)* (as proposed to be amended by *clause 4)* and 4(3)*(d)* to ensure that a Member discloses any beneficial interest that the Member or a person related to the Member holds in securities or life insurance policies issued by a company, partnership, association or other body or in land.

The monetary threshold for disclosure by a Member of the source of a financial benefit is increased by amendment of the definition of "financial benefit" from $500 to $1 000.

The definition of "financial benefit" is also amended to ensure that a Member need not disclose in a return under the Act the income source of any financial benefit received by a person as a member or officer of Parliament or a Minister of the Crown or in respect of membership of a committee to which the person was appointed by Parliament or either House of Parliament. Currently this exclusion is limited to a financial benefit received under the *Parliamentary Salaries and Allowances Act 1965* which has been repealed.

A new definition of "gift" is inserted to ensure that the term (which is used in section 4(2)*(d)* of the principal Act) is not limited to transfers that are entirely gratuitous but will include any transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration. Ordinary commercial transactions and transactions in the ordinary course of business are excluded from the term.

A new definition of **"a person related to a Member"** is inserted to ensure that interests held by the persons included within the definition are disclosed under the Act. A person related to a Member is defined as a member of the Member's family (as currently defined in the Act), a family company of the Member and a trustee of a family trust of the Member.

"Family company" of a Member is defined as a proprietary company—

(a) in which the Member or a member of the Member's family is a shareholder;

and

(b) in respect of which the Member or a member of the Member's family, or any such persons together, are in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be case at a general meeting of the company.

"Family trust" of a Member is defined as a trust (other than a testamentary trust)—

(a) of which the Member or a member of the Member's family is a beneficiary;

and

(b) which is established or administered wholly or substantially in the interests of the Member or a member of the Member's family, or any such persons together.

The definition of **"spouse"** is amended so that the inclusion of putative spouse is up to date with the meaning of that relationship under the *Family Relationship Act 1975*.

A new subsection (2) is inserted to provide that for the purposes of the Act a person who is an object of a discretionary trust is to be taken to be a beneficiary of the trust.

A proposed new subsection (3) provides that a person is an investor in a body if—

(a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10 000; or

(b) the person holds, or has a beneficial interest in, shares in or debentures of the body or a policy of life insurance issued by the body.

This definitional provision is to be used in section 4(3)*(a)* (as proposed to be amended by *clause 4)* which will require disclosure in a Member's primary and annual return of the name or description of any company, partnership, association or other body in which the Member or a person related to the Member is an investor.

Clause 4: Amendment of s. 4—Contents of returns

"A person related to the Member" is substituted for "a member of his family" in subsection (1)*(a)*, 2*(a)* and *(d)* and (3). This will require disclosure in relation to the following matters in relation to persons within the definition of "a person related to the Member": any income source, any income source of a financial benefit, any gift, any investment in a company, partnership, association or other body, trust, bond or fund, any debt or loan, and any other substantial interest which might appear to raise a material conflict between the Member's private interest and the Member's public duty.

The minimum amount required for disclosure of contributions to travel or gifts is increased from $500 to $750.

Paragraph *(e)* of subsection (2) is substituted. The paragraph currently requires a Member to disclose the name and address of any person (other than a person related by blood or marriage) who conferred a right to use real property on the Member for the whole or a substantial part of the return period. The amendment extends the requirement to disclose in two ways. As above, disclosure is required if the right of use is held by "a person related to the Member". In addition, disclosure is required not only in respect of a right to use land but also in respect of a right to the use of any other property where the right is conferred otherwise than for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business. Disclosure is not required unless the market price for acquiring a right to such use would be $750 or more.

Paragraph *(a)* of subsection (3) is substituted. The paragraph currently requires a Member to disclose the name or description of any company, partnership, association or other body in which the Member or a member of his or her family holds a beneficial interest. Under the amendment, disclosure will be required of the name or description of any such body in which the Member or a person related to the Member is an investor (see *clause 3* above).

Paragraph *(c)* of subsection (3) requiring disclosure of a concise description of any trust in which the Member or a person related to the Member is a beneficiary is amended to require similar disclosure in respect of trusts of which the Member or a person related to the Member is a trustee and also to expressly require disclosure of the names and addresses of the trustees in the case of trusts of either kind. Testamentary trusts are excluded from this requirement.

The minimum amount required under subsection (3)*(f)* for disclosure in respect of a debt owed by a Member or a person related to a Member is increased from $5 000 to $7 500.

A new paragraph *(fa)* is inserted in subsection (3). The new paragraph will require disclosure of the name and address of any natural person who owes the Member or a person related to the Member money in an amount of or exceeding $10 000. Loans to a person related to the Member or a member of his or her family by blood or marriage are excluded from this requirement.

A new subsection (3a) is inserted to make it clear that a Member is only required to disclose information that is known to the Member or ascertainable by the Member by the exercise of reasonable diligence.

Subsection (4) is substituted. The deletion of the current subsection (4) means that Members will be required to furnish full information in each return.

The new subsection (4) makes it clear that in the case of a trustee it is only interests held in that capacity which must be disclosed.

Subsection (7) is amended so that in disclosing information no distinction need be made between the interests of the Member personally and those of any person who is "a person related to the Member".

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

EVIDENCE (VULNERABLE WITNESSES) AMENDMENT BILL

Second reading.

The Hon. S.M. LENEHAN (Minister of Education, Employment and Training): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the *Evidence Act 1929* in accordance with the recommendations made in the White Paper on the Courtroom Environment and Vulnerable Witnesses.

The Government has been concerned for some time about the sexual abuse of children and the necessity of obtaining relevant evidence from children in the courtroom in relation to such offences.

In 1984 the South Australian Task Force on Child Sexual Abuse was established to identify problems associated with the existing law on child sexual abuse and to examine aspects of service to sexually abused children and their families.

Following the report of the Task Force in 1986, a number of legislative and administrative reforms were implemented with the aim of facilitating evidence from the child witness.

In 1989 a Select Committee of the Legislative Council was established to consider a number of issues concerning children. The Committee, among other things, recommended that screens and video and audio equipment be made use of in courtrooms, a matter which has been examined since then by the Attorney-General's Department and the Child Protection Council.

Clearly, there are strong arguments for and against the use of screens and audio-visual links. Society has to balance the right of the accused to be tried in the traditional manner against the interest of society in ensuring that relevant evidence is presented in court.

It has been difficult until this time to make any proper assessment of the effect of the use of screens and audio-video links. Some other States have enacted legislative change to allow for the taking of evidence of children and other vulnerable witnesses via audio-visual link or using screens or one-way mirrors. As many of these reforms are still in embryonic form, assessment has been difficult.

However, the Australian Law Reform Commission and the ACT Magistrates Court have been conducting an evaluation project to investigate whether closed circuit television reduces the harm to child witnesses and assists in the "ascertainment of the facts" without unfairly interfering with the rights of the accused to a fair trial. Further, changes introduced in the United Kingdom which allow a child to give evidence via closed circuit television from a room adjacent to the court have been analysed in a report for the British Home Office.

From the studies undertaken in England and in the ACT, it appears that many children suffer less stress and provide better evidence if able to utilise the closed circuit television system in court.

The White paper on the Courtroom Environment and Vulnerable Witnesses was prepared to examine all the issues and conflicting views on this topic in order to promote discussion in the community.

The Paper made a number of recommendations including legislative amendment to provide the court with a series of options for the taking of evidence from children or vulnerable witnesses. A "vulnerable witness" has been defined to include the young, the intellectually disabled, alleged victims of sex-related offences and others who are at some special disadvantage because of their circumstances.

The Government is concerned that victims of crime be able to provide evidence in the best possible manner. This Bill is a step in that direction.

I commend this Bill to Honourable Members.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3: Insertion of s. 13— Protection of witnesses

This clause inserts new section 13 into the principal Act.

Proposed subsection (1) provides that a court should (subject to subsections (2) and (3)) order special arrangements to be made for the taking of evidence from a witness if it is practicable and desirable to do so to protect the witness from embarrassment or distress, to protect the witness from being intimidated by the atmosphere of a courtroom or for any other proper reason.

Proposed subsection (2) provides that an order must not be made under subsection (1) if the order would prejudice any party to the proceedings.

Proposed subsection (3) provides that an order must not be made under subsection (1) if its effect would be—

- to relieve a witness from the obligation to take an oath;
- to relieve a witness from the obligation to submit to cross-examination;

or

- to prevent the defendant in criminal proceedings, the judge and (in the case of a trial by jury) the jury from seeing and hearing the witness while giving evidence.

Proposed subsection (4) sets out examples of the kinds of orders that a court may make. These include—

- an order that evidence be given outside the courtroom and transmitted to the courtroom by closed circuit television;
- an order that a screen, partition or one-way glass be placed to obscure the witness's view of a party to whom the evidence relates or some other person;
- an order that the witness be accompanied by a relative or friend for the purpose of providing emotional support.

Proposed subsection (5) provides that if a witness is accompanied by a relative or friend for the purpose of providing emotional support, that person must be visible to the parties, the judge and (in the case of a trial by jury) the jury while the witness is giving evidence.

Proposed subsection (6) provides that if on a jury trial a court makes special arrangements for the taking the evidence of a witness, the judge must warn the jury not to draw from that fact any inference adverse to the defendant and not to allow special arrangements to influence the weight to be given to the evidence.

Proposed subsection (7) empowers a court to make, vary or revoke an order under the section on the court's own initiative or on the application of a party or witness.

Proposed subsection (8) provides that if evidence is to be given in *criminal proceedings* by *a vulnerable witness,* the court should before taking the evidence determine whether an order should be made under the section.

Proposed subsection (9) defines "vulnerable witness" as—

- a witness under 16 years of age;
- a witness who suffers from an intellectual disability;
- a witness who is the alleged victim of a sexual offence to which the proceedings relate;

or

- a witness who is, in the opinion of the court, at some special disadvantage because of the circumstances of the case, or the circumstances of the witness.

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

CONSTRUCTION INDUSTRY TRAINING BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1 (clause 3)—After line 19 insert new definition as follows:

'"agricultural land" means land wholly or mainly used for agricultural or horticultural purposes, animal husbandry, or other similar purposes'.

No. 2. Page 1, lines 23 to 25 (clause 3)—Leave out all words in these lines and insert the following:

'"building or construction work "—see schedule 1'.

No. 3. Page 10, lines 15 and 16 (clause 21)—Leave out 'the recommendation of the board' and insert 'a recommendation of the board approved at a meeting of the board at which at least one person appointed by the Governor under section 5(1)(c), and at least one person appointed by the Governor under section 5(1)(d), are present'.

No. 4. Page 10, line 22 (clause 23)—Leave out 'other' and insert 'greater'.

No. 5. Page 10 (clause 23)—After line 32 insert new subclauses as follows:

'(4) Where—

(a) building or construction work is to be carried out on agricultural land;

(b) some or all of the work is to be carried out by the owner of the land, or by a person who will not be employed or engaged for remuneration to perform any part of the work;

and

(c) the owner of the land applies for the benefit of this provision in accordance with the regulations,

the estimated value of the building or construction work will, for the purposes of the calculation and imposition of the levy, be taken to be as follows:

EV = V(1—A)

Where

EV is the estimated value

V is the value that would apply for the purposes of the calculation and imposition of the levy except for this subsection.

A is a reasonable estimation of that proportion of the building or construction work that is attributable to the work carried out by the owner of the land, or by a person who will not be employed or engaged for remuneration to perform any part of the work, expressed as a percentage of the total amount of building or construction work to be carried out.

(5) For the purposes of subsection (4)—

"owner" of land includes a person who holds land from the Crown by lease or licence.'

No. 6. Page 18, line 4, Schedule 1—Leave out 'The' and insert 'Subject to clause 2, the'.

No. 7. Page 19, line 5, Schedule 1—Leave out 'schedule' and insert 'provision'.

No. 8. Page 19, lines 6 to 10, Schedule 1—Leave out all words in these lines and insert new clause as follows:

"Exclusions

2. The following do not constitute building or construction work for the purposes of this Act:

(a) maintenance or repair work carried out—

(i) by a self-employed person for his or her own benefit;

or

(ii) by an employee for the benefit of his or her employer, where the principal business activity of the self-employed person, or the employer (as the case may be) does not consist of building or construction work;

(b) the construction, alteration, repair, demolition or removal of a fence on (or on the boundary of) agricultural land;

(c) work directly associated with the care, conservation or rehabilitation of agricultural land, or of land that has been agricultural land;

(d) any other kind of work excluded from the operation of this Act by regulations prescribed for the purposes of this provision."

The Hon. S.M. LENEHAN: I move:

That the Legislative Council's amendments be agreed to.

I do not wish to take up the time of the Committee, but I will read a letter that I have received from the Construction Industry Training Council SA Inc. dated 16 March, as follows:

Dear Minister,

The executive and the general council of the Construction Industry Training Council met today, Tuesday 16 March 1993, and resolved unanimously to accept the amendments as passed through the Legislative Council on Thursday 11 March 1993. Whilst council were disappointed that the Bill was unable to pass through the Upper House unamended, the amendments presented are not irreconcilable with the purposes and intent of the legislation.

Council commend the Government on their active progression of this exciting and innovative industry initiated legislation. The building and construction industry look forward to working with the legislation as it now stands and endorse its final passage through the Lower House when it next sits.

Regards, John Marshall, Chair, Construction Industry Training Council, and Lynley Cooper, Executive Director, Construction Industry Training Council.

I read that letter into *Hansard* deliberately, because I think it summarises the position of the industry. Indeed, this Bill has from start to finish been in response to the requirements and the requests of the industry to look at establishing a training council and to progress the professionalism of training within this vital industry, which is so important to the economic development of South Australia. I commend the amendments and the Bill to members.

Mr SUCH: I will be brief. The Opposition supports the Bill and the amendments which have come from another place. I am delighted that the Bill has progressed to this stage and is not far from implementation. I do not believe that the industry has anything to fear from the amendments, because I think in many ways they clarify the thrust of the Bill. This is an exciting development; it represents a new era in training in South Australia. Whilst each industry will tackle training in a different way, this Bill highlights the fact that you do not have training unless you have money. As I have said, each industry will tackle that issue in a different way, but this legislation represents a very positive and constructive step in terms of training in South Australia. Ultimately, the community pays for training, but it also pays if there is a lack of training. I believe that in time the thrust of this legislation will be seen as most worthwhile. Included in these amendments are some of the concerns raised by—

The CHAIRMAN: Order! Will the member for Adelaide please sit down as a courtesy to a member on his own side.

Mr SUCH: These amendments represent some modifications to take into account concerns of the mining industry and sections of the agricultural and pastoral industry as well as some large companies within South Australia, including Mobil and SAGASCO. They also recognise the somewhat difficult area of involvement by the self-employed in terms of construction. I do not want to delay the Committee unduly, but I want to compliment Lynley Cooper of the Construction Industry Training Council and the officers of DETAFE who have assisted in the development of this Bill. The Opposition will watch its progress with interest.

The implementation of a similar proposal in Western Australia was very successful. Like all measures it can be improved and reviewed over time, but I believe it is a worthwhile start. The Opposition, particularly with these amendments, is happy to endorse the Bill, and it wishes the building and construction industry all the best in terms of developing a high standard of training to cover all the aspects of that industry—training which is based in this model on a cooperative approach between employees and employers. The Opposition supports the amendments.

Mr LEWIS: I have one question about the amendments which I have not clearly understood. I am not trying to put the Government on the spot in any way, shape or form; I have no quarrel with anything the Minister or the spokesman for the Opposition said on the matter. I would like to believe that under the definition of 'agricultural land' the phrase 'or other similar purposes' will cover activities in which people may engage in primary industries such as aviculture, that is, the keeping of chooks or birds of any kind, including emus or ostriches, and especially aquaculture where fish ponds, dams and other reaches and the like are in need of some construction work. Is that the Minister's understanding of the intended interpretation of that phrase in the definition of 'agricultural land'?

The Hon. S.M. LENEHAN: As the amendment came from the Opposition in the Upper House, I suspect it would probably be best able to answer that question, but if one looks at the words of the amendment one sees that it refers to land wholly or mainly used for agricultural or horticultural purposes, animal husbandry or other similar purposes. It seems to me that the final phrase 'other similar purposes' would cover the breadth of activity and industry to which the honourable member refers. It is not something of absolute moment in terms of needing to know tonight, but that would be my understanding, and I would imagine that that would be the reason that this amendment was inserted into the Bill in the Upper House. I hope that answers the honourable member's question.

Mr LEWIS: It does. I believe that the aquaculture industry will be worth a hell of a lot of money to South Australia in the very near future as long as we do not put too many hamstrings on it and tie it up in too much red tape. I am gratified that the Minister understands that it would probably mean that, and I will personally check elsewhere that that was the intention. I take her remarks to mean that in the event of someone elsewhere choosing to interpret things differently, we would give swift passage to a small amendment to the definition in this Bill to enable those industries to be included.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (REVIEW AUTHORITIES) BILL

Adjourned debate on second reading.

(Continued from 11 March. Page 2469.)

Mr INGERSON (Bragg): The Opposition supports the amendments—in essence, they are amendments of the select committee, of which the Hon. Legh Davis and I are the Liberal Party members—with the exception of one area where the committee made a strong recommendation on legal representation, and that has now been overturned. I will come to that in a moment. Apart from that, this Bill principally represents the result of the second report of the select committee on the review panel system. Many areas of concern were considered by the select committee in relation to the review process, and I would like to go through those in a little detail, because I think it is important that the community recognise why and how this Bill has finally come to fruition.

The first issue we looked at was the conciliation process under the Act. It became fairly evident that not many cases that went before the conciliators were resolved. The report shows that about only 20 per cent of cases were solved in that area. It was also pointed out that the rate of conciliation in percentage terms was falling. This significant problem is not dealt with by the Bill and it is something that the Government and ourselves, when we are in Government, will need to monitor because the process of conciliation is important, and it is an area that we should place more emphasis on.

Turning to some of the review reports, it seems that if we had a much stronger conciliation process some of the cases could have been resolved more amicably for all concerned and not have needed review. The next point was really the most controversial of all, as it concerns legal representation during the review process. I say 'controversial' because the committee had unanimously agreed in its report to Parliament that there should be no legal representation in future in the review process.

As the Minister is aware, all committee members were lobbied strongly by the legal profession, as we would expect, but the surprise for all of us was that employer and employee representatives (for example, the unions) also made strong representations to us on the principle that every person deserves legal representation in the review process if they desire it. As a committee we were convinced that the involvement of the legal profession was holding up the process and, more importantly, was probably making it more costly than was first deemed necessary. The situation in respect of legal representation has been reversed in the Bill now before the House. Obviously, the Government supports that change in stance and the Opposition has also been convinced.

Certainly, the most convincing group comprised the employee representatives because, from a statistical point of view, they had the most representation before the review process and their argument to me was probably the strongest. As a side issue, it is interesting that the exempt employers were the next largest group in terms of legal representation. My concern is that many of the small employers who probably needed legal representation before the review process did not have it and, whilst I do not have any evidence to support this, there were probably many occasions when they needed it. In fact, the result for them and the employee would have been much better if there had been legal representation for those small business operators.

The next significant point dealt with by the committee relates to the qualifications of review officers. I was fascinated by the number of people who appeared before the committee and who were concerned that review officers needed their skills updated and, more importantly, believed that there should be an ongoing training program for this special group of people. Many members would not know that review officers are really quasi legal officers. Although I am not sure of the exact number, I understand that more than 50 per cent have legal qualifications, but a large percentage do not, yet they make significant and important legal decisions relating to workers compensation payments. Whilst this Bill does not deal with those qualifications, it is an issue that all Governments need to consider seriously. We need a new training regime, a continuing and updated training regime for review officers.

The next point is not a new one, but it is important in any legal process, and I refer to the cost of justice. Almost every group referred to the unwieldy and excessive cost of legal representation before review officers and said it was a matter of major concern. No doubt that was one of the reasons why we as a committee recommended to the House in the initial report that we should remove legal representation. Now that legal representation is back in the Bill we need to watch carefully the legal costs in the system, because we want to make sure that the majority of the compensation, whether it be lump sum or weekly payment, goes to the injured worker.

Therefore, any move to minimise the cost of justice is an important factor in any workers compensation scheme. As a side issue, one of the things that the committee recognised was that we have to try as much as possible to minimise the costs associated with the administrative, review, legal and medical process or at least minimise the effect of those costs so that the compensation paid to the individual employee is maximised. That was the committee's intention, and it is supported by the Government and by the Opposition. The cost of justice is a major issue and will continue to be one. Certainly, the cost of the review process, other than the legal cost, is another issue that we need to look at, because in many instances significant medical costs arise either initially or in the panel system. They need to be

watched constantly because these subterranean costs often run away and make a significant overall contribution to the final cost of the scheme.

The next issue is that of independence. I never saw independence as being an important issue until the senior review officer made a heart wrenching contribution to the committee. After hearing that evidence most of us had a totally different attitude about independence. It is an important issue to these review officers. They are making decisions and, until this Bill becomes law, they are directly employed by one of the sides appearing before the review officer, that is, the WorkCover Corporation. There is no doubt that in the early stages there was some significant confrontation and difficulties between management of the corporation and the senior review officer. I do not know whether that has changed but, when evidence was given to the select committee, there was no doubt that there was a general antagonism between the two parties.

I hope that the Minister of Labour Relations, whoever that might be in the future, will attempt to ensure that the roles of managing the review officers under the Department of Labour and administration of the department itself are clearly separated. So, whilst there might not seem to be independence on the surface, at least there would be an attempt to make the review officers independent. As we go down the track, it could easily be argued that a Minister, instead of having influence through the corporation in an employment sense, could have influence through his or her own Department of Labour. That is not an issue that cannot be overcome but, because the Bill takes us down this track, with the support of the Opposition, that aspect must be watched.

The next concern was raised by the employers, who argued that one of the problems of the existing review process is that it is often a considerable time after an employee makes an application that the employer becomes aware of it. Whilst that aspect has been highlighted as a problem of review, it is also one of the fundamental problems of the workers compensation system. We must improve communication between employer and employee at all stages of the process. In many instances, employers and employees complain about a lack of communication at the very beginning of the claim process, and the review issue that I highlight is an extension of that problem. Therefore, we must improve the relationship and communication between employer and employee so that return to work is possible and, if it is not possible within a reasonable time, we must ensure that that worker is provided with long-term treatment in the rehabilitation process. Improved communication is critical. There is no doubt that those who do cooperate—and evidence was given to us from the exempt employers' side—have a much better return to work/rehabilitation/communication linkage system than other employers. That is a flow-on and is an important issue.

The drawn out nature of review is a problem concerning both employers and employees. At one stage there were not enough review officers. When some of the evidence was taken, that was the case but, over time, the number of review officers has been increased. However, the poor statistics that are available indicate that the review process is still too long. We have to look at how we can improve that process—the hearings and the length of time taken by the review officer to make decisions. Whilst this legislation does not cover that administrative aspect, it is an important issue that needs to be looked at.

The appeal process after review is often drawn out, and I think that the Minister has said in this House previously that there is a need to speed up this process. A small issue, but an important one for both employees and employers, is the cost of transcripts. It seems absolutely incredible that both employers and employees have to pay up to $4 a page, and the cost probably affects the employee in most instances. That sort of cost is absurd, and something needs to be done about it. I n such a large scheme as this, some of these administrative costs ought to be absorbed. We should look at the transcript costs and examine how the whole process works, but the transcript ought to be far more reasonably costed than it is today. I know it is an expensive exercise; I understand that. One has only to look at the courts system. Exactly the same criticism that can be made of the courts system can be made of this system. Individuals should have the right, at least within 24 to 48 hours, to read what was said and to be able to agree or disagree without incurring a large cost. This major issue must be considered.

Concern was expressed about the regard that review officers give to medical evidence. It is an ongoing problem and it will not be easy to resolve, but it seems to me that the panel system could overcome it. Another point raised was the extension of time. The committee heard much evidence that extensions were often granted for spurious reasons on both sides. That sort of concern can and should be monitored and dealt with.

In relation to monitoring, one of most disappointing aspects for the select committee was that the WorkCover Corporation did not have the expected statistical backup. In several areas it was not able to supply what we thought should have been reasonable information. The interim report states that that ought to be improved, and I believe that is one major administrative issue that should be referred to the board for resolution. The Minister's involvement is required, because our report stated clearly that something must be done.

The Bill excludes laypersons from the Workers Compensation Appeal Tribunal. We spent considerable time discussing the value of lay representatives. It is clear that their initial purpose—that is, to bring a much broader role to the tribunal—has long gone. Today all that is required is a judge of the court to head up those tribunals. This move is a good and positive one. The ability of the tribunal to refer matters back to the review officers for reconsideration is an important and significant change, which we support strongly. Many examples were cited where review officers had made significant decisions at law that could not be challenged under the old system. This system will now enable challenge to occur.

The fact that there is to be no limit on representation before the review officer and the review authority but a limit on the scales of fees as set by the Minister is a compromise compared to the recommendation of the select committee that there be no legal representation.

There was considerable lobbying by the Law Society and the employer and employee representatives. It is a significant compromise by the Government. It will be interesting to see how the Government finally sets those scales of fees, because that decision will be an important factor in the final cost. The Opposition is opposed to the proposed fee setting method, and I will move an amendment to enable the head of the Workers Compensation Tribunal to set the fees. We believe that the Crown Solicitor, who often appears before the review or the tribunal, has a vested interest and could show some bias; therefore, we argue that an independent person should set the fees. We are not critical of the Crown Solicitor: we are just saying that there is a conflict of interest. As I have said, the Opposition believes that the review officers should be independent and, in Committee, I will ask questions in that regard.

The fact that WorkCover and exempt employers can redetermine claims in case of underpayment of benefits is the result of a court case. The Opposition supports that correction of the legislation. The proposal that applications be submitted directly to the review panel is an excellent improvement in terms of processing, and we support it. The second interim report covers one of most important areas that the committee considered. I found this report one of the more interesting reports, because some practical concerns were addressed by the committee. I believe that we have resolved those concerns and are putting before the Parliament the best possible alternative. Consequently, we support this new Bill.

Mr FERGUSON (Henley Beach): I support the proposition before the Chair. I would like to take up one aspect. I congratulate the select committee on the results it has produced. I think that we still have the best workers compensation legislation in Australia. The costs are coming down. Many of those people who are objecting to the legislation because of the cost are changing their mind. I think we have yet to see the full wisdom of the introduction of this legislation. I congratulate the Minister of Labour Relations for the way in which he has brought this legislation into this place over the years, the way in which it has been refined and the way in which it has finished up.

I extended my congratulations to all members of the committee, including the members of the Opposition. However, there is one feature of this legislation that I feel I ought to comment on. It was mentioned by the member for Bragg, and he is correct. I refer to the legal fees relating to pay outs for workers compensation. It has not been unusual for constituents of mine—and I would doubt that there would be a member in this House who has not had this complaint—to come in and complain about the size of the legal bill that they have received in relation to their pay out for workers compensation. For total amounts of $70 000 or $80 000, it is not unusual to see a legal bill of $30 000 or more. I ought to preface my remarks by saying that some of the legal profession have been making a feast out of this legislation. I believe that what we have in front of us is an attempt to do something about that question.

I can understand why there is so much concern that legal representation will be denied. I see in my office, and I know the member for Albert Park sees in his office, people who are concerned about workers compensation, who do not understand their rights, who do not understand the Act, who can hardly speak English and who are in need of assistance. Some of these people can go to their union officers and receive immediate assistance; some of these people, for various reasons, cannot. Some of them are even middle management and management, who do not belong to an organisation, yet they are in need of assistance. So, I can understand why workers would want legal representation.

However, the twin problem that I put is this: on the one hand, some members of the legal profession, dare I say, are stretching to the absolute limit the amount of money that they can charge a person who comes to them under these circumstances; and, on the other hand, from time to time, for various reasons, people need to be represented. This is an experiment that the State ought to undertake in terms of the propositions before us. The real test of this legislation will be the actual charges. There will be a balancing act between what it is necessary to pay for reasonable legal representation and the lump sum compensation.

We might not have seen the end of this. This experiment might need to be refined continually. I understand the problem. I have been lobbied, as has every member on this side of the House, by solicitors who are anxious about what might come before the House. Since this matter has been discussed at the various levels, those representations to me have ceased, so I can take it that we have agreement on what we have in front of us, particularly by the legal profession and the trade unions. Therefore, I am happy to support the proposition. I believe it is a track we need to go down. I hope that it will work and I hope that we can find a level of charges that will suit everyone, but that will be a difficult task. I support the proposition.

Mr S.J. BAKER (Deputy Leader of the Opposition): I note the comments of the member for Henley Beach, who says that he is pleased with the way in which the scheme has been modified. There is no doubt that the scheme had to be modified. The original Bill put an enormous burden on employers in this State, and we are now seeing sanity prevail, some of it due to your initiative, Sir, and some due to the deliberations of the select committee.

Whilst I still have reservations, I feel that the scheme is getting back to something which is affordable, which is reasonable and which, with certain further minor modifications, can suit the best purposes of the businesses and the employees in South Australia. The predictions I made when the Bill was originally introduced, unfortunately, came to fruition. We have seen a dramatic pulling back of the Government in a number of those areas, thus some of my strident criticisms of the original legislation no longer hold.

In relation to the Bill, I simply make the point that, whilst the select committee has done a good job of analysing some of the major weaknesses in the workers compensation scheme, I do not think it got the position of review officers right in these circumstances. That is simply an observation. I do not believe that review officers should be separated from the system and act in

the role of an industrial commissioner, for example. I believe that the review officer has a different function to perform, and that is to sift through the information at his or her disposal and to conciliate without applying restrictions, of course attempting to reach agreement between the parties. The parties may be the WorkCover Corporation, the injured employee, the employer, a medical practitioner—all those people involved in the scheme.

So, it is not a particularly easy job. I have had many cases brought to my notice, as has the member for Henley Beach: in fact, I might be aware of more cases, because I dealt with the complaints early in the system when they numbered well over 500. I perceive that the role of the review officer is different from that performed in the industrial code. I do not believe we need the same sort of people: we need different people. The review officers seem to have come to grips with bringing the parties together, reviewing the information and reducing the amount of aggravation to a minimum. There will always be those cases where one party or another will disagree.

My small contribution to this debate is the comment that I believe that the select committee got it wrong; this Bill has got it wrong in relation to the role of the review officers, but we can examine that matter further down the track to see whether we should again amend the Act to modify the position of review officers in the system. However, I commend the members of the select committee for the amount of time they have spent in considering this issue and for their attention to detail, because in South Australia we are starting to see a scheme that is far more workable than the one that was originally introduced.

Mr HAMILTON (Albert Park): It is not my intention to take up much time of the House, because many of the issues have been canvassed by previous speakers; suffice to say that I believe that select committees of the Parliament have proved over the years to be one of those mechanisms by which we can address controversial problems of this nature. Time and time again we have seen many problems resolved as a consequence of the setting up of select committees. I can remember many years ago when I first came into this Parliament listening to the contributions of the member for Eyre, Mr Graham Gunn, who was, and still is, a great advocate of the select committee system. The more I reflect upon what the member for Eyre had to say when I first came into this Parliament, the more I believe his contributions were profound. I say that with the utmost sincerity, because many issues are aired in this arena, if you like, by members from both sides of the political spectrum.

When the matters have been taken before a select committee it is my belief that many of those problems have been resolved quite amicably. I, too, would like to commend the Minister. It is my experience in the time I have known him, as a delegate to the United Trades and Labor Council, as a member of Parliament, and indeed as a member of the Government on this committee, that he is quite amenable to contributions from either side of the House and indeed from the trade union movement. The Minister does not always agree with what the trade union movement or I say, or with some other submissions, but I have found that the Minister has always been approachable and that he will listen to a rational argument. I also believe that this indicates the commitment of this Government to finding ways of getting the best workers compensation system that is available and refining it. Nothing is perfect. As time moves on, things do change, and I believe that this is an indication that workers compensation has to adapt to different and changing circumstances.

The member for Henley Beach raised a number of issues, particularly in relation to charges by legal practitioners. I do not intend to canvass that area as much as I would like to: suffice to say that I echo the concerns expressed by the member for Henley Beach. The agreement by the trade union movement is very critical in relation to these discussions. As the Minister would know, every time a Bill or an amendment of this nature arises, one of the first questions I ask is, 'Has the trade union movement been consulted?' I say that from a very basic philosophical belief that, having come from, believed in and worked within the trade union movement and having represented workers, I believe it is important that the trade union representative in particular should be consulted.

I believe that the Bill will receive a speedy passage. As the cynical contribution from the member for Mitcham has indicated, there may need to be some changes some time in the future, but I believe that overall the select committee has to be commended for its deliberations and the manner in which it has addressed this problem. Again, I congratulate the select committee and the Minister on introducing the Bill.

The Hon. R.J. GREGORY: (Minister of Labour Relations and Occupational Health and Safety): I move:

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

Motion carried.

The Hon. R.J. GREGORY: I thank the members of the House for their support for the Bill, including those members of the Opposition who supported the Bill but who then wanted to amend it. As I have reminded the member for Bragg a few times, he would not get a game with the Port Adelaide football team because, if someone were kicking the ball to him and he was centre half forward and he marked it, he would turn around and kick it back over centre. He just would not get a game. However, I appreciate his support, because he is only kicking the ball a little way back, not like the last time he was here, when he was kicking it all the way back.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Compensation for medical expenses, etc.'

Mr INGERSON: This clause concerns the need to consult the Self Insurers Association of South Australia and associations or persons who, in the opinion of the corporation, represent persons who provide the kinds of services to which this section applies. What does paragraph (b) mean? I hope the Minister's explanation

will be in terms that people in the Norwood area will understand.

The Hon. R.J. GREGORY: The member for Bragg is well aware that the corporation has the power to fix or have charges for services provided to it by medical practitioners and such like fixed by gazettal. What has happened is that there is a deficiency in the Act in respect of exempt employers, because it requires the corporation to discuss the matter and consult with the people, as has been suggested here. This overcomes that problem and enables the fees to be charged to the self insurers to be at exactly the same level as with the corporation. It overcomes an anomaly, it keeps charges down and it keeps control of the expenses.

Clause passed.

Clause 4 passed.

Clause 5—'The Crown and certain agencies to be exempt employers.'

Mr INGERSON: I understand that this clause exempts certain agencies of the Crown, and in his second reading explanation the Minister briefly mentioned some difficulties as they related to the Health Commission. Will the Minister explain the purpose of this section in more detail?

The Hon. R.J. GREGORY: This is a lawyer's amendment, and it has been suggested to us.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: We do not have too many lawyers; we just have good footballers. We play football; we play the game and win. We do not sit around arguing about how we might have won if we had played better; we just go out and win it.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: You will not beat me on this one. The reason for this is simply to overcome a problem that has existed within incorporated organisations involved with the Health Commission. As the member for Bragg would know, there is an enormous number of incorporated hospitals throughout the length and breadth of South Australia. There is some doubt as to whether or not some are exempt and this puts that beyond all doubt. There is some doubt as to whether we really need it but, as the member for Bragg knows, I tend to want to err on the side of caution in this area so that we make things very clear and remove the doubts that some people might have. If they go off and litigate it creates uncertainty and causes problems with the administration of the Act. What we are doing here is removing uncertainty and creating certainty.

Mr INGERSON: I assume from that answer that, while this amendment applies specifically to the Health Commission, it applies to any other statutory authority that might have a similar sort of problem.

The Hon. R.J. GREGORY: It can, but I do not know of any.

Clause passed.

Clause 6 passed.

Clause 7—'The compensation fund.'

Mr INGERSON: New subsection (3a) makes reference to an amount to be paid to the compensation fund in relation to the expenses of the review panel and medical advisory panels. It provides that this will be determined by agreement between the Chief Executive Officer and the department of the Minister. Does that mean that all the cost may not in essence be transferred or does it mean, as it says here, that a figure might be struck that may not be able to provide an exact figure?

The Hon. R.J. GREGORY: When this Bill was implemented the function review, which is currently a function administered by the WorkCover Corporation and paid for by it out of the levies that it collects, was transferred to the Department of Labour. The member for Bragg will note that throughout the Bill, in this transfer and in the appointment of review officers, there is still a role for members of the WorkCover board and also for the organisation itself. I believe that things should be transparent, and what will be happening, I should imagine every year, when discussions take place between chief executive officers of the WorkCover Corporation and the chief executive officer of the department of the Minister—and it is deliberately so worded because it is known that the name of the department may change from time to time—is that they will negotiate what the fee should be for the service and the cost of running the review organisation.

There may be a disagreement between the board and the department as to what their cost should be. As the member for Bragg is well aware, the Minister of Labour Relations and Occupational Health and Safety currently is the Minister responsible to this Parliament for the operations of both the Department of Labour and the WorkCover organisation, and I think it is appropriate that, when there is a disagreement, someone should settle it, and there could be no-one better than the person who has total responsibility for the operation of both organisations.

Clause passed.

Clause 8—'Establishment of the review panel.'

Mr INGERSON: I move:

Page 3, lines 21 to 23—Leave out subsection (1) and substitute new susbsection as follows:

(1) A review officer is to be appointed for a term of five years and is, on the expiration of a term of office, eligible for reappointment.

It is our belief that terms should be fixed. If we look at the management positions of most officers in departments, if they are under any contractual conditions it is suggested that they be fixed at five years. It is my belief that it ought to have more certainty to it instead of being up to seven years and, as a consequence, we believe it ought to be for a fixed term, and with this amendment we are suggesting that it be five years.

The Hon. R.J. GREGORY: The Government is of the view that there should be flexibility in the appointment of review officers. The member for Bragg knows from discussing this matter in the select committee that I was very concerned that these people transferring across to the Department of Labour should not go from a situation where there were people appointed for terms of office to terms for life; in other words, they just had tenure of appointment until they decided they wanted to give it away. There is a very good reason for doing this.

It is not unknown in the Industrial Commission and in the courts that sometimes decisions take an enormously long time to gestate from the time the hearing ceases to the time the decision is handed down, and on one occasion in the Industrial Commission a decision was

handed down two years after the hearing ceased. We think that this is an extraordinarily long period. We want the decision making in the review area to be fair. We believe that justice delayed is justice denied; that there should be no reasons for review officers merely to conduct themselves how they like. What we will be requiring here is for the chief review officer actually to manage the productivity of the review officers.

Under no circumstances will the chief review officer be able to interfere in the decision making process and the process that review officers come to in making their decisions. What the chief review officer ought to be able to do and say with the review officers is exactly this: if somebody is hearing on average only two or three cases a day and the rest of the review officers are hearing five or six, there is a right and proper position for the chief review officer to have a discussion with that review officer and say, 'Why is this happening?' That, as I see it, is the productivity, not in the type of decision they are making but in how many matters they are dealing with. If there is tenure of appointment the chief review officer has no real sanction for being able to deal with those people.

However, if there were varying lengths of appointment, the chief review officer would have the ability to persuade the errant review officers to mend their ways. I know this is a very novel approach to this style of decision making and how it should be managed, but I have a belief that if the State or the people of this country are going to be paying for a service they need to expect to get the best they possibly can. No longer should people be able to hide behind tenure. More and more, organisations are having to become transparent and show exactly how they are performing.

I believe that it would be fair to have variable terms of appointment where discussions can take place with review officers, and it may be to the advantage of the review officer. They may want a term of appointment for only four or five years but, under the proposal of members of the Opposition, they would have to take it for five years or not at all. If they then did that and were going to bail out within two years, they could go around saying, 'I have accepted it for two years but in two years time I will be bailing out and you had better start training someone.' That is a totally inappropriate way to do business.

It all ought to be out on the table. There ought to be the ability to do that. I am very keen to see this flexibility in appointment. I think that up to seven years is quite a good length of time and that shorter terms might mean that somebody who is not performing very well on productivity can be given another chance. I anticipate that the chief review officer, in managing this review section, would take that counselling to heart and discuss the matter with these people. I believe that the review officers who are counselled properly in this area will perform adequately and well. That is all we ask them to do. What we want to avoid is this business of where there are long delays between the end of the hearing and when a decision is handed down, and also some other matters that might creep in if people are not subject to some sort of management.

I am also of the belief that this is a novel way of doing it and that we ought to be thinking about how other appointments are made in decision making areas within South Australia. This is a pacesetting measure, and we need the flexibility. The measure the Opposition is proposing sets it in concrete. The member for Bragg knows what happens when you set something in concrete.

Amendment negatived.

Mr INGERSON: I move:

Page 3, after line 31—Insert new subsection as follows:

(3a) The chief review officer cannot be removed from office under subsection (3) (c) except with the concurrence of the President of the Tribunal.

We believe that, if you are going to give the tribunal or the senior person in the review system independence, you need to remove the opportunity for the Minister of the day unilaterally to remove that review officer from the position. I think it goes hand-in-hand with the independence factor. The select committee recommended very strongly that we ought to have this safety valve, whereby if this person is to be removed you have a second person who can look at whether it has been done fairly or unfairly or whether it was political or whatever. I ask the Minister to look at this seriously because I think it does improve the Bill and it does give the review officer that extra bit of independence which I know both he and I believe is essential for this Bill to work.

The Hon. R.J. GREGORY: I cannot accept the over caution of the member for Bragg. I would like to draw his attention to section 79 of the Workers Rehabilitation and Compensation Act, which deals with the appointment of people to the tribunal. As the member for Bragg knows, the members of the tribunal at the moment are the President and Deputy President of the Industrial Court and/or lay persons appointed to that position from time to time. The clause in the Bill is exactly the same as section 79(6) of the Act. That is a standard clause that appears throughout the whole of Government employment, and really it is the prerogative of the Governor. When the Governor appoints somebody to a position they can be removed in the following ways:

(a) resigns by notice in writing addressed to the Minister;

or

(b) completes a term of office and is not reappointed—

both of those are acceptable—

(c) is removed from office by the Governor on the ground of misconduct, neglect of duty, incompetence or mental or physical incapacity to carry out official duties satisfactorily.

That is all encompassing. If the Minister took it into his head that he was going to remove the chief review officer and paragraphs (a) and (b) were not available to him, he would have to rely on paragraph (c), which is a fairly tough standard that the Minister would have to demonstrate. The Minister just could not wake up one morning and say, 'I haven't done too much for a couple of weeks; let's get stuck into the chief review officer and knock him off'. He would have to determine whether the officer had been guilty of misconduct. If not, there is neglect of duty, which you cannot just make up. Under the legislation the other grounds are incompetence or mental or physical incapacity to carry out the job.

For the Minister to just arbitrarily decide that the officer has all those things wrong with them is a bit thick. I think that the clause is the appropriate

provision. It is used in other Acts of this Parliament. In fact, a whole number of people in South Australia are appointed to boards, to commissions, to positions within the Public Service and outside of it under these conditions. This approach is immensely sensible. To include a further qualification would make the chief review officer's position somewhat different. I also think that it is a power and function that the President of the Industrial Commission would not want.

Amendment negatived.

Mr INGERSON: I move:

Page 4, lines 4 and 5—Leave out ', subject to the general direction of the Minister,'.

This amendment relates to the responsibilities of the chief review officer. It provides specifically that the responsibilities for the administration of the business of the panel should be subject to the general direction of the Minister. There appears to be a little bit of an anomaly if an independent person such as the chief review officer has to be responsible for business of the review panel and then possibly subject to the general direction of the Minister. You cannot have independence and that too. One of the concerns I expressed in my second reading speech involved the need to delineate clearly between the position of the Minister of Labour and the fact that the review panel happens to be part of the department for administrative purposes. I move this amendment because there is an inconsistency in this clause regarding independence, and I ask the Minister to consider the matter on those grounds.

The Hon. R.J. GREGORY: The Government is not prepared to accept the amendment. I thought I made it quite clear earlier this evening that the Government expects the chief review officer to manage the panel, the people who work within the panel and its support group. In other words, the chief review officer would be the chief executive officer of that division. It is an eminently sensible thing for the chief review officer to be subject to a bit of direction and control by the Minister in respect of administration matters, because if that is not so how can the authority be properly controlled and how can the officers be responsible?

If those few words are deleted, the chief review officer can do what he or she likes. I thought the member for Bragg would support the Government in having a review panel that functioned efficiently and cheaply, provided quick decision-making processes and dealt with matters expeditiously. If performance is not up to scratch, the Minister should be able to say to the chief review officer, 'Productivity is down'. Nowhere in this Bill is it provided that the chief review officer can be disciplined or directed by the Minister on what form decisions should take. The direction can only be in respect of the administration of that section.

I think it is entirely appropriate. The Minister is responsible for the efficient functioning of the Industrial Court and the Industrial Commission—indeed, officers of the department have considerable say in the official operation of the department—but never have they suggested to the President, the deputies, the commissioners or the magistrates how they should make their decisions. It is done carefully so there is no interference. However, the department's senior officers make clear to the people working in that area the Government's wishes as far as efficiency is concerned, and I think that is entirely appropriate. The Government is responsible to this Parliament for the expenditure of money raised by the Parliament, and that responsibility comes back to this Parliament. We cannot have a situation where the Minister, who is a responsible person, can say, 'I'm terribly sorry about that but the Act forbids me from ensuring that that part under my control operates efficiently.'

Mr INGERSON: That is rather interesting—I was going to be conciliatory and let this Bill run through smoothly. Some interesting evidence was placed before the select committee by the senior review officer. One of his major concerns was the interference by the WorkCover Corporation in the administration or general direction of how the senior review officer administered the review process. One of the compelling reasons for the select committee's suggesting the change to make review officers more independent was the control by the WorkCover Corporation over the way in which it administered the process. So, we really do not have a change at all. All we have done is, instead of potentially being able to accuse the corporation of interfering with the way in which the senior review officer works, we now have the Minister, or more importantly the CEO or the head of the Department of Labour, able to be accused of doing the same thing.

The purpose of trying to make it consistent was for that very reason. As the Minister would be aware, on that particular day the senior review officer was so emotional about the need for independence that he almost went as far as to say that the Chief Executive Officer was interfering with the way in which he ran the day-to-day administration of the review system. Yet, all we are doing, as I have said, is transferring that from this bogyman or bogy corporation to the Minister. Whilst I understand that this Minister would not interfere, a future Minister may, for political or other reasons, seek to interfere with the administration. The major reason for arguing for this independence and supporting it is that the review officer thought the corporation was interfering. I hope the Minister will reconsider his position.

The Hon. R.J. GREGORY: I thank the member for Bragg for saying that he knows that I would not interfere. I appreciate that, because there has been some doubt from time to time about whether people do interfere. I know that it has been said to inspectors of the Department of Labour that they ought to be able to interfere in the functions of Government. I do not agree with that. I think it is quite proper that there be an appropriate separation of powers, and I think that situation ought to exist in respect of the decision-making process. I understand the problem that the chief review officer has with the WorkCover organisation and some of the problems of the review officers. Despite the protection afforded them by the Act, which provides that the decision-making process cannot be interfered with by the WorkCover Corporation, they think it is.

They have a very special feeling, because they are making decisions in respect of actions undertaken by officers of the corporation. They are paid by the corporation. At one stage, the hearing rooms were situated in the corporation's building and, in many

instances, advocates who appeared before them were officers of the WorkCover Corporation itself. So, they had a real conflict of interest. When the Chief Executive Officer of the WorkCover Corporation chatted them about their productivity, their processes, their-long winded reports, the time they were taking to do things and to hand down decisions, they felt this was gross interference with their rights, the decision-making process and their independence.

I firmly believe that we ought to be efficient in how we deal with things and that people ought to be accountable. Under this legislation we are making people accountable. They will be accountable not for the quality of their decisions but for their productivity. If they take half a day off to watch the cricket or if they take longer than anyone else to deal with a matter or if they only deal with half the number of cases dealt with by every other review officer, there ought to be some measure of control. The chief review officer ought to be able to deal with those people. At the same time, because of the drive for efficiency in Government departments and because the Government is no longer exempt from efficiency, the Minister through officers of his department ought to be able to ensure that the services provided to review officers, the facilities in which they operate, the equipment they use and all the other things they may need are there for the Minister to direct.

We could have the ridiculous situation of such officers deciding to use quill pens and forgetting about typewriters. If we do not have direction and control, we could have a burgeoning bureaucracy, and there should be controls and efficiency in this. There is a measure of control here, and the member for Bragg knows full well what it is. It is this process of parliament. If the Minister interfered with review officers in a way that was detrimental to their ability to perform their work, if the Minister or his servants directed decisions, two minutes after that happened someone would be whispering in the shell-like ear of the member for Bragg or any other member of the Opposition, and at the next Question Time the member for Bragg or one of his colleagues would rise and say, 'I have received 100 telephone calls about this.' The whole business would soon be exposed. Parliament is the proper place for this and the Minister is the proper person to have that control. I am confident about that and I thank the member for Bragg for his endorsement of my integrity.

Amendment negatived; clause passed.

Clauses 9 to 12 passed.

Clause 13—'Costs.'

Mr INGERSON: I move:

Page 5—

Line 18—Leave out 'subsections' and substitute 'subsection'.

Line 22—Leave out 'Minister' and substitute 'President of the tribunal'.

Lines 24 and 25—Leave out subsection (5b).

These three amendments are linked. The cost of representation before the review committee is a major issue for the parliament. During the second reading stage, other members and I raised cost as a major issue. I do not want to rehash it, because it has been well covered. I refer to the Crown Solicitor's being involved in setting fees. In many instances, the Crown Solicitor appears before the review process, supporting the corporation or an exempt employer, such as a Government department. While the Crown Solicitor is involved in the setting of fees in other areas, in this case it would be better if someone independent, for example, the president of the tribunal, set the fees.

True, it can be said that the president has an involvement. The president does set fees in the Industrial Court and the one judge holds the two positions. We believe that the fees should be set by an independent person. We accept that the Government, in selecting the Crown Solicitor, has attempted to ensure independence, but we believe that there is a conflict of interest. The amendment provides that the president of the tribunal would set the fees. The third amendment removes subsection (5b) and is a flow-on provision related to the references that I have made.

The Hon. R.J. GREGORY: The Government does not accept the amendment. The Committee will recall that, when the select committee reported to Parliament, it suggested that fees not be charged or not be collected. It was suggested that there should be no counsel appearing before the review. A compromise position was reached because of the persuasive argument put by the Law Society about its desire to ensure that people are protected and supplied with natural justice.

The Bill makes provision for a scale of charges to be set so that the desire of the Law Society to ensure natural justice is realised but also so that overcharging is not a consequence. I am confident that the Crown Solicitor, being an eminent member of the legal profession in South Australia, would be able to provide the Minister with the appropriate information as required from time to time.

The Crown Solicitor actively appears with and against members of the legal profession. I do not want, nor do I intend, to denigrate the president of the tribunal, who is a person of good standing and high regard in the industrial community of South Australia. However, it is a long time since he practised. It is far better for the Crown Solicitor to provide advice to the Minister. The matter can then be placed in the *Gazette*. It is far better to do that than to have the matter referred to the president of the tribunal.

Mr INGERSON: I am disappointed that the Minister has not seen fit to support our argument. The only comment I can reiterate is that the Crown Solicitor is not really independent, whereas the president of the tribunal is far more independent. In arguing this case, I wish to take up one of the comments made by the member for Henley Beach, who claimed that there are many examples of the legal profession overcharging in respect of workers compensation costs.

I received a letter only last week that I thought was scurrilous. I have replied to the legal representative concerned, because he argued that one reason we should be maintaining the lump sum common law component is that it enabled the legal profession to offset the compensation fees that they were not getting under the review process. I found it staggering that anyone would write to any member of parliament saying that was one reason why the common law component should be retained.

True, that is a side issue, but the point was overlooked earlier. The argument by the Law Society is reasonable—that the person making the recommendation should be independent and should be someone involved in the workers compensation area. The President is independent and is directly involved. I ask the Minister to reconsider his position.

Amendments negatived; clause passed.

Remaining clauses (14 to 16) and title passed.

Bill read a third time and passed.

GUARDIANSHIP AND ADMINISTRATION (MENTAL CAPACITY) BILL

Adjourned debate on second reading.

(Continued from 9 March. Page 2356.)

Dr ARMITAGE (Adelaide): I signal at the beginning that the Opposition agrees with the general thrust of the Bill, as does most of the community. As would be recognised by members, this Bill is part of a package that included also the Supported Residential Facilities Bill, which has been debated and is now an Act, and the Mental Health Bill, which will be debated tomorrow. This package was introduced about 12 months ago, being designed to add dignity to and to preserve the rights and lifestyles of a particularly vulnerable group of people. It has always been my view that it is a measure of society as to how well or how badly it looks after those people who are unable the look after themselves. Following the original guardianship legislation, in 1988 a review was carried out into the Guardianship Board and the mental health review tribunals, and that review reported in 1989. This Bill is essentially the result of that review and continuing community input.

As I said, the package was introduced about 12 months ago and there has been little change since then. The small changes involve the Consent to Medical Treatment and Palliative Care Bill, and I note, with acclamation, the removal of certain investigative powers of the public advocate which, as I am sure the Minister and perhaps other members of Parliament would know, had caused great community anxiety. In general, this Bill has community approval, because its aim is to increase the dignity of a disadvantaged group while it still recognises that in many instances those people need their interests

carefully monitored.

I wish to give due credit to the large group of particularly well meaning, well intentioned and highly skilled carers, who continually operate with the best interests of the mentally incapacitated persons for whom they care at heart. These carers—indeed, the whole community of the mentally incapacitated—represent a huge resource of emotional input, and it is humbling to be with these people and to see the care that they have for each other.

In general, one of the only potential problems that I have had identified to me is that neither this Bill nor the Mental Health Bill adequately addresses the rehabilitation into the community of the education and work-related programs of the mentally incapacitated. Indeed, I think the fact that that point was made so vehemently to me is a mark of the eternal hope and optimism and energy and emotional input which carers have for the people they are looking after.

The board itself as another representation made to me—in the previous form (assuming that this Bill will in fact pass through the legislative process) where there were five members, alters down to between one and three members. I think that is a very good thing, because a number of parents and advocacy groups have indicated to me their anxiety about the supposed or alleged austere and cold atmosphere of the board meetings. In fact, it has been said that there does appear to be little empathy and certainly a lack of direct experience of what a family goes through.

I am confident that all members of the board, as it is presently constituted, do their level best to avoid that. I have had communication with board members and I know that they are particularly diligent and caring in their work, but it is a fact of life that the families of these mentally incapacitated people have such an emotional input into what goes on that they are perhaps ill-directed in indicating that they think the board does not understand their needs. So, a change in the board's actual procedures, to a less highly constituted board, from five down to one to three, I think is an advantage.

The provisions of this Bill do represent a significant improvement over the current guardianship legislation. In particular, the Bill provides for much greater flexibility for the resolution of some of the personal issues. Indeed, as is the aim of the whole package of the legislation mentioned before, it gives greater recognition to the individual needs and rights of people and their families. It addresses many of the concerns that the families and parents and carers have had in relation to the current legislation. In particular, the establishment of a position of public advocate, about which I shall talk further in a minute, is seen as a very positive initiative and it is welcomed.

I think that is probably, for me and for members on this side of the Chamber, the most major change and it reflects changes in other States around Australia. This position of the public advocate should hopefully make it easier for individuals or carers or parents to resolve difficulties or to register complaints about things that are going wrong, in their perceived view, with their lifestyles. This is in fact difficult and sometimes threatening for people to do at the moment, and of course that amounts to considerable inconvenience but probably, even more importantly, distress and anxiety.

I was told, Mr Speaker, in seeking representations in relation to this Bill, of one particular client of an agency who recently requested information from the Public Trustee on his own financial status and that information was refused to him. That clearly is, I think, outrageous and it certainly would be the sort of thing that a public advocate would well take up. Of course, the changes to the possibilities for now limited guardianship, with limited administration orders, certainly offers the board much greater flexibility in responding sensitively to the needs of personal and family situations than occurs at the moment. This limited guardianship order specifically offers the opportunity to give a particular aspect of a person's life great care without imposing the, shall we say, all or nothing option which the present legislation has. So, there is no question that the public advocate, as

I indicated about which I will speak a little later, is an excellent initiative.

Whilst talking of the public advocate, I note in the Minister's second reading explanation, when talking about one of the important purposes of the Bill, the reference that 'it creates the key position of public advocate, with an important watchdog role on behalf of mentally incapacitated persons'. Whilst understanding the watchdog role, I think some of the clauses within the Bill itself actually present a conflict of interest for the public advocate, and we will discuss those later. The Minister also says, in his second reading speech, that the review, to which I alluded earlier, recognises the potential for the role of families and carers to be inappropriately restricted and undervalued. As some of the examples I intend to quote later will indicate, that is a huge problem, and if we can overcome that as legislators we will have done a good job.

There is also well recognised in that review the potential for a conflict that existed for the board in its roles of investigator, formal decision maker and guardian. As I indicated before, I do believe that there are similar potentials in the legislation as it is framed for the public advocate. Whilst indicating that there is that conflict, I note also that the Minister says that the review in 1990 of the consent to the medical or dental procedures provision, inserted as Part IVA of the Mental Health Act, acknowledged 'the legitimacy of the family as a decision maker in this area'. That I think will be a key issue in one of the particular clauses of the Mental Health Act tomorrow—or whenever we get around to discussing that—without discussing potential legislation, but I wish to make the point that in these types of emotive issues 'the legitimacy of the family as a decision maker' in the area is particularly important.

In another part of the Minister's second reading explanation, he indicates:

> The public advocate will seek to resolve problems so that, unless appropriate, the legal processes of the board need not be invoked.

So far, so good; we certainly agree with that. Further:

> When they are invoked, the public advocate will provide significant assistance.

I would ask, assistance to whom? Whilst I believe it is quite clear to whom the public advocate is expected to provide the assistance, in some of the clauses I believe one might well ask whether the significant assistance would not perhaps be contrary to the interests of some of the people whom the advocate may well be expected to support.

I was talking briefly about the public advocate and certainly indicating a great support for the position. I indicate that if it is done properly it will be quite expensive. I accept that it is not a service provider but, if it is done properly, there will be many demands on this position, and there is no mention in the second reading explanation as to where any costs may be provided for, so it would be interesting to find out whether there has been an estimate of the costs involving the public advocate and, if so, where these costs will be met.

Another interesting question to ask about the public advocate is where the office will be. Whilst that may seem a rather unusual, pedantic and unimportant question, if we are looking at the public advocate as being a white knight on a charger for some of these mentally incapacitated people and their carers and families, it may be equally important for the public advocate to be totally independent of the Health Commission, and indeed the public advocate in Victoria is under the Attorney-General rather than any other department, specifically to stress that independence from the Health Commission which as I said previously many clients are intimately involved with. Another thing about the public advocate is that it is a little unclear from the actual definition whether 'public advocate' is an office and so a representation before any tribunal or board, for example, could be by counsel or instructions of the office holder, or is it a natural person who clearly would be appearing publicly in those deliberations? As I indicated previously, as presently constituted, the board has some distressing dilemmas.

I would like briefly to quote an example brought to my attention whereby an aged person in Whyalla was living quite successfully for some time unaided until unfortunately increasing dementia was noted and this person was no longer able to live on her own. An assessment at that time indicated that she needed care, and she was transferred to Adelaide. The transfer took place at the behest of people in Whyalla to a place of care in Adelaide, despite the fact that the persons organising the transfer had never actually seen the place to which they were transferring this woman and, indeed, the family was told that she was being transferred on the strength of photographs that the transferrers had seen.

This place where the woman from Whyalla ended up was particularly unsuitable because there was no dementia care program available in the place. So, in discussion with the Guardianship Board about this matter, which I thought was quite unsatisfactory (and there were other elements about the place of care where this woman from Whyalla ended up which are not directly relevant to this legislation but which do indicate that it was a totally unsatisfactory place for this person to be), I found that in fact there is no provision within the Mental Health Act by which a placement done without the consent of the board can be reversed and that the board has no powers to direct those responsible for displacing a person from the community of interest to take steps to immediately return him or her to that community.

This seems rather unusual to me and, in my view, as legislators we ought to be looking at giving the board greater oversight of that. Of course, that is one of the dilemmas of the board, being both guardian and organiser; perhaps the public advocate will look into that. In another letter, a member of the Guardianship Board mentions the conflict that the board often faces by reason of its dual role as guardian as well as tribunal, and they talk about it being frustrating and often actual, not only potential. So, I think the changes to that area will be very positive.

Another potential problem which I find distressing, given that the Minister's second reading explanation acknowledged the legitimacy of the family as the decision maker in this area, involved an older man who was under the Guardianship Board and who was referred to a hospital in Adelaide. I have had communication with the hospital and in fact it has admitted an error, so I will not

take that line any further. The fact of the matter is that this older person was sent to the hospital with some minor difficulties—in fact the person was sent to the hospital to have an amputation of his left fourth toe as well as 'such consequential or incidental medical procedures as may be thought fit'.

Later, after the passage of some time, this patient was returned to the hospital (still under the Guardianship Board) and, when further problems were identified, this man eventually ended up having his leg amputated below the knee, yet the family was given no notification of this—and I stress again that the hospital has indicated that there was some dilemma with the procedures which it has taken steps to overcome. I am raising that as an issue not to focus on the mistake but to focus on the fact that the family, as a decision maker, must never be overlooked. There is a tendency in some cases to think 'Guardianship Board' and that is the end of story. This was a particularly distressing incident for the family and those sorts of incidents ought not to occur.

Those are examples of the past. Looking to the future, I wonder how the composition will be decided; whether members will be independent of the president. As I have indicated before, I think the reduction of numbers from five down to some number between one and three is a good idea. It is well supported in the community. As I said before, it is common knowledge that larger boards are very intimidating. Indeed, open hearings are often intimidating for mentally incapacitated people and carers as well. Without looking at later amendments, we will attempt to change the focus from open to closed hearings. One particular group of people—the Schizophrenia Fellowship—indicated to me that it has previously and repeatedly stated its view that proceedings before the boards and so on should be as informal as possible. Another group indicated that families felt as if they were on trial. I do not specifically level that criticism at the board but, nevertheless, it is a major problem.

The Guardianship Board and the Mental Health Review Tribunal have indicated 'the potential for the role of families and carers to be inappropriately restricted and undervalued' and 'an acknowledgment of the legitimacy of the family as the decision maker in the area'. A constituent of mine who wrote concerning his son stated as follows:

> My son... suffers from a chronic, bad prognosis, life-threatening mental illness which can be expected to continue for an indefinite period. My husband and I are extremely worried about proposed legal changes in the Guardianship Board, removing its ability to review (and extend where necessary) compulsory treatment orders.

Some of these things will be picked up tomorrow in the Mental Health Bill. The letter continues:

> If his Guardianship Board orders cannot be extended by them, for any reason, then he will eventually be left defenceless against the ravages of his illness. The reason for this is that, historically, he has been a non-compliant patient who needs his medication as not only a sanity-saving measure but also a lifesaving one... All who know.. .know full well he will not, voluntarily, take his medication if he is not obliged to.
>
> He owes his present level of compliance totally to continued orders from the Guardianship Board, which has been reviewed and extended on many occasions over the past years by this compassionate panel. History has shown that, unless he is compelled to take his medication, the illness relapses, whereupon no medical specialist would be able to guarantee his continued survival... Our son owes his life to the combined support and extended orders by the South Australian Guardianship Board, making it compulsory for him to continue with his medication. The benefits to [her son's] health and quality of life from this support have been incalculable.

The letter goes on, indicating the distress and emotional input of parents into cases like this and the enormous emotional input they have into the total care picture for their children. As I said, these are the types of people who must not be inappropriately restricted and undervalued. There is a number of other issues such as the omission of the definition of 'carers' from this Bill, which is a particularly important issue, given the clear input they have into the total picture of the care for people who may be under guardianship orders.

In the case of a person with dementia, the carer may well be a neighbour who is acting as primary carer, and in all cases carers ought not to be overlooked. I will raise other issues in the Committee stage. Having said that this legislation is part of a package, one of the real problems for all these people is the dearth of suitable accommodation, and perhaps inadequate supervision in what accommodation is present, in many cases. We have addressed some of these issues in the Supported Residential Facilities Act, and that is a great plus.

In closing I would say that the mentally incapacitated and their carers are an uplifting group of people for society to see and to support, and this legislation, which clearly seeks to improve the lifestyle of both the incapacitated and their carers by giving them greater flexibility in arrangements to run those lifestyles while preserving the rights and responsibilities of society to look after them, is certainly legislation that the Opposition in general is very pleased to support.

Mr BECKER (Hanson): Recently there appeared an article in the *Advertiser* 'What's your problem?' column, under the heading of 'Guardianship Board: What are its powers?' That article read as follows:

> What is the Guardianship Board and what are its powers? Can it arbitrarily remove people from their homes and sequester their property?

It is signed C.D. of Plympton, and I have a fair idea who this might be, because over the years since the establishment of this Guardianship Board numerous constituents have come to me complaining of the attitude to people placed under the control of the Guardianship Board. To be fair, this article describes the role of the Guardianship Board as we know it at present.

The reply in 'What's your Problem' in the *Advertiser* states:

> The Guardianship Board is established under the provisions of the Mental Health Act 1976 to 1979 to assist persons suffering from mental illness or mental handicap by acting as their guardian and ensuring the proper management of their affairs. The Guardianship Board will consider carefully the expressed wishes of the protected person and regard that person's welfare as of paramount concern. If the board is satisfied the person should be received into guardianship it may exercise any right normally possessed by a guardian. It can place the protected person in a hospital, hostel or other institution for treatment or

care, give directions as to the upbringing, education or training of the protected person, ensure the protected person receives any necessary medical or psychiatric treatment, and place the person in the care and custody of a relative or someone else, who, in the opinion of the board, will take proper care of the protected person. The board may appoint an administrator to manage the estate of the mentally ill or mentally handicapped person if it believes that person is incapable of managing his or her own affairs.

The board can appoint an administrator even if that person has not been received into guardianship. The Public Trustee will be appointed the administrator of the estate of the protected person unless there is a special reason for another person to be the administrator. Before selling a house or land, the administrator must obtain the approval of the Guardianship Board or of the Supreme Court. All funds held by the Public Trustee are guaranteed by the South Australian Government. The Public Trustee will invest the funds and credit interest to the account and charge a fee for the administration of the estate. On the death of a protected person the administration order which is still in existence at the time of death will have no effect after that date and the laws relating to wills and intestacy will operate in the usual way.

The item then concludes by suggesting that, for further information, contact be made with the duty social worker at the Guardianship Board. Good luck in that respect.

As far as the article is concerned, that is a fair description of what we like to think and believe is the role of the Guardianship Board, and in general that is what the board does. However, unless you have been through the experience, unless you have had the opportunity to appear before the board to see it in operation and unless you have dealt with institutions for the mentally and physically disabled or our hospitals, I do not think you can really understand what the Guardianship Board is all about. It was all very well for the Minister to say in his speech in the House on 9 March that the establishment of the legislation in South Australia made us a national leader. It made us a national leader all right, but by golly it also created a lot of problems and a lot of traumas for families that suddenly found that one of their members was taken away from them and placed under the care, control and guidance of the Guardianship Board.

There are many married couples in this State who find that, upon one of them being suspected of having dementia or mental incapacity of some kind following a stroke or other type of illness, they are placed in an institution, whether it be Glenside, the Home for Incurables or some other similar place for a short period. On many occasions the surviving partner finds that an application is made by a social worker or someone on behalf of the institution to have that person placed under the care of the Guardianship Board. That is when the real facts of life come to light, because I have yet to find how a social worker with one, two or three years experience or even some psychiatrists can decide that a particular person should be placed under the care of the Guardianship Board.

The real trauma then starts, because the board sits as a tribunal of five people, judge, jury and convector and goodness knows what. The unfortunate person who may be suffering from some relapse or some medical or mental disability is surrounded by these people who want to take control of their financial affairs. It also happens that the surviving partner or the parents of a young person in this situation are suddenly confronted with the trauma of having to appear before the board and prove that they are able to look after the affairs of their partner, child or sibling better than some stranger.

That is a terrible experience, which I hope I never go through again. I was absolutely disgusted with the whole operation and to think that I had to be placed in that situation. I may as well declare my interest here and now because, until you have been there and experienced it, you will wonder what the hell is going on within our institutions in this State. At the same time I will give credit because the board can be, and has in many cases been, beneficial to the person who receives its guidance. However, I can understand the fury, annoyance and anger that occurs when you have this situation.

I had that situation with a constituent who had been married for some 45 years. It was a very happy marriage and they were a very successful business couple who raised their family and worked as a team for the whole of their married life. Unfortunately, the husband may have suffered a mild stroke during the night on one occasion; somehow he suddenly went off the rails and was placed in Burnside for a short period. From there he was placed into the Home for Incurables and was allowed to go home under the care of his wife.

Whilst this man was not diagnosed as having dementia, he certainly had some difficulty. He had the unfortunate habit of going down to the local supermarket and filling up a trolley with all the goods on which he could lay his hands and, getting to the cashier, realising that he did not have any money and could not pay for the goods. He would then laugh and run home. Unfortunately, he was readmitted to the Home for Incurables. He was there only a few weeks when the application to place him under the care of the Guardianship Board was made.

This man's wife was absolutely livid to think that, their having been a very successful business couple for 45 years, anybody should even doubt, let alone challenge, her ability to look after him and their financial affairs. She was upset by the very thought that all their assets would be under examination, that 50 per cent of the assets would be placed in a special trust for him alone and that she would not be able to do anything with the family home if she wanted to—not that she did. However, the point was that it was the challenge to her ability, to her love, care and affection for her ill partner, who, unfortunately, was never to recover from that illness, that really annoyed this woman and even annoyed and angered her two sons.

To her credit she decided to take on the Guardianship Board, and it took months of negotiations, appeals, legal advice or whatever she could do to regain control of her husband's affairs. To his last day she looked after him and did everything she could. Indeed, she spent a lot of money to look after his personal health and comfort. So, full credit to her. That is not the only story. I have had lots of stories within my own electorate.

On the other hand, I can understand and accept the advice I have received—sometimes from senior social workers and senior psychiatrists and psychologists—that there have been occasions when one partner has been admitted to an institution with a mental disability and the

faithful partner visits every day, every couple of days, once a week, once a fortnight or once a month and never turns up again. Then it is for the hospital authorities to find out that the surviving partner has sold up the house and gone to live in Surfers Paradise or somewhere else.

Of course, the person who is then admitted into the institution is left there with nothing. So, there is an obligation on the State in some respects to look after and protect the rights of the individual. That is why the Guardianship Board was established. But it has not been without a lot of traumas. Some inexperienced, incompetent social workers and hospital authorities have interfered in people's lives and caused division amongst families. The traumas they have caused those families is unforgivable. It has probably caused more damage than the illnesses that have befallen these people. I also understand the need for the Guardianship Board or some type of protection for those who are placed in institutions at a very early age.

It is a tragedy of our society that in the past we have had to establish places such as Strathmont and Minda home, which house young people who will remain within those confines for the whole of their life. That has been their only way of life. In many cases, the parents have had them placed in there or they have been taken away from the parents and put in there and they are left to the staff of those institutions who in a sense become their adoptive parents. The work that those people do is absolutely marvellous. Not enough praise can be given for the dedication and devotion of some of those staff who look after and care for those people, let alone the organisations that run them. There is some need to look after those people as well, and there is an obligation on the State to do that.

As the Minister explained, all those traumas, all those heartaches that have occurred in the past, should now be behind us. As the national pace setter of this legislation, there should be new light at the end of the tunnel, because we are now taking various steps to amend the legislation and to provide ways and means of easing some of that pain. But it will always be there. There will always be the thought that the State is interfering in family relationships by bringing in a big brother-type organisation to look after the affairs of one partner.

So, with the nomination of a public advocate, and with the Guardianship Board recognising the carers and the families, I only hope that we will see the responsibility of guardianship properly given to those within the family network who are quite competent and capable of looking after the person who requires that assistance. The Bill recognises what many people have been saying over the past 15 years, that is, that you should not breakup the family, that in most cases the main carer is the mother or the spouse. It is mostly the mother who is responsible for looking after these children. She not only brings them into the world and nurses them but also looks after their financial affairs. In most—if not in all—cases, the mother is quite capable of looking after their financial affairs.

So, unlike the past, where a person who was placed under the care of the Guardianship Board was not considered capable of looking after their financial affairs and the Public Trustee was appointed as the responsible organisation to do that, we now have the situation where the Public Trustee will no longer be the preferred provider.

So the board is able to appoint administrators according to the needs of each person. This legislation is as wide as it is broad. As mentioned by the member for Adelaide, some of these clauses are extremely wide, and their true meaning will only be determined by the test of time, as we have found over the past 15 years or so since this legislation was brought in. It is interesting to note that the Minister stated:

> The Bill reflects an overhaul of the current review and appeal process, streamlining what has been criticised as a complex and repetitive system.

I refer again to the example I cited of the woman who decided to take on the Guardianship Board to uphold her rights. She found that the appeal process was long and arduous, but she kept going. I think she made two attempts to gain control of her husband's financial affairs, although taking on the board was quite traumatic for her. She did so more as a matter of principle because she honestly believed that she had greater competence than they did. That is only part of the role of a guardian. It also involves the medical and dental care and a wide range of aspects of a person's life once they have been placed under the care of the Guardianship Board. It is not easy to be discharged from that care either, and that is one of the difficulties.

To be fair, there are benefits and advantages in having this type of legislation, but I am not convinced that the Bill has been presented at the ideal time and in ideal form. I believe it is a Committee Bill and that it needs more consideration than it is being given and that members need more time to look at it. It is a shame that it was not referred to a select committee so that members of this House could have a better chance to review the carers who are involved, because hundreds of people would have been willing to come forward and give evidence of their experience over the past 15 or 16 years.

The Minister has a classic case at the moment involving a constituent who, in the past 24 hours, was admitted to the Queen Elizabeth Hospital. The members of the family are beside themselves at the action taken by a very strong-headed psychiatrist and an ignorant social worker who has interfered in the family's affairs. Be that as it may, you must take the good with the bad in this type of legislation, and I only hope that the Committee will give it serious consideration.

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

Mr S.G. EVANS (Davenport): I support the Bill. My colleague the shadow Minister will move some amendments which I hope the Government will have the good grace to accept. I wish to be brief. I have experienced some cases involving constituents and the Guardianship Board, which knows that I have turned up on occasion. Another aspect is that a previously happy family may fear being confronted by the Guardianship Board because they are unsure of the future. I refer to a recent case which involved a lady who had a serious illness (encephalitis) and who lost some of her capacity to retain knowledge or to remember, although at other times she was quite capable. For family reasons, because

of taxation, even though both in the main were salary or wage earners, they put their investments in the wife's name. There are two daughters. The home is also in joint names.

A social worker at the hospital, together with a doctor, decided that the Guardianship Board should be invited to become involved—without any great consultation with the family. They came to me petrified, because at the same time the husband had to finish work as he had an illness that he will not overcome; he may in all probability pass away before his wife. This all happened in three months. They face a situation where the Guardianship Board will have control of all the money in the family and their home, and the two daughters may end up with nothing. Some people will argue that the wife is incapable of making decisions and signing papers. That has been challenged and it did not get too far with the Guardianship Board. There is still some doubt. I know the family very well.

I hope that we can win the argument that that lady can sign documents and make adjustments so that she has protection with enough money—a reasonable amount is involved—for the rest of her life for others to look after her if the Guardianship Board is appointed as the body to look after her. However, the daughters want to do that and so does the husband, while he is here, if he is given that opportunity. I have found that when social workers interfere there is a tendency not to think about the family.

I have had other experiences with the Guardianship Board. It is human nature that when people are given power they use it to the extreme and want more power. If they have a number of clients, in the main they seek to get more clients, because the more clients they have, the bigger the organisation and the more important they are in society, in their view. That is human nature throughout every structure that this Parliament creates.

I refer to the point made by the member for Hanson about trying to get the system reversed if somebody improves in their mental capacity. I know that the Guardianship Board has to say that the potential client's life or future is paramount, and I can understand that; but it is just as important to remember the family structure. Instead of seeking a way for a person to come under the control or good care of that organisation—I believe in the main that most times it is good care—I ask the board to stop and think and try to find a way for that person to stay with the family and to make it the last resort that it should control a person's life and assets. That is all I ask.

As much as we let power go to our heads if we are in government—and the Liberal Party has not been in government for a while—it is human nature, but people bring us back to reality at times. I do not disagree with the Bill in the main, although it needs some amending. For the sake of good will, it is important to do all we can to keep a person within the family structure and outside the control of the Guardianship Board. That should be the Guardianship Board's role. It should be the last resort; it should not attempt to go the other way and get as many clients as possible. I support the Bill.

Mr S.J. BAKER (Deputy Leader of the Opposition): I support the general construct of the Bill, but I join with my colleagues the members for Hanson and Davenport in expressing my reservations about the way that the Guardianship Board has conducted its affairs. I could relate a number of examples. The proof of the pudding is in the eating and, in this respect, we can look at the fear that has been generated by the board over a long period, especially in terms of the clientele I have had through my office to sign enduring power of attorney.

I refer to the number of people who have been absolutely frightened out of their wits and who have said, 'We do not want the board operating on our behalf. We do not want it in any shape or form. We want some protection from this organisation.' The number through my office has been extraordinary. It is no over-estimate to say that in the past two years I have signed up well over 200 enduring powers of attorney. I have had reservations about that and have gone through it carefully with the people concerned to make them understand exactly what they are doing. Just as they may be seared about the board's intervening and producing results that they do not wish, there is always the risk that the person they appoint as their power of attorney will not do the right thing.

On two occasions I have talked repeatedly to the people concerned. They said they understood, but I have reservations about the outcome. They were adamant that that was the way it had to be. They mix in groups of elderly people, and they tell stories of what happened to people in their groups. I have had them through my office. I refer to loving couples who have been split by the board and had their assets frozen. We have seen one partner unable to live because the other's assets have been preserved. They want that person home and the board says, 'No, you cannot have that. You have to have this person in the institution, and that person's assets have to be controlled by the board.' We have had some unpalatable outcomes.

We do not deny that there must be an advocacy role and protection for people who are unable to look after their own affairs and who have no fall-back position, but most people have a satisfactory fall-back position. Most people have someone in whom they can place trust or have the love and care of their family at least on some if not all occasions. Certainly, the examples with which I have had to deal show a complete abuse of power.

The wife of one person who came to my office had to go to Glenside. While his wife was at Glenside, this man who was a little abrupt and used to put a strong point of view, said to one of the nurses, 'I do not believe you are treating my wife properly.' The social worker came in and wanted to know what the fuss was all about and, within a matter of days, the case was referred to the board because that person was deemed to be unsatisfactory to look after his wife's affairs.

I knew that couple. He was a bit abrupt and sometimes outright rude to people, but he had a caring relationship with his wife. The fact is, the board took account of what the social worker said and did not take into account what other people said. The board said, 'These are the rules we will play under.' Eventually, after two years of battling and fighting, that person had his wife home, but she died some 28 days later. That is not an isolated example. I get sick and bloody tired—

The SPEAKER: Order! I ask the honourable member to withdraw.

Mr S.J. BAKER: I am sorry, Sir, I withdraw. I get heartily sick of people who have no understanding about human relationships or what long-term relationships are about making decisions based on outward appearances or their own prejudices. We have seen too much of that associated with the Guardianship Board. On a number of occasions they have played a very important role. They have played a key role in preventing a miscarriage of justice, but on so many other occasions that has not occurred. As I said, if anybody wishes to find out how highly regarded the Guardianship Board is I suggest that they go and talk to the aged and invalid pensioners, the senior citizens clubs or some of the clubs that cater for elderly citizens in my area and any other area. I would suggest that if people are providing a service to the public they should actually go and find out what the public thinks about them and they might get a very rude shock as to what people believe is the quality of service that they are delivering.

It is a great pity that there have been people who have exercised power in a way that I find quite reprehensible and they give the Guardianship Board a very bad name. We trust that the amendments in this Bill and the following Bill and acceptance of amendments from our side of the House will clear up some of these anomalies and we can look forward to a better arrangement than we have had in the past.

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I would like to commence by thanking members of the Opposition who have spoken in the debate this evening for the in principal support which they have given to the Bill. A number of members, including the previous speaker, the Deputy Leader, and of course the member for Hanson have, in their contributions this evening, in part, of course, given some very good arguments for the Bill which is before the House.

The reality is that the present system is certainly not perfect. It has evolved over a period of time and, as the Deputy Leader has said, it has made a significant difference to a number of peoples' lives by way of protecting them and ensuring that their affairs are orderly and appropriate when they are not in a position to guarantee that for themselves.

I would like to defend the board in its difficult role because there is no way that people in the Guardianship Board, whether they are members of the board or officers of the board, can fulfil the expectations of everyone who is involved in this process at all times. So, on occasions, of course, there will be difficult decisions to be made, decisions which will always result in one party or another being dissatisfied with the process because like all such situations there are often those occasions where there are irreconcilable differences or where hard decisions must be made that lead one party or another dissatisfied with the process.

Mr Becker interjecting:

The Hon. M.J. EVANS: Well, the honourable member for Hanson will know from his own experience in life and as a person who was involved with constituents that there are some situations which are simply insoluble in terms of providing every person concerned with complete satisfaction in the process. I agree with him that it is not good enough. As the present situation stands it does need to be improved and further evolved and the Bill which is before the House, which is a complete rewrite of the provisions of the guardianship legislation, will of course make significant improvements to the processes.

A number of members have referred to actions by the board in relation to the appointment of a guardian and the way in which the board supervises that. I would certainly draw attention to one aspect of this legislation, which is the ability of the person concerned, in advance of their incapacity, to appoint their own enduring guardian. I think that that aspect of the legislation will address many of the points which have been raised in debate this evening because it ensures that the individual concerned has the absolute right to appoint the person of their choice and that person will then be the enduring guardian in the event that the appointor of the person in fact is subject to the Act.

I believe that that change will certainly bring some satisfaction to many of those older persons to whom the Deputy Leader referred in the senior citizens and aged organisations around the State who have also spoken to me about their concern that the State, in the form of the Guardianship Board, will simply appoint some other person with whom they may not be satisfied to administer their affairs. Many of these fears are of course quite unrealistic in relation to the actions of the board because the board on the whole attempts to satisfy what would be the best interests of the person concerned and that very matter of best interests of course is the subject of discussion during the Committee stage itself.

A number of members raised issues about the office of the public advocate. I think there are issues to be raised here about conflicts of interest and I would like to assure the House that that issue has been thoroughly canvassed in drafting the legislation. While it would be possible to have a number of separate offices which might be theoretically entirely separate and independent and which would guarantee Parliament against a conflict of interest situation that is not a terribly practical proposition and might result in some confusion and uncertainty on the part of clients and others in the State as to whom they were dealing with.

It is quite possible within the model that we have developed in the Bill to ensure that conflicts are resolved internally by allocating it to different case officers within the division. Of course, by responsible action on the part of the public advocate those kinds of issues can be avoided, while ensuring that a cost effective and client effective board is available, along with an efficient operation on the part of the public advocate to ensure that education, lobbying and advice to people takes place on an effective as possible basis. I think that that educative role of public advocate will also be very important to remove some of the fears in the community about the role of the board. The member for Davenport raised a number of issues in that context. After a period of time the Office of Public Advocate will be able to address them.

Of course, the public advocate reports directly to the Minister of Health and is not part of any Health

Commission arrangement. Because of the degree of independence from the commission, and the direct reporting to the Minister, most of those issues concerned with conflict and independence can be resolved. It is also intended, of course, that the public advocate should be located in some separate building. That will ensure that there is no immediate physical proximity, thereby providing a much stronger presumption of independence. Many of the other matters which might reasonably be canvassed in the debate will be raised during the Committee stage. Some matters have been circulated and can be addressed during those proceedings and I think it would be a more effective use of our time to so proceed. On that basis, I thank members for their contribution and commend the Bill to the House.

Bill read a second time. In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Dr ARMITAGE: I move:

Page 2, lines 21 to 23—Leave out all words in these lines.

As I indicated in my second reading contribution, the carers are not defined. Whilst I accept the difficulty of it, I think that is potentially a pity given the import of carers in the care of these protected persons. Was any consideration given to defining carers given their importance? I move this amendment because those particular lines refer to a physical illness or condition rendering a person unable to communicate wishes or intentions in any manner whatsoever. Whilst accepting that they must not be abandoned by the system, I believe it is completely inappropriate that those people are defined under mental incapacity. For those reasons I believe it would be more appropriate to agree to this amendment and, in fact, to insert those people so they are caught by the net in a different area of the Bill at a later stage.

The Hon. M.J. EVANS: With respect to the issue of defining carers, while I certainly support the philosophy that the member for Adelaide is promoting in that context, in the actual arrangement of the Bill the difficulty is that the legal definition would not have much work to do. While carers have a great deal of work in the community, where they perform a very valuable role, the legal definition in the Bill would not have much of a role to play in enhancing the legislation. In this context, one has to acknowledge the paramount work which those people do in the community, but little would be served in providing a definition in the Bill which would not have any legal purpose subsequently.

It is no doubt true that, in appropriate parts of the remaining clauses of the legislation, some of the other matters raised by the honourable member may, in that context of carets, wish to be considered. I invite him to consider the question of carers from that point of view. In relation to the honourable member's amendment to the definition of 'mental incapacity', the point that he and others in the community have raised about this issue of the combined definition is one that should be taken up. I am happy to review that matter between when the Committee rises this evening and resumes tomorrow.

Members interjecting:

The Hon. M.J. EVANS: Yes; while the honourable Deputy Leader has other activities planned, the Minister will be carefully studying the legislation to ensure that, in conjunction with the member for Adelaide, it is improved to the maximum extent for the House. The definition does unnecessarily seem to encompass those in paragraph (b) within a broader definition of 'mental incapacity' which would certainly seem *prima facie* to be inappropriate. The suggestion that he raises in relation to that will need to be examined to see if that definition can be improved and more appropriate terminology adopted. I certainly undertake to give that matter some further consideration.

The honourable member has probably moved the amendment in relation to striking out paragraph (b) more to make that point than to actually achieve the removal of the paragraph, because if that were to be done—and I point out to the Committee that that action would leave a significant group of people without any substantial protection for their financial or life decisions in the community, and that would be disastrous—I assume that the honourable member is simply seeking to draw our attention to that matter rather than to remove the protection that this Bill would confer on that significant group of people. While it is true that they may not be suffering a mental incapacity, they certainly do need the assistance that the Guardianship Board is able to provide. For that reason, whilst I undertake to examine the matter further, I invite the Committee to reject the amendment.

Dr ARMITAGE: Using surprisingly prescient powers, once again the Minister has assumed correctly. The last thing I would wish to do is see those people abandoned from the safety net of this legislation, and I made that point in discussing the amendment in the first instance.

Amendment negatived.

Progress reported; Committee to sit again.

EVIDENCE (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

INDUSTRIAL RELATIONS ADVISORY COUNCIL (REMOVAL OF SUNSET CLAUSE) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 11.47 p.m. the House adjourned until Thursday 25 March at 10.30 a.m.