HOUSE OF ASSEMBLY

Thursday 24 March 1994

The SPEAKER (Hon. G.M. Gunn) took the Chair at 10.30 a.m. and read prayers.

LOTTERY AND GAMING (TWO-UP ON ANZAC DAY) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 10 March. Page 383.)

The Hon. H. ALLISON (Gordon): I will speak briefly to the matter before the House. I do not support the introduction of another legalised means of gambling to the public of South Australia. I wondered how much representation the honourable member who introduced the member has had from members of the RSL, because it seems to me that he is pandering to a very small minority within the RSL organisation. As a fairly long-term member of that organisation, I cannot recall having seen in my own electorate the game of two-up being played, either within the RSL club confines or in any part of the community. It may happen, for all I know, and two-up may be played more regularly than by members of the RSL and other than on Anzac Day, but I have lived in the South-East for 40 years and a game of swy has never been played in my presence. I have never had any representation made to me by any members of the RSL about legitimising the game purely for the purpose of having it played on Anzac Day.

I also point out to members of the House that, over the almost two decades that I have been in Parliament, a greatly increased number of forms of gambling have been legitimised, and there does not seem to be any shortage of avenues for people to lose money to the people who control these various forms of gambling. A probably more fearful thing, to my way of thinking, which has been brought to public notice within the past two or three weeks, has been the increased addiction of minors to gambling. Keno is one form which was recently publicised and the fact that tickets are bought from lottery counters by minors who are begging, borrowing and stealing in order to satisfy a new habit. That their fix is simply to be able to take part in gambling means that members of this House would surely be far better occupied in applying their time towards resolving the problems we are having with minors, rather than to increasing the number of avenues of gambling legally made available.

I have always regarded old diggers who do take part in a game of swy on Anzac Day as being well able to look after themselves. I would almost regard this Bill as pandering when you consider that the end of the First World War is now some 75 years ago. If old diggers have not been able to conduct a game of swy on the quiet, without the police or anyone else finding out or interfering, with that sort of blind eye being turned towards the quiet entertainment that they might have been having, then there is something wrong with the diggers. They have managed very well for 75 years without the honourable member pandering to them.

Mrs Kotz interjecting:

The Hon. H. ALLISON: As the honourable member for Newland says, there is some historical significance in the fact that RSL members and others may have wanted to play swy. We have a legitimate game of swy in the Adelaide Casino, which was legalised by the Party to which the honourable member who is introducing the legislation belongs.

Mr Atkinson: And yours.

The Hon. H. ALLISON: The honourable member says, 'And yours.' I remember one of the strangest things happening in this House, over a period of two successive parliaments. When the Tonkin Government introduced legislation into this House, about six or seven members supported the Bill to the first reading, including the Premier, myself, the Hon. Ted Chapman, Mr Mathwin from Glenelg and, I think, former Premier Bannon and maybe one other member from that side. A division was called on the first reading. It is the only Bill I can recall having fallen on the first reading. Members on both sides of the House opposed the introduction of that Casino Bill almost *en masse*. I think seven members were in favour of at least hearing a second reading debate to see whether it was worthwhile considering. But, then, after that mass opposition on the part of the Labor Party to the introduction of the Casino Bill by the Tonkin Government, one of the first things the Labor Government did when it took over in 1982, was to introduce Casino legislation and I think everybody caucused on it in support. It was almost a complete *volte-face*.

Two members have leapt to their feet and they can have their say, but I simply point out that there are some strange idiosyncrasies in the way people behave in this House. I did at least support a Casino Bill to get the issue debated to the second reading. I still opposed the introduction of the Casino legislation when the Bill was finally put through and voted for on the floor of the House. For that reason we have a Bill going through to second reading, as it should. It will be debated and then it will stand or fall on its own merits. I understand it is a conscience vote. I am simply pointing out that RSL members have not made any representations to me. They have survived since the First World War conducting swy, if they needed to, in their own way, and the introduction of a Bill to legitimise swy may well mean that this form of gambling could be taken out of the hands of the diggers, and opportunists who want to run a game could be conducting swy all around the State.

Mr Atkinson: No deductions are allowed.

The Hon. H. ALLISON: I am not sure what the honourable member is trying to say. I do not see the necessity to support this measure. It might even remove some of the spice from the game for diggers if it is conducted legally under the honourable member's measure. I simply oppose the legislation.

Mr CUMMINS (Norwood): I indicate that I totally and completely support this legislation. This is a measure that will deal with one day of the year. I find it incomprehensible that people can stand in this House, some of whom supported poker machines, a very American machine, might I say (and, to be frank, if I was here in those days, I would not have supported that legislation), and are not supporting a traditional Australian game. I find it amazing that people are talking about the possibility of crime and corruption associated with legalising two-up one day of the year, when presumably the people who be would be interested in playing it are returned soldiers who are in there 70s. My father fought in the Second World War, and he used to play. Unfortunately he was killed, but my two uncles play two-up on Anzac Day.

The reality, as we all know, is that the game has been played traditionally during the war, after the war and every day on Anzac Day. I find it incomprehensible that one would

not support a Bill that says that two-up can be played on the day. There is no argument, it seems to me, to say that people may be organising the games and exploiting people. The reality is that, if they are highly organised games, there is probably less chance of exploitation because it would be well known where they are and it would be a lot easier to control them. I do not accept the argument that big games could lead to some sort of crime or corruption.

My view is that we should support a tradition which is uniquely Australian, that of two-up, and we should support the men who fought in the wars—the Second World War and the other two wars—who want to play this game. Traditionally it was a Second World War game rather than one played in Vietnam or Korea. To stand in this House and potentially make 70 year old war veterans the subject of possible criminal prosecution for playing a game which is traditionally Australian, and probably one of the only traditional Australian games one could really claim, I find quite incomprehensible. I repeat: this Bill has my total and complete support.

Mr BRINDAL (Unley): I have not been known in my time in this place to support measures that increase gambling, and members who were here in the last Parliament will recall that I was opposed to poker machines. I put firmly on record at the time that my opposition to poker machines was not opposition to gambling *per se*: it was a belief that we have enough forms of gambling in this State already and we did not need another one. I will not detain the House long on this matter, but in this case I support my colleague the member for Norwood and certainly the member for Spence who proposes this measure.

Our society has many forms of gambling, and most of them are both legal and institutionalised. I know very few people who do not dabble in X-Lotto or the scratchies. Many people go to the TAB. In fact, the Government makes a great deal of money from gambling revenue. I do not see this measure so much as a gambling Bill, as the member for Norwood and others have said, but as an Australian tradition. It is something that grew up in this country. Members opposite would know better than me that it is a great part of the ethos of people who traditionally have been members of their Party. When I started teaching at Broken Hill the two-up games out the back of some restaurants were quite legendary. I am not sure whether they still go on. Two-up at Kalgoorlie is almost an Australian institution. As my colleague the member for Norwood said, it was an important part of the life of people who went away to war.

I do not think that gambling is necessarily good; I do not think it is necessarily bad. However, the member for Spence is proposing a measure for one day of the year and it is in essence to honour an important Australian tradition, and one that is honoured in the Adelaide Casino every day of the year, 24 hours a day. I would suggest that it earns the Government and the Casino Authority quite a bit of money. So, in deference to our returned soldiers and to our traditions, I support the measure.

I conclude by commending the member for Spence on the introduction of this measure. I urge all backbench members to take note of what the honourable member is doing, because all backbenchers can contribute to the ongoing welfare of South Australia and government by introducing private members' Bills. While I was going to support this Bill anyway, I am doubly inclined to support it as a measure of encouragement for private members to introduce their own initiatives into this House. I support the Bill.

Mr ROSSI (Lee): I oppose the Bill for the simple reason that gambling is a bad thing for young people. I recall that in about 1965 there was a referendum on the lottery legislation. From lotteries we went to the TAB; from the TAB we went to the Casino; from the Casino we went to clubs and hotel bandits; and, now, of course, it is proposed that we have two-up on Anzac Day. If it is kept to Anzac Day, fair enough; and, if it is kept to the diggers, fair enough.

However, what will come next? We might have two-up on Father's Day, two-up on Mother's Day, and possibly two-up on Christmas Day. The people who played two-up during the Second World War would be about 72 years of age now. Of course, we have had 50 years without this legislation, and another couple of years would not hurt them.

Once something is legalised it encourages the organisers to advertise. What is the purpose of advertising? It is to attract new clients to a habit, to buy a product or to participate in a market. Who will go to these two-up schools? It will be people who have not previously been involved in two-up; it will be people who cannot afford to gamble, but who think that by gambling they may win the big one and be able to retire to a comfortable life.

I believe that when we legalise gambling we legalise the advertising of that activity. When people advertise they attract the young—the 16-year-olds, the 18-year-olds and so on—into a bad habit that they will have for the rest of their life. However, if a person wants to gamble, they can find out where to go by word of mouth and do it quietly without encouraging other people to get involved. If the honourable member were to impose some type of restrictions in this legislation in regard to advertising on TV, radio and in newspapers, I may weaken a bit in my opposition. However, I cannot see how something that has been legalised cannot be advertised, so I oppose the Bill.

Mr CONDOUS (Colton): I came along this morning half convinced to vote against the legislation, but I am having a change of view now. Two-up has some bad memories for me. I can remember when I was 16 years old and attending Adelaide High School on West Terrace. At about 5 p.m. one night a group of about 10 decided to play two-up next door to the school. Unfortunately we were caught by the sports master—who in those days was Phil Reid, a prominent Davis Cup umpire—who sent us all around to the headmaster's office with the threat that we would all be expelled from school.

Fortunately, just as we got to the headmaster's office, Mr Reid happened to be there. He said, 'Right, now I have warned you once and if you do it again you are gone.' I dreaded it, of course, because I knew that if I had been reported my father would have killed me anyway, so it would not have made much difference. The reason I am going to change my mind is that it is for only one day of the year and it gives this right to a lot of guys who went away and fought for the freedom and democracy of this country. If that day is so significant to them—and I can understand why it is significant—and if they get a bit of pleasure by playing an ordinary game of two-up with their mates, I cannot see that there is much harm in it. We are not agreeing to something that will destroy this community for ever and a day: all we are doing is giving the men and women who defended this country the right to a bit of quality of life. I support the motion.

Mr LEWIS (Ridley): I can tell members that my decision to support this measure is based largely upon my desire to be seen to be participating in activities or engaged in social events in which such activities on the same premises might otherwise be conducted at the same time without being unlawful in any way. I can tell members of the Chamber who might be interested that I have had plenty of fights, literally, over whether to get involved in a two-up or poker school, any other kind of card game or even drinking during the first years after I graduated from Roseworthy and went fruit picking to earn money to enable me to meet the cost of my share of purchasing some land on which to establish a market gardening venture. The end result of my frugality was to be accused of being a wowser on many occasions. I did not mind that accusation: it was not true then and it is not true now. However, I do not derive any joy from seeing people lose their hard-earned income and, more particularly, having lost it, lose the means by which they can support their spouse and especially their children.

I have therefore been an opponent of this kind of activity where it has been undertaken irresponsibly elsewhere at any time. However, it is institutionalised as part of the activities undertaken by many returned service people on Anzac Day, and I accept that, whilst not everybody does it, large numbers of people participate in a two-up school. It is better that they do that within the law rather than outside it, and it is better also that people like ourselves, who ought to be involved in the observance of Anzac Day, take the opportunity to fraternise with others celebrating what that achieved. It is not celebrating war: it is celebrating the peace, freedom and the democratic rights which were won through that conflict and which could not otherwise have been won had we not decided to fight. We would have lost everything.

So, those people who join in that celebration of peace and freedom—and I urge all members to do that if they have not otherwise done so to this point—ought not to be involved in circumstances where their presence could be compromised. Those circumstances would naturally include a two-up or a swy-game within earshot or eyesight of their presence. So, I am more comfortable with the notion that it will be lawful and that I will not be present and be accused, therefore, of having endorsed something unlawful. By making it lawful we enhance the respect that the wider community has for members of Parliament rather than detracting from it. It is as much for that as for any other reason that I choose to support the measure.

I give also as a reason for supporting it the fact that the member for Spence has explicitly stated in the legislation, in the amendments to the existing law, that there will be bets against the players with no banker, no pool, no deductions and no overheads. I agree with him that, whilst it has been common practice, and a longstanding one at that, on Anzac Day that the boxer makes a deduction, that, in the circumstances, is dealt with quite clearly by this legislation. I draw members' attention to the very useful insights and definitions that the member for Spence gave us in his second reading explanation on the matter, so that they will know what on earth is going on if they bother to stand beside a two-up school as a mug, perhaps, or just as a casual observer.

Those definitions included the terms 'ringie', the fellow who looks after the ring or is otherwise known as the 'boxer'; the 'alley clerk', who arranges the bets for the inexperienced players or the mugs; the 'alley loafer', an impecunious man, to use the honourable member's words, with bad debts, who is not allowed to take a seat in the ring; the 'sleeper catcher', who picks up bets that have been left on the floor for too long; and the 'head', that is, a professional gambler. The 'mug', of course, is the inexperienced player. All members ought to know too that if they are going to get involved they should check that the coins are neither 'nobs' nor 'greys', which are double headed and double tailed respectively.

Of course, that would still be unlawful. Were the person to be caught out I doubt that the law would need to take any action whatever. I should not think that he would be feeling very healthy or comfortable for several days after having been caught playing with nobs or greys. As the honourable member said, the Bill legalises only those schools at which no deduction is made and no admission is charged. I therefore will be supporting the legislation.

Mr BASS (Florey): I oppose the Bill but, in doing so, state that I am not against gambling: it concerns me that, if the Bill is passed in its present form, the game will be played without control. It will be left to entrepreneurs who will quickly realise that one day a year, on Anzac Day, they can legally play the game, but they will quickly take over the game and it will be not our war veterans but the gambling fraternity that loves to be able to make a quick buck. In my police career I have always found that, where gambling is illegally taking place or is carried on in an uncontrolled environment, corruption quickly appears. At this stage there are very few RSL members left who played the game during the war when it was the done thing, and I suppose it filled in many terrible times. I feel that in the future it will not be the diggers who will be playing the game but the entrepreneurial gamblers who will quickly prey on the unsuspecting under the guise of an Anzac Day two-up game which is not controlled. At present it involves only one day of the year, but I believe that that will be the short end of the stick. In its present form, I oppose the Bill.

Mr SCALZI (Hartley): I support the Bill, not because I am small enough to be a jockey and therefore support gambling and not necessarily to widen the incidence of gambling. Certainly, if I were a member of this House when the poker machine debate was going on, I would certainly have opposed the introduction of poker machines. However, I support this Bill because it involves an Australian tradition covering only one of 365 days of the year and I do not believe that situation in itself can be used as an argument to suggest that gambling will become rampant. If we were to oppose the Bill, it would be rather like someone picking up the political crumbs and throwing away the loaves in respect of gambling.

The claim that the Bill promotes gambling for one day of the year does not seem so important because there are so many other avenues where Australians already gamble too much, and often where that activity has a much greater impact on families than what is proposed by the Bill. We have other traditions such as Melbourne Cup Day, and so on, in which Australians participate.

I therefore support the Bill because it recognises an Australian tradition and it will not increase gambling. Old diggers will not promote corruption and we would be foolish to think otherwise.

Mrs KOTZ (Newland): I want to make a short contribution to the debate. I have listened to some of the contributions and they have been interesting. I have not received any representations from constituents who believe that this area of gambling needs to be legalised for any reason. Certainly,

I am not opposed in any manner, shape or form to two-up being played in RSL halls as part of the commemoration of Anzac Day, as it has an historical significance. In fact, I have launched the two-up game at the Tea Tree Gully RSL.

I know that in such gambling it is more often the person who places the bet who becomes the victim, so I was happy to make that donation, knowing that the two pennies were unlikely to fall to my detriment. I have no objections, but I do not necessarily agree with the contention that, because at this time it is unlawful, two-up needs to be made lawful. It is an historical situation, it is accepted by the community at large and a blind eye is turned to what happens on Anzac Day.

I do not know that legalisation or any form of legislation will enhance two-up being played on that day. If two-up were legalised, it would not be just a matter of RSL clubs and old diggers playing the game on Anzac Day. There is definitely the aspect that the member for Florey raised, based on his vast experience with the legal profession and the Police Force. It has been known in the past when areas are legalised that there are sharks and entrepreneurs at hand and that much alcohol is consumed on that day.

Many of our citizens perhaps get carried away and become the unsuspecting victims of the people who set up these wonderful games in order to remove their money from them. We still have a recession within our suburbs; we have a situation today where schools and school councils in our own areas—and I am sure that it occurs in all members' areas—are preparing breakfast for kids who no longer have sustenance given to them before they leave for school.

Even though this Bill deals with only a 24-hour period on Anzac Day, for the people who make the legislation in this State to stand in this House and accede again to another area of legislation that promotes gambling, putting a facade on the lawful provision of gambling, is an absolute nonsense. This Bill is a non-issue; it is a non-event, and I do not know why the member for Spence thought that he could waste the time of this House by introducing a Bill which would pass a law to legalise something from which a tremendous number of people in this State suffer, that is, the addiction to gambling.

If the member for Spence was totally concerned with legal issues relating to gambling, I would have thought that he would be more concerned about the issue that was brought to our notice recently where children can purchase all sorts of gambling tickets. If he wants to bring in a restrictive law let him look at bringing in a restrictive law that does not allow youngsters to gamble.

An honourable member: You're a backbencher.

Mrs KOTZ: If he is not going to look into that matter, I suppose I could. The member opposite is quite right. However, I raise the matter because it has been brought to public notice at this time and I will be looking at that issue. I suggest that it would have been a far more contemplative Bill for this House to have considered than one which is a non-issue and which again makes the legislators in this State look foolish because all they seem to be interested in is promoting gambling rather than protecting some of the standards that are necessary within our communities.

If the honourable member looks at his own situation within his community he will see that there is a recession out there; people do not have this money. The member for Spence is only encouraging the nature of gambling and the nature of addiction, and I do not believe that we need it.

Mr TIERNAN (Torrens): No-one has approached my office or me asking that this culture be exercised on Anzac Day, so I went to the trouble of asking some of my local identities in the RSL, having been an RSL member myself. Their major concern is that two-up actually is a culture, and I do not think anyone can deny that. It is a very strong Australian culture that is known world-wide. I certainly knew about it when I was in the U.K. and I certainly knew about it when I was in the Middle East, where it was very popular.

The gentlemen to whom I spoke pointed out quite clearly that it is a culture with which they do not want other people to interfere and which developed many years ago, and even in those days it was not legal. It was not allowed by the military and, in fact, it was against Queen's Standing Orders at that time. However, because of the tradition and the environment in which they lived, it was quite exciting for those involved actually to do it illegally. If the commanding officer caught them he simply said, 'Come on boys, move on,' and they would go around the corner and start again. Because it was illegal and because it was a culture, if anyone started being stupid by risking their wages, the other diggers would stop it; they carried out their own self-regulation. They did not have to put up with the sharkies and the entrepreneurs, and they are quite protective about this culture.

These people certainly said to me in no uncertain terms that they do not want their culture interfered with; they do not want sharks to come in and take over their culture of two-up. For that reason, they are quite opposed to this legislation. I have not been able to conduct a survey across the State or the nation, but I am not going to disrespect the requests of those elderly gentlemen: 'Please do not interfere with our culture; you don't know what you are talking about; you weren't there at the time; you haven't lived in it.' The trouble, they say, is that the minute you make it legal you have affected their culture; you have allowed other people to steal it and abuse it. That is exactly what will happen. It will be abused. There are no prosecutions I can find at the moment, except in Western Australia at Kalgoorlie and a few that happened in Broken Hill.

An honourable member interjecting:

Mr TIERNAN: I am not aware of any in New South Wales, but I will accept what the member says. By the way, I was involved in Broken Hill, at the time, through my job. It was pressure from the local RSL club and its identities, particularly the older identities, that endorsed the local action to stamp out the two-up school that got out of control. There is not much we can do. I have a lot of respect for the older generation. I served for 12 years in the forces and nine years in the Australian forces. I have had a lot to do with them. I would understand if those elderly gentlemen said, 'Joe, please leave our culture alone. You have no right to interfere with it; you didn't generate it; you didn't die it for it; so do not allow the sharkies and entrepreneurs to pinch our culture.' For those reasons, I will oppose this Bill.

Mr CLARKE (Ross Smith): I support the Bill. I am pleased to have been the seconder to the Bill from the member for Spence. Like other members, I have a number of RSL clubs in my electorate. I have not been approached on behalf of RSL clubs to say that this Bill will destroy a culture. I find it somewhat ironic that the member for Newland can take such a high moral position on gambling when she is perfectly happy to submit private member's Bills to reintroduce capital punishment in South Australia, and to actively seek the reintroduction of capital punishment by trying to

play to the lowest common denominator in the electorate as a whole by wanting a referendum on that issue. That is what I find absolutely extraordinary in this debate.

Mrs KOTZ: Mr Deputy Speaker, on a point of order, I take offence at the comments that have been made by the member for Ross Smith. I ask him to withdraw those remarks. Also, I do not believe that those comments have any relation to the debate at hand.

The DEPUTY SPEAKER: The honourable member certainly has a point of order. The member for Ross Smith was introducing extraneous matter into the debate relevant to a completely different subject. I can understand why the honourable member found it objectionable, since it involves capital punishment. Will the honourable member withdraw that comment? I will not insist because it was not unparliamentary, but it was outside the scope of the debate. I would ask the honourable member to withdraw the comment.

Mr CLARKE: Mr Deputy Speaker, if it is not an unparliamentary term I fail to see why I should withdraw.

The DEPUTY SPEAKER: The honourable member was introducing extraneous matter into a debate which the member for Newland found objectionable. His language was not unparliamentary, and as such the point of order was not permissible.

Mr CLARKE: It is not an unparliamentary term and I wanted to get on with the debate. I was simply making the point, Mr Deputy Speaker, that a member can have one so-called moral position on gambling, and another position with respect to the reintroduction of capital punishment in South Australia. The main point I—

Mrs KOTZ: On a point of order, Mr Deputy Speaker. The honourable member is picking up the same extraneous issues on which he has just had a point of order taken. I ask you, Sir, to direct the honourable member to the proper subject of debate.

The DEPUTY SPEAKER: The honourable member's point of order is perfectly correct. The honourable member is introducing extraneous matter into a debate.

Mr CLARKE: Thank you, Mr Deputy Speaker. I will move on with the subject. The member for Torrens claimed that a number of his constituents would feel that we have destroyed the mystique and the character of two-up if we actually legalised it for one day of the year. I find that an extraordinary proposition; it has never been put to me.

I wholeheartedly endorse the comments of the member for Hartley with respect to this issue. Indeed, it is my observation from looking at RSL clubs in my own electorate and throughout the State that the bulk of their membership is not comprised of young fathers with young children of two or three years or even under the age of 18 who are dependent upon their fathers for their income. Overwhelmingly, they are in the grandfather category, and I would have thought that, if they wish to gamble their money on a friendly game of two-up on Anzac Day, they should have every right to do so free from any potential charge of illegality being laid against them, in the same way as on almost 365 days of the year—not quite because of Christmas Day and the like—they can go to any TAB and lay a bet or to any Lotteries Commission, as many tens of thousands do on every day of every week of every year, to have a small wager.

I think this smacks a great deal of paternalism on the part of the member for Newland and unnecessarily treats many of our senior servicemen, who as the member for Torrens has pointed out served in wartime, as not being capable of handling their own financial affairs, notwithstanding the fact that they have carried weapons in defence of their country. We can entrust them with that sort of onerous responsibility, but according to the member for Newland and the member for Torrens apparently we cannot trust them on one day of the year to make a small wager with respect to two-up. For those reasons I support the Bill.

Mr ATKINSON (Spence): Two-up is the fairest gambling game there is: if you lose in two-up your mate wins. My Bill ensures that, because it does not allow any deductions by either a banker or an RSL club. Nothing will go to the Government from the two-up games that I propose to legalise; there will be no taxation, and moreover no admission can be charged for entry to the game, as provided under clause 2(2). I emphasise that two-up will be allowed on only one day of the year. So this is not the thin end of the wedge, as the member for Florey claims. If two-up were to be extended to other days of the year, that would have to be done by way of a Bill that passed both Houses of Parliament, and members would have many opportunities to speak on such a proposal and stop it. Indeed, I would not support legalised two-up on any other day of the year, although of course we have legalised two-up in the Adelaide Casino with deductions for the Government and the Casino.

The purpose of my Bill is for the diggers and ex-servicemen to be able to introduce two-up in RSL clubs to a new generation of Australians to allow the tradition to be passed on. I hope that as a result of this Bill some RSL clubs will stage two-up games between the dawn service and the march, and perhaps again after the march, without fear of prosecution. Although the police do not enforce the prohibition of two-up on Anzac Day, obviously clubs do not like to break the law. This Bill will allow them to stage these games without fear.

I thank the members for Norwood, Colton, Unley, Hartley and Ridley for their support this morning. The member for Peake opposes the Bill because he claims two-up is a revolting game. I think that is an unfortunate choice of words, especially as the member for Peake supported the poker machine legislation in this House at every stage. As a result, hotels and clubs in the western area will have up to 40 machines installed with his blessing and support.

So, it does seem somewhat inconsistent of him to condemn two-up. The member for Peake complains about manipulating the toss. Provided a spinner spins within the rules, if the spinner has the skill that enables him to manipulate the toss such as to get a pair of heads, then good luck to him, and if I were at the game I would certainly have a side bet going for heads. A spinner's skill in manipulating the toss is one of the virtues of the game and a guide to punters.

There is no provision for bureaucracy or supervision in my Bill, so the member for Peake's claim that this would be a great burden on the taxpayers and be a proliferating area of public expenditure and public employment is nonsense. I think the best point that was made in opposition was made by the member for Torrens in that legalisation may spoil the culture or zest of the game. I accept that point, but the ex-servicemen to whom I have spoken at my own club, the West Croydon and Kilkenny RSL Club, and in the Rats of Tobruk Association, argue that it is desirable to pass this Bill in order to introduce the game to a new generation of people. They do not believe that legalisation will spoil their enjoyment of the game.

I cannot agree with the members for Gordon, Lee or Florey who claim that it will lead to a danger to minors or to

a proliferation of gambling. It is on only one day of the year, and I hardly think that adolescents will be hanging around with diggers and be corrupted thereby. I certainly do not accept the member for Newland's point that children will go hungry as a result of this Bill. Most of the ex-servicemen are over 70 years of age and have grandchildren and, therefore, their children are no longer dependent. So, the idea that children will go hungry or that the recession will be intensified as a result of this Bill is not so.

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

Bill read a second time.

Mr ATKINSON (Spence): I move:

That this Bill be now read a third time.

I should emphasise to members that my understanding is that this is the first conscience vote in the new Parliament, and the Party Whips do not apply on either side. Therefore, I urge members to make their own decision about this Bill and vote accordingly.

The House divided on the third reading:

AYES (17)

Armitage, M. H.	Atkinson, M. J. (teller)
Blevins, F. T.	Brindal, M. K.
Clarke, R. D.	Condous, S. G.
De Laine, M. R.	Foley, K. O.
Greig, J. M.	Hurley, A. K.
Kerin, R. G.	Lewis, I. P.
Penfold, E. M.	Quirke, J. A.
Rann, M. D.	Scalzi, G.
Wade, D. E.	

NOES (20)

Allison, H.	Andrew, K. A.
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Evans, I. F.	Ingerson, G. A.
Kotz, D. C. (teller)	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Rosenberg, L. F.	Rossi, J. P.
Tiernan, P. J.	Venning, I. H.

PAIRS

Cummins, J. G.	Leggett, S. R.

Majority of 3 for the Noes.

Third reading thus negatived.

BUSHFIRES

Adjourned debate on motion of Mr Quirk:

That this House congratulates those members of the CFS and the MFS who recently fought bushfires in New South Wales and recognises the contribution of all those other firefighters who remained in South Australia during this period minding the 'fort'.

(Continued from 10 March. Page 386.)

Mr LEWIS (Ridley): I rise to support the motion and I commend the member for Playford for the thoughtful way in which he has put this statement before us. I had intended to do likewise. There is no question that the members of the CFS and MFS from South Australia who went to New South Wales as volunteers to help contain the damage which was being done over several days there—indeed, over a week—earlier this year by those bushfires ought to be acknowledged publicly for what they have done. Our Minister for Emergency Services, the member for Bright, has done everything within his power to ensure that they are recognised, and I likewise have commended local government bodies throughout my electorate who have provided receptions for those volunteers who went to New South Wales.

I also make mention of the fact that the firefighters who remained in South Australia to ensure that we were not exposed to the risk of loss of life, property or injury to ourselves are to be commended for choosing that option as well. There needed to be a sensible apportionment of resources in that respect. It would have been absolutely foolish for us to have sent all our units and the volunteer personnel willing to accompany them to New South Wales, leaving ourselves exposed to the risk of enormous damage which might have arisen in consequence of an outbreak of fires in South Australia. Whilst there were some fires here in rural South Australia during that time, they were nowhere near as serious as was the case in New South Wales. We would not have been able to deal with them, and they may well have become serious, had those firefighters who remained behind not been here to tackle those fires and bring them under control and finally extinguish them.

So, all in all I add my voice in support of what the member for Playford has put in this motion, and I also acknowledge the good sense of local government bodies that have commended our volunteers and our Metropolitan Fire Service who went, did their part and, equally, remained here in South Australia to protect us who, of course, remained here to get on with our jobs. A notion which appeals to me about the whole gamut of what is involved here is one of striking a civilian action medal of some kind or other and awarding it to those people who did go to New South Wales and, equally, any who during that period stayed behind as the skeleton staff of the volunteers to continue to protect us, and who became involved in the course of their work as volunteers fighting any fire which broke out here in South Australia during that same period.

I also want to acknowledge the member for Torrens in his initiative in this respect and commend the idea to the Minister and to the House. If the member for Playford wished to incorporate that in his motion I would be quite happy to support any amendment he may choose to have made to it in order to do so. With those few remarks I commend the motion to other members and trust that they can join in our endorsement of the member for Playford and the people who have been involved in this very gallant, selfless, and most generous action.

The Hon. W.A. MATTHEW secured the adjournment of the debate.

INDUSTRY STATEMENT

Adjourned debate on motion of Mr Foley:

That this House urges the Federal Government to ensure that their forthcoming industry statement contains the following:

(a) industry development plans in industries that can be internationally competitive and maximise returns;
(b) boost in emphasis of Government purchasing policy towards imports substitution;
(c) improved access to finance for small and medium sized businesses;
(d) a continued export facilitation push into Asia; and
(e) special assistance to regional Australia,

and this House also cautions the Federal Government against accepting the principles of the recently released green paper on employment opportunities which state industry policy should swing

towards addressing market failures rather than developing plans for particular sectors.

(Continued from 10 March. Page 388.)

Mr MEIER (Goyder): I am interested to see that the member for Hart has moved this motion, and it is very interesting to see that the member for Hart urges the Federal Government to ensure that its forthcoming industry statement contains a list of objectives that would, if they were implemented, help industry and, in fact, help our economy. I find it interesting that the honourable member has moved this motion, because members would be aware that the member for Hart, prior to coming into this establishment, was a senior adviser to former Premier Hon. Lynn Arnold and was also an adviser to the Hon. Mr Arnold when he was Agriculture Minister and Industry Minister.

If we look at the record of the former Industry Minister in this State, members would be interested to know that some 20 000 manufacturing jobs were lost in South Australia during that period of time. I am sure that the member for Hart in his capacity as an adviser at that time must have known what was going on, and must have been a participant in the decision making process. Unfortunately for South Australia our industry has gone downhill at a rather rapid rate in the past few years. It looks as though the member for Hart accepts that mistakes were made. He is not prepared to blame the former State Government but, rather, he is urging the Federal Government to put certain items into its industry statement that will help industry to once again develop and become internationally competitive and assist our economy in this State, and certainly the economy of Australia generally.

I can only applaud the honourable member for the thinking behind his motion; but I believe he is very game to be bringing this forward so early, after having been a key cog in the advisory section of the previous Government. I hope that the member for Hart appreciates what this State Government has done and is doing in the short period that it has been in Government, in just over 100 days. The problems we have to deal with are problems that were all created by the previous Government: the one that everyone knows, the $3 150 million loss on the State Bank; the $350 million losses in the SGIC; the $60 million losses on the Scrimber project; more than $12 million on other failed timber projects in New Zealand; more than $50 million losses on various computing projects; and more than $10 million losses at Marineland. There has been loss after loss, together with the loss of 20 000 jobs whilst the former Premier was Minister for Industry.

The Liberal Government has already tackled the problem and, in fact, began restructuring the EDA from 1 January. Already people are viewing this State in a new light, and new confidence is coming in. We have had a refocussing of the MFP, and discussions have been held between our Minister, our Premier and the Federal Government, and agreement has been reached on a new direction for the further development of the MFP—that concept that was produced by former Premier Bannon in the hope that he would be re-elected at the last election. Well, it was some hope and we know that it was a disaster from an electoral point of view for the Labor Party.

We see in this State the Cathay Pacific pilot training. South Australia has been chosen by Cathay Pacific as the training base for all the company's pilots, and that is excellent. This Government is making sure we are there for industry development. We have seen the re-opening of SABCO and, as a result of assistance provided to SABCO, the company reopened in Alberton on 4 March this year. Of course, members will recall that the company went into liquidation in October 1992 under the previous Labor Government. Some 160 people have jobs as a result of the re-opening.

The Minister for Industry, Manufacturing, Small Business and Regional Development recently announced the re-opening of the Onkaparinga mill as a new fabric recycling facility, again with the assistance of the State Government. Again, that is excellent. Additionally, two new regional development boards have been established to represent local government in the Adelaide Hills and Yorke Peninsula. As the member representing Yorke Peninsula, I am delighted that that board has now been established.

Those members who were here last session would recall that I moved a private member's motion asking the former Government to extend the number of regions that were eligible to become regional development zones. The previous Government had only two—the MFP and Whyalla. I must admit I was not quite as certain as I am now why Whyalla was chosen, but it is now obvious that the former member for Whyalla, the now member for Giles, had enormous problems in being re-elected. The Government said, 'Look Frank, we will do this as a one off; we will make yours a special zone for industry.' I guess it was successful in that respect, because he managed to be re-elected. However, it is a tragedy for the rest of the State that it had to wait 18 months before this Government came in to make sure that companies receive preferential treatment no matter where they establish if they assist our State in export development, in creating jobs and in getting this State going again. I hope that companies will take advantage of the packages that are now operating.

Also through the initiative of this State Government the ACI glass bottling investment has been announced. As part of the rebuilding South Australia jobs package, we have seen $2 million being earmarked for small businesses to prepare professional business development plans. We have seen a grant of $272 000 going to the Monash effluent disposal scheme. The Government highlands irrigation areas rehabilitation program is now well under way. Kangaroo Island water quality is receiving a boost through a $750 000 innovative water treatment project, jointly funded by the State and Federal Governments. Likewise with the Aldinga treatment plant, negotiations are well under way for an upgrade there, as with the Hahndorf treatment works and an ETSA substation at Cultana to be officially opened next month.

In a very short time this Liberal Government has got things up and away, and we are seeing only the tip of the iceberg. It is great to see the renewed confidence in this State, and people will be very pleased with the way this Government gets jobs, people and money back into our State. It is a shame, as the member for Hart recognises, that the Federal Government has done so little. Again, since the Federal election it has used only bandaid measures to try to keep the economy going. It really does not have a proper sense of direction; it is staggering from day to day, week to week and month to month. It is not good enough.

The member for Hart's motion at least recognises key things that need to be done. I am pleased to see that he has had a change of heart—although that is not meant to be a pun in terms of his electorate—since he was the adviser to the former Premier and to the former Minister. I guess he recognises the mistakes that were made. I know that the Minister for Industry, Manufacturing, Small Business and Regional Development wants to speak to this motion, but

because he is interstate at a ministerial conference today that is not possible. However, I am sure that the Minister will add his contribution to this debate.

The Hon. H. ALLISON secured the adjournment of the debate.

MEDICARE

Adjourned debate on motion of Mr Venning:

That this House deplores the terms of the Medicare agreement with the Commonwealth Government signed by the previous Minister of Health, in particular the requirement that the public/private ratio in public hospitals be maintained at the 1991 level and, noting with satisfaction the moves now made by the present Minister to alleviate such problems as long waiting lists, this House urges the Minister to negotiate with the Federal Government to ensure terms more in line with the reality of what the people of South Australia, and especially those in country areas, require of their hospital system.

(Continued from 10 March. Page 392.)

The Hon. H. ALLISON (Gordon): The motion before us is certainly worthy of support by country members, and I hope that there will be other speakers on both sides of the House representing country electorates who will give their support to the motion. It is unfortunate that this matter first came to the notice of the House relatively late during the last session of Parliament. The potential for damage to South Australia's health system occurred when the former South Australian Minister of Health signed the Medicare agreement with the Federal Government in the early part of 1993.

The Minister was relatively new to the portfolio in the State, and one of the first things that he did was to attend the conference interstate at which the new Medicare agreement was propounded by the Federal Government. Again, one of the first things he did was to sign that agreement, which literally gave away about $130 million that otherwise South Australia might have benefited from. Other States, such as New South Wales and Victoria, declined to sign the Medicare agreement as proposed by the Federal Government because they felt that they would be greatly disadvantaged as individual States. They also recognised that collectively the States of Australia would be worse off under the new Federal agreement. Therefore, it is unfortunate that the South Australian Government, through its then Minister, rushed into signing that agreement, because we appear to have come off worse than any of the other States.

By comparison, the New South Wales and Victorian Ministers declined to sign the agreement until the very last minute before the Federal election was called. As a result they were given concessions by the Federal Government that South Australia did not receive. The Hospitals and Health Services Association of South Australia at the time expressed gave concern at the nature of the reductions. Its report states:

This aspect of the current Medicare agreement [the funding aspect] promises to cause irreversible damage to the health system.

Premier Brown, who was then Leader of the Opposition, received verbal advice from the association that losses to the hospitals would be at least $92 million, with indications that they could run as high as $130 million for the full year. In the previous session of Parliament questions were asked of the Minister and the then Premier by members of the Opposition urging that the Medicare agreement should be renegotiated with the Federal Government as a matter of urgency. Instead of agreement to that request, all we had were trite comments from Government members that the Medicare agreement was something that the people of South Australia were greatly in favour of—a motherhood statement—with no admission that South Australia had signed the agreement prematurely and that there were any problems with our having signed it.

So, I understand that very little was done at Premier and senior ministerial level by way of negotiation or renegotiation with the Federal Government of that Medicare agreement. The end result, of course, has been that, with the change of Government at the last State election, the present State Minister for Health has inherited quite an invidious situation where South Australia is seriously disadvantaged by the Medicare agreement. I believe that at the Premiers Conference, which is being held over the next couple of days, the Premier of South Australia will attempt to renegotiate the agreement. The introduction of this subject for discussion in the House is certainly very timely, with the debate coming as it does so close to the possibility of the matter being reconsidered, and I certainly hope that the Medicare agreement can be renegotiated, because the bottom line is certainly that South Australia is disadvantaged.

But there is more to it than that: country hospitals are less likely to be able to absorb the impact of any reductions in funding than are the much larger State hospitals situated in Adelaide. Part of the new Medicare agreement that was signed was that a penalty of $405 is incurred for each occupied bed if a hospital falls below a ratio target, which was set on the 1991 bed occupancy figures. The Health Commission of South Australia was told that on present figures the losses to hospitals would range from $40 000 per hospital as a minimum in country hospitals to as much as $1.25 million per hospital by the end of the financial year, and that represented between 5 and 15 per cent of any one hospital's budget. That was at a time when hospital budgets had been reduced over successive years by the previous Labor Administration in South Australia.

Further penalties would also be incurred if there were changes in the ratio of public to private hospital beds in hospitals in South Australia, meaning that smaller hospitals would have to walk a very fine tightrope to ensure that they met their 1991 ratios during the 1993-94 financial year, almost to each bed occupancy—a very difficult thing to achieve, because you cannot predict how many people on private health or public health will be sick at any one time. It placed a really serious administrative burden upon country hospitals in South Australia.

The motion is certainly worthy of discussion, and country hospitals that have submitted complaints to the former Opposition and now the present Government include the South Coast District Hospital, which expected that it (at Victor Harbor) might lose $1 million in the financial year, and Port Augusta Hospital, which anticipated that it could lose $750 000 in the financial year—and that because Port Augusta had especially structured its bed occupancy on an increase in private fee paying patients. In other words, it had encouraged private patients to use the Port Augusta Hospital in the knowledge that this would be a good source of funds and, at the same time, the hospital was not going to neglect people occupying the public beds. It had actually structured its fundraising for the year on the luring of private patients to the hospital.

Barmera Hospital reported that it expected to lose $400 000, and so on. My own hospital in Mount Gambier, I believe, being a much larger hospital than most in the State, felt that it would be able to administer its affairs fairly well

in the course of the year and did not anticipate that it would have undue problems. Nevertheless, I recognise that the Mount Gambier Hospital administration, the board and the staff have traditionally worked very close to budget and have certainly not entered into deficit funding to any great extent over the long period of time that I have lived in the South-East, which is almost 40 years. It has been a very well administered hospital and I give it credit for that.

But the rest of country South Australia I believe deserves special consideration and, in that regard, the whole of the State would certainly benefit if the Federal Government saw fit to renegotiate the Medicare agreement in a much more favourable light as far as South Australia were concerned.

Mr MEIER secured the adjournment of the debate.

MEMBERS' ALLOWANCES

Consideration of the Legislative Council's resolution:

That—

(a) in view of allegations of impropriety having been made against a former member of the Legislative Council in relation to claims for living away from home allowances and observations having been made about claims for these allowances by other members of Parliament; and

(b) noting that the Auditor-General already examines claims as part of his annual audit of the accounts of the Legislature, and that the Premier has already requested the Remuneration Tribunal to examine claims for certain allowances by members,

the Legislative Council and the House of Assembly

(a) support the Auditor-General, as part of his audit function examining such claims in both the Legislative Council and the House of Assembly, the basis for them and the authority for such payments; and

(b) support the request to the Remuneration Tribunal to examine whether its determination in relation to living away from home allowances requires and is capable of greater definition.

Mr ATKINSON (Spence): I support the resolution as it comes from the Legislative Council; it concerns living away from home allowances paid to parliamentarians. Members of Parliament can claim the living away from home allowance when they come here to serve in the Parliament if they have a residence a certain distance away from the city of Adelaide. During the State election a former member of the other place (Hon. Ian Gilfillan) decided to resign from that place and to contest the State District of Norwood. Mr Gilfillan was a member of the Australian Democrats. He had for many years owned a farm on Kangaroo Island and when he became a member of Parliament he acquired a home in Norwood.

During the last election campaign for the seat of Norwood, he issued a leaflet in which he claimed to be a local in the Norwood area, and he told voters in that area that he had lived in Norwood since the mid-1970s. It is common for members of Parliament, indeed for candidates for Parliament, to claim in their election literature that they are locals. It is an advantage in contesting a State district to live in the district, and candidates and MPs are eager to claim that they are locals.

Mr Gilfillan was no exception; it was a politically smart claim to make. The only problem was that Mr Gilfillan had been claiming the living away from home allowance while living at Norwood, which is no distance from Parliament. He was claiming the allowance on the basis that he lived on his Kangaroo Island property, so it was no surprise when his leaflet came to public attention, because he arranged for it to be delivered to thousands and thousands of people. His claim to be a local in Norwood contradicted his claiming the living away from home allowance in respect of his Kangaroo Island property.

Most voters think that parliamentarians can live in only one place. Mr Gilfillan either lived in the country on Kangaroo Island or he lived in the metropolitan area in Norwood. He could not do both. Voters are not familiar with the aristocratic English tradition of having several houses, one in the country and one in London. Mr Gilfillan is perhaps heir to that tradition, but most Australians are not.

Mr Gilfillan's comrade in another place, the Hon. Michael Elliott, moved this motion, which calls for the Auditor-General to investigate any claims of fraud regarding the misuse of the living away from home allowance. The Auditor-General is to look at the rules applying to the living away from home allowance with a view to clarifying them if that is necessary. The Hon. Mr Elliott says that this motion is desirable because it gives the Hon. Ian Gilfillan an opportunity to clear his name. I support those objectives and, therefore, I commend the motion to the House.

Mr MEIER secured the adjournment of the debate.

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

A quorum having been formed:

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

In Committee.

(Continued from 23 March. Page 519.)

Clause 6—'Substitution of s.30.'

Mr CLARKE: I ask the Minister to look at subclause (3) of his proposed clause 30. Does the Minister agree with my interpretation thereof, namely, that if a worker was not scheduled to commence his or her employment until 9 a.m. but arrived for work early at 8.30 a.m. and was on the employer's premises and was injured there that person would not be covered for compensation?

The second scenario is where a worker stays back after work. The nominated knock off time could be 5 p.m. but, as often happens in industry, people stay behind their official knock off time to complete various tasks. So, if at approximately 5.30 p.m. that worker was injured whilst on the employers' premises, that worker would not be compensated under the terms of the clause.

Thirdly, with respect to authorised breaks from work, if a grader driver for the Department of Road Transport, for example, removed himself from the grader during his lunch break and, whilst on the side of the road eating his lunch, was injured by a passing motor vehicle or in any other way, that worker would not be covered for compensation under that section of the Act as proposed by the Government.

Again in relation to authorised breaks, as many places of employment do not have in-house canteen facilities, if a worker leaving their place of employment to have their lunch break because there were no canteen facilities *in situ* was injured, that worker would not be compensated under the definitions as proposed by this clause. The State Government has canteens which are open to the general public and to workers in their immediate environs or perhaps on the floor above where the canteen may be situated.

If a worker not employed by an employer who owned a canteen on site happened, as part and parcel of his every- day business, to use those canteen facilities and was injured, that worker would not be covered for compensation. However, if the worker sitting alongside him who was employed by the employer who owned that canteen was injured at the same time—for example, if a chandelier fell down on them, a table broke or an electrical fire, a short circuit or something of that nature occurred—he would be covered as it was on site.

The Hon. G.A. INGERSON: I want to make clear that this is not a legal forum in which the Parliament is expected, nor will it be expected, to make judicial decisions which, as the honourable member opposite would know, are normally taken in the context of any Bill and tested in the courts system. The answers I provide are given in good faith and with the policy intention of this Bill. They will not be interpreted as a matter of fact because any decisions on this Bill and any other Bill that becomes law in this State are eventually tested in the courts.

In answer to the first question, the policy position of the Government, and consequently what is relatively put into this provision, relates to any person who is at the workplace carrying out authorised work, or doing work that has been approved by the employer. Whether it is related or unrelated to his work becomes the issue. If it is related to his work and has been authorised by the employer—in other words, being early or late—he is obviously covered. That is the principle on which this is based. If someone is there before work without authorisation they could expect not to be covered. In the second instance, authorised breaks—and I refer to the dozer driver—it is considered, from the advice I have been given, that it is still at the place of employment and as a consequence of that it would be covered.

In relation to lunch breaks, it is clearly the policy of this document, and consequently an intention of the Act, that because you are outside the place of employment, in a free time and not required nor paid as it relates to employment, then you would not be covered. I qualify all those comments by making it clear that that is the advice I have been given and that is the intention of this Bill. Any examples brought up which may or may not be at the edges or extreme will be commented on by me with the best advice that I can get. At the end they will be tested in the court. It is the policy direction of the Government and intention of the Bill that I am prepared to comment on; that is clear. I will make my comment on any extreme examples but in the end, as with every law that comes out of this Parliament, in essence, it gets tested in the court.

Mr CLARKE: My next question concerns subclause (5). Would the Minister agree with me in my interpretation of that provision in the following case? Somebody is employed as a stock agent, for example, by Elders GM, and works at a branch office of that company in Crystal Brook but he is regularly required to travel hundreds of kilometres to attend various sales in the State at Port Lincoln, Wudinna, Kimba, Port Augusta, etc. He knows that there is a sale that he has to attend at 9 a.m. the next day, so he gets up—perhaps in Port Lincoln—and leaves at 5 or 6 a.m. to arrive at that sale by motor car. Is it true that that worker is not covered by workers compensation until the time he actually arrives at the sale yard to carry out the duties of his employment at 9 that morning? If his normal knock-off time is, say, 4 or 5 p.m. and he then has to drive back to his home on that same evening from Port Lincoln to Crystal Brook, if he was involved in an accident during that journey it would not be covered under this provision.

Another example on which I ask the Minister to comment concerns on-call situations. Many workers, whether they be employed as computer programmers or on restocking automatic teller machines or by emergency services, are on call. If a worker is called out from their home or a social function to attend to their duties and if an accident occurs during the journey from their home or, say, a cricket match to their place of employment, under this Act they would not be covered for compensation. I could cite many other examples, and I will provide a couple more because these are not far-fetched: people are involved in them daily. If you work at Moomba for Santos and if you live on, say, the West Coast or at Port Augusta and are scheduled to commence work on a particular day, you may leave at 7 a.m. to catch the plane from Adelaide to Moomba, which the company provides. However, if you were injured on the journey from Port Augusta or from the West Coast, whether it be by plane or by car, to arrive in Adelaide in time to take that scheduled flight to Moomba, you would not be covered under this legislation, because new section 30(5) provides:

> A disability that arises out of, or in the course of, a journey arises from employment if and only if the starting point and the end point. . . of the journey are places at which the worker is required to carry out duties of employment.

Will the Minister agree that the interpretation of the words 'are places at which the worker is required to carry out duties of employment' is that the worker must actually be at the place where the work is to be commenced? For example, a commercial traveller leaves home to go to their first depot or retail store. Any accident that arises during the initial journey from home to their first port of call is not covered under this legislation; they are covered only from the time they arrive at their first destination and then their subsequent destinations.

The Hon. Frank Blevins interjecting:

Mr CLARKE: Exactly! These are very real areas of concern. Has the Minister any reliable statistics from WorkCover or any other organisation as to the numbers of workers who, as a proportion of the work force or just as a matter of raw statistics, will be covered for journey accidents whilst travelling from home to their first point of engagement?

The Hon. G.A. INGERSON: So that there is no doubt and so that examples do not need to be dreamt up, this is the reality: if part or all of the employment is required—and the key word is 'required'—by the employer in connection with the duties of employment, it is covered.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: Yes, I do; that is very clear. If it is required by the employer to be part of their duties of employment as a commercial traveller, it is covered. If it is not required by the employer as part of their duties of employment, it is not covered. That makes it very clear. For example, if I happen to be a commercial traveller who lives in Adelaide and I am employed by the Coca-Cola organisation, which says to me, 'Graham, you are required to be at Port Augusta on Monday morning to start your sales program, and during the week you will do the Eyre Peninsula and you will be back in Adelaide on Friday night', the clear intention of the Government is that, if it is a requirement of that company for me to be in Whyalla, when I live in Adelaide, it is covered under the Bill.

But, on the other hand, if I am not required by my employer to be in Whyalla, I would not be covered. It is a requirement of the employer of salespersons, who as part of their employment undertake certain duties in the country, to provide that cover. In other words, if it is part of the duties of employment that you drive a vehicle, you are obviously covered. There has never been any intention by the Government to eliminate that, because we are aware that as part of their duties people working, for example, for Coca-Cola or the brewery as country salespeople travel about the place. There is no intention to remove that provision, and there was never was any intention to do so. So any smart questions that attempt to show that is the case are just exactly that: smart questions.

Clearly, then, anything outside that is not covered. I would have thought that the first questions to be asked by anyone starting a new job would be, 'What is required of me? What are the duties of employment? Do I get a car? Do I have to provide my own car? What do I have to do? Do I have to drive to Whyalla and sell Coca-Cola products?' If the person concerned had to do so, it would be a clear direction of the employer that that was part of the duties of employment. That is the end of it; it is covered.

In relation to the statistics, I do not have that evidence. However, I will ask WorkCover if it is possible to supply any statistical details. I will get that information and, whilst I cannot table it in this place, I will make sure that it is available to Opposition members in another place.

Mr CLARKE: I understand what the Minister is saying about the Government's intention. What I am concerned about is that the drafting of subclause (5) does not necessarily reflect that intention. Subclause (5) provides:

> A disability that arises out of, or in the course of, a journey arises from employment if and only if the starting point and the end point. . . of the journey are places at which the worker is required to carry out duties of employment.

The commercial traveller's duties are to sell goods, and he or she does not commence those duties until they arrive at their first port of call.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: It does. It says:

> . . . if the starting point and the end point. . . of the journey are places at which the worker is required to carry out duties of employment.

It specifically says 'are places'.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: If my interpretation—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: No. I won most of them, as your assistant will tell you. If the judicial interpretation subsequently does not accord with the Government's stated intention, will the Minister give an assurance now that he will introduce legislation to correct any judicial overturning of what he says is the Government's intention?

The Hon. G.A. INGERSON: To answer that question simply, one of the clauses about commutation clearly provides that, if the Government believes a decision by the courts does not meet the intention of the original Bill and of this Parliament, that would go without saying. The advice I have given is that it refers to 'the starting point'. If the employer says, 'I expect you to be at Whyalla on Monday morning and I expect the travelling involved to be part of your duties of employment,' there would be a discussion and understanding of the starting point: for, example, whether the employee is required first to go to the factory and that is the starting point for Whyalla or to go straight from home. That would clearly be a requirement.

I am sure that the courts would ask what the requirement was in terms of the duties of employment of the individual concerned. The court would ask where the journey began, because that is what the subclause provides. It is the starting point, which could be at home or the workplace. However, that needs to be decided by the employer and the employee when establishing the duties of employment.

I can see what the honourable member is getting at: that the Government's intention is to have those issues defined as duties of employment. This Bill will place responsibilities on the employer and the employee to establish these facts in terms of duties of employment. We believe that this clause is designed to cover all instances. As I said earlier, if a decision is made by the courts which we believe is contrary to the intention of the legislation, there can be no fears about this Government not bringing it back and correcting it so that the intention is clear.

Mr CLARKE: I realise that I have used my three questions—

The CHAIRMAN: Order! The honourable member will resume his seat. He has asked three questions.

Mr CLARKE: I just wanted to ask whether the Minister had an answer to my earlier question about persons on call. The Minister did not give an answer.

The CHAIRMAN: I will take this as a supplementary question, but I am not going to allow that practice to develop, particularly as I explained at length last night that in Committee there are only three questions per member.

The Hon. Frank Blevins interjecting:

The CHAIRMAN: The member for Giles will have heard me say that I will take this as a supplementary question, and then the honourable member will have the call. The Minister.

The Hon. G.A. INGERSON: I will answer the question as best I can in relation to the on call issue. Again, that is clearly covered by this particular clause. If it is part of the duties of employment for any person who is on call, and if the duty of employment says that they are on call and are required to go to a certain place, that agreement would be entered into by the employer and the employee as part of their duties of employment. If they are not, it is my understanding and the intention of this legislation that if there is no clear duty of employment, journey accidents are not covered unless they are specifically designated as part of those duties of employment.

The Hon. FRANK BLEVINS: I want to go over a couple of questions I asked during my second reading contribution. I was invited by the Minister to ask those questions again in Committee, so I will. I will first recap, because the Minister did give some answers and I want to know if, on mature reflection, the Minister still stands by those answers. I referred to a teacher who lives at Cowell and who works two days a week at Cowell and three days a week at Cleve, and I then went on to say something about kangaroos on the road which was not terribly relevant. The Minister said—and it is in *Hansard*—that that person is covered. The debate continued:

> The Hon. FRANK BLEVINS: The Minister says he is covered and there is no problem. From leaving the front gate—

The Minister interjected 'Yes.' It continued:

> The Hon. FRANK BLEVINS: That is fine. We will get it on the record.

I just want to clarify that. This is an actual case. The person is there today. For two days—I think it is Monday and Tuesday—the teacher lives in Cowell and works at the Cowell school. Is the teacher covered from leaving his home and going to his place of employment in Cowell? We will say that is on Monday and Tuesday. On Wednesday, Thursday and Friday the teacher goes to Cleve to teach. Is the teacher covered for the journey between his home in Cowell and the school at Cleve for Wednesday, Thursday and Friday? He is not going between the Cowell school and the Cleve school; he is going between his home and the Cowell school on the Monday and Tuesday and between his home and the Cleve school on Wednesday, Thursday and Friday. The Minister said during the second reading debate by way of interjection—and I found it very helpful and I thank him—that the teacher was covered. Is that still his position?

The Hon. G.A. INGERSON: The question has now been extended considerably as far as the member is concerned, but I will answer it as he has asked it now. First, I go back to clause 5, where it is absolute in terms of the duties of employment. If the duties of employment, which are determined by the Education Department, require the person to go between the two schools as part of their duties of employment, then clearly the answer is, yes, they are covered.

Unless the Education Department, as part of its duties of employment, says that the journey from home to the first school at Cowell or home to the second school at Cleve are part of the duties of employment then that journey is not covered. It will be, and it is meant to be, placed fairly and squarely back on the employer/employee relationship. In other words, if the employer says, 'For your employment and as far as the definition of your duties of employment are concerned you begin your work at home and go to 'X' then, in essence, that is part of your duties of employment and would be covered.' If your employer does not enter into that arrangement and assumes—obviously then under law because that is the way it would stand—that your starting point of work is at the school, then that first part of the journey from home to school is not covered and was not intended to be covered by this particular clause, and nor is it our policy. Our policy was to say 'any person for whom the duties of employment include the journey in a vehicle when it is covered; anything outside is not covered'.

The Hon. FRANK BLEVINS: That confirms my worst fears about this particular measure. The teacher is required to teach at a school in Cleve. How the teacher gets to the school in Cleve is the teacher's business; nobody gives two hoots. Yesterday I gave an example—very precise, on three lines:

> I refer to a teacher who lives at Cowell and works two days a week at Cowell and three days a week at Cleve [42 kilometres of driving].

The Hon. G.A. Ingerson replied 'Covered.' But the Minister is now saying 'Maybe not.'

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: So from home to Cowell is not covered, I understand that—I do not agree with it but that is fair enough. But for three days the teacher has to work at a different school and that teacher will not be covered. I want all members to be clear, particularly members opposite, on just what they are supporting here and going on the record as supporting. The Minister has made some effort, but I am not sure that the Minister has made every effort to inform all members of the Committee of precisely the consequences of some of these measures. The measure clearly is a lawyers' picnic. They are going to love it; they will love all of it. The other questions I asked and received some response to concerned teachers who take students on excursions but not during paid school hours. Many teachers do this. They do not have to; it is not a duty of their employment. They can say, 'Get nicked,' and many of them these days do, and I regret that, but there are very many who do take students on excursions out of school hours. They do it voluntarily; they do not get paid and there is no requirement for them to do it. Are they covered by workers compensation? The Minister said, yes, they are all covered. Does the Minister still agree with that?

The Hon. G.A. INGERSON: Because the member for Giles is very concerned with absolute detail, let me run through it again so that there is no confusion. I will go through both cases. In the first instance, it is clear that unless there is a duty of employment requirement—in other words, the employer, the Education Department, says that it will cover from home to the school in Cowell, it is not covered. They can say, 'Yes', and enter into an employment duty. For the first time we are placing a responsibility on the employer to define when and where work begins and ends. In other words, it will be part of an enterprise agreement or it will be part of negotiations in the awards or whatever. It is a duty of employment. It is very clear.

In the second instance referred to by the honourable member—the teacher who works two days in Cowell and three days in Cleve—if the Education Department requires that person to go from their home in Cowell to Cleve, they would be covered.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: They have to decide whether they make it a requirement. If it is not in the duties of employment, they are not covered. That is clear. Again, with respect to a teacher on excursion, it is very simple. If there is a requirement as part of the duties of employment to take school children on excursion, they are covered. If there is no requirement to do it, and it is done, they are not covered. In that second instance, as the honourable member would be aware, in excess of 90 per cent of occasions would be covered for any accident under the third party scheme, and that is a fact.

Mr QUIRKE: Could we just flesh that out a little further. During my school teaching days I recall many instances when teachers would go down to the local shop or to a book supplier to pick up materials which they believed were necessary for the courses that they taught. In fact, the use of private vehicles by teachers, in particular high school teachers, in their free time was a regular feature. In these instances, by the sound of it, unless this is at the express direction of presumably the principal, these people will not be covered. It will not be possible for them to go out during free time, either at lunch time or in designated non-contact time, get in a car and drive to a book supplier or the like and come back with materials. They will not be covered. Is that the case?

The Hon. G.A. INGERSON: It is very clear. If it is not part of the duties of employment required as part of their employment, it is not covered. If it is a requirement under their duties of employment, it is covered. It is absolutely black and white.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: If a teacher volunteers to do that, it is clear that it is not covered under the intention of this Bill. As the member for Giles is aware, they are covered

under the third party scheme which the former Government introduced. They are clearly covered. The Government's intention is to remove from the expense of employers any accidents that are not related to work. That is the principal direction and philosophy behind everything we are doing. If there are any areas for which compensation is not paid in relation to accidents not covered by work, that is the responsibility of another Minister to look at; and it is the intention of the Government, if there are holes in the third party or any other compensation scheme, to consider them.

However, that is a different issue. The principal purpose of this Bill, with the changes we are introducing both now and in the future, is purely and simply to have all the costs that relate to work and compensation due to accidents, diseases or injury created by work, paid within this compensation scheme. There is no attempt to dilute the claims levels within this scheme if a claim is related to work. We are attempting to remove all issues from the scheme that are not related to work. That is the principal direction of the scheme.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: It is no addition to what you have always done.

Mr QUIRKE: This raises two issues. First, I draw the Minister's attention back to teaching, in particular. There are other occupations that come into it, but in teaching in particular—

Mrs Kotz interjecting:

Mr QUIRKE: Would the member for Newland like a few moments to have a discussion with the Minister? I would like his attention on this issue. If the member for Newland wants to have a conversation, I am quite happy to sit down while she does so.

The CHAIRMAN: The onus of reply and listening rests with the Minister.

Mr QUIRKE: A number of teachers in schools all around South Australia use their own car everyday. They do not get prior direction from a principal, a senior, a deputy or anyone else. They get called to meetings in town and to group cluster meetings, but they are not directed to do that. Is it now the case that, once this legislation goes through both Houses, every time they step into their car they will need to have a direction from a senior person—a person designated by the employer—if they want to embark on a work related journey?

The Hon. G.A. INGERSON: The intention of this Bill is to ensure that any journey accidents that occur while employees are undertaking activities that are not required under their duties of employment are not covered.

Mr QUIRKE: I thank the Minister for that answer. That tells me that the 17 000 teachers in this State had better be very careful in respect of what the Government is about to do. The second issue relates to activities such as school camps out of school hours. What about voluntary teachers who participate in those excursions out of hours—are they covered under any aspect of this WorkCover legislation?

The Hon. G.A. INGERSON: Only if the excursions are required, as the honourable member would be aware. He is as aware as everyone else, but he is playing as much politics as anyone else in this place. If he wants to talk about reality, there are things called public liability insurance policies, under which they are covered, and there is a third party comprehensive scheme, under which they are covered. They will not be covered—

Members interjecting:

The Hon. G.A. INGERSON: Hang on a minute; let me just answer. The intention of this Bill and the total future direction of this Government is to place compensation in the areas in which it should rightfully be placed. Compensation as it relates to journeys or to injuries not related to work will not be covered in future by the workers compensation scheme in this State.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: No, it is very clear: they will not be covered. Any journey accidents that occur while they are fulfilling their employment duties are covered. Journey accidents that occur outside a worker's employment duties are not covered. It is as simple as that. In terms of this issue of the slowness of claims, I ask members to recall who was in Government for the past 11 years. I will just take up the example that the honourable member opposite talked about yesterday. He referred to a relation who was affected by slowness of performance by the third party insurer SGIC.

Can I remind the honourable member opposite who set the rules? Can I remind the honourable member opposite who has been in charge of the administration of that scheme? Who has been in charge of that for the past 11 years? And the honourable member opposite knows that he is the power and numbers man on the other side, yet the numbers man could not even get changed a piece of legislation which his Government amended to reduce the rights of individuals. Nobody else but his Government reduced those rights, and it was his Government that made an absolute mess of the investment side of SGIC, so he should not talk to us about third party insurance schemes. If his Government believed it was a mess, it had at least 11 years to fix it up itself. We have been in government for 14 weeks and in that time we have shifted and changed more things than the previous Government shifted and changed in 11 years.

It is our intention to ensure that compensation claims will be rightfully paid within the workers compensation scheme when they are duly and properly deserved, but any other compensation will covered by either third party insurance or other areas where it should rightly be. There is no justification for making the employers of this State pay through their levy rate for accidents over which they have no control whatsoever, and there is no justification for this compensation scheme to pick it up. Any travel for employees that is part of the duties of employment set by their employer will be covered. It is a requirement of the employer and the employee to have that clearly set out. I am told on a daily basis how effective the union movement is in communicating with the members. I am now finding that, when a little pressure is put on to get them to communicate with their members, not too many members are answering that communication—in a little issue involving union dues.

I am told by the union experts that they are very good at communicating with their members. If they are, I would suggest that members opposite go to their members and tell them that they ought to have their duties of employment and the position regarding journey accidents clarified with their employer. That is the situation. We have no problems with that because, if it is a genuine requirement of work that the use of a vehicle should be involved, we support it. We have never said we do not support that; we do support it. If members opposite can clearly sort out what is and is not a journey and what should and should not be part of duties of employment, this Government has made very clear that it does not intend to cut out any journey accidents that arise under specified duties of employment. I have been advised by the WorkCover Corporation that purely and simply by covering only journeys that are part of duties of employment,

about 90 per cent of journey accidents will be removed from the scheme, because they are not controlled by and have no relationship with employment and the duty of employment.

The Hon. FRANK BLEVINS: I ask for some clarification on the question of stress. I am not sure whether the Minister has had the opportunity to look at *Hansard*, but I thought that by the end of last night we had clarified matters. There was an answer to Mr Brindal. On page 530, Mr Brindal says how clear the Minister has been. Mr Brindal asked whether, if a police officer attending a road accident was subjected to trauma because a particularly bad physical injury caused stress, that stress would be compensable. The Minister said 'Yes.' That was clearly wrong. If that is right, if a police officer goes to an accident where there has been a physical injury and the doctor says, 'You have stress because of going to that accident', you will pay the police officer workers compensation.

The Hon. G.A. Ingerson interjecting:

The Hon. FRANK BLEVINS: So, all the police officer has to do is to attend a car accident, go to a doctor and say there has been stress caused by the car accident, and the officer is covered: that stress condition can then be compensated.

The Hon. G.A. INGERSON: The member for Giles, in reading this clause, would note clearly that it provides:

> the stress arising out of employment exceeds the level that would be normally and reasonably expected in employment of the relative kind.

As I explained last night, the member for Unley asked two separate and different questions. The first question he asked was related to trauma, and that clearly is covered here. It provides:

> the stress arising out of employment exceeds the level that would be normally and reasonably expected. . .

We should take this example right across the community, because it relates not only to the police officer but to anyone who comes under this definition. The intention is to say that, under normal working conditions and reasonable conditions expected in employment, the situation of stress is not covered. That is clear. That is the first point. The second point I would like to make is that, if that same person is carrying out reasonable and normal duties and if a condition arises out of that which exceeds that level, whether it be a policeman, a nurse, Graham Ingerson in his pharmacy or whatever, they are covered.

That was the answer that I gave to the honourable member last evening in reply to the question, and in reply to the two questions from the member for Unley I gave two different answers because one particular word changed between the two questions, and that particular word was 'trauma'. The honourable member knows that the position is clear in that in the normal and reasonable conditions of work nobody, whether it be the policeman, the school teacher or the pharmacist's assistant, is covered. That is what this clearly says. But if any stress arises out of employment that exceeds what is reasonable and normal, it is covered. That is what I said to the honourable member in reply to his question, and what I said to the member for Unley in fact is exactly the same. There were two different questions and I gave the same answer.

Progress reported; Committee to sit again.

[Sitting suspended from 1 to 2 p.m.]

INDUSTRIAL AND EMPLOYEE RELATIONS BILL

Her Excellency the Governor, by message, recommended the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

MARION SUPPLEMENTARY DEVELOPMENT PLAN

A petition signed by 102 residents of South Australia requesting that the House urge the Government to support the approval of the City of Marion horse industry Supplementary Development Plan was presented by Mr Wade.

Petition received.

MENTAL HEALTH

The Hon. M.H. ARMITAGE (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.H. ARMITAGE: The South Australian Mental Health Services, known as SAMHS, was established in 1991. It brought together several of the then separately established adult mental health services. One of the major tasks SAMHS inherited was to transfer beds from Hillcrest Hospital both to Glenside Hospital and to general hospitals and to set up a comprehensive network of community based mental health services.

The then Government indicated that these community based services were to be financed by administrative savings resulting from the closure of Hillcrest Hospital. As members would be aware, SAMHS has had a chequered if not an unfortunate history. I do not propose to go over all the details of the events during the term of the previous Government which led to the dissolution of the board, the appointment of an administrator, the subsequent review and eventual appointment last year of a new board and Chief Executive Officer. The previous Government placed that on record at the time. The legacy of those problems is still with us.

However, I am concerned to ensure that history does not repeat itself. Patients and clients of our mental health services, their parents, partners and carers have waited patiently during three years of upheaval and administrative change. As the then shadow Minister a number of concerns were raised with me concerning the ability of SAMHS to meet the expectations then being made of it. One of my top priorities has therefore been to seek detailed briefings on how the closure of Hillcrest as well as the development of community based services was progressing and all that was expected to flow from that process. At my request, I have been briefed by SAMHS and the Health Commission. I have held meetings with key stakeholders—consumers, the Royal Australian and New Zealand College of Psychiatrists and unions—to hear their concerns.

There appears to be general support for the overall direction of the reforms, which are in line with the national mental health policy. I am now confident that the direction in which SAMHS is now heading is correct. In other words, we need to go forward, not backwards. Unfortunately, the briefings I have received reveal significant budgetary difficulties in the order of $3 million, which is a matter of considerable concern. We have a system under pressure and which, in the short term, is simply not coping. If these current difficulties are not short-term problems that can be overcome but are, in fact, the tip of the iceberg, then the whole reform

process can be placed at risk, and the Government will not allow that to happen. We are committed to the devolution of Hillcrest Hospital and the establishment of a network of community based health services.

Patients deserve the best treatment in a stable environment. Carers must be able to plan with some degree of certainty. Staff in the mental health service need to be able to get on with the business of providing services to patients and clients. The present situation is untenable and something has to be done, and done quickly. Consequently, I have set a course of action in train to bring the system back on course. In the first instance, the immediate, short-term budgetary difficulties must be addressed. I have directed that SAMHS immediately set about developing a budget strategy to resolve the present problems. This strategy will be closely monitored by the South Australian Health Commission.

The broader long-term situation must also be examined. We need to know whether the current budget difficulties are in fact short-term difficulties or whether they reflect planning flaws, which would continue to produce ongoing budget overruns. In other words, we need to revisit the original financial assumptions underlying the devolution process. We need to establish whether the previous Government's expected $11 million savings are in fact achievable. If they are not, then we need to refocus the time frame within which the devolution process will occur, to ensure continuity and quality of services.

I have directed that an external consultant, who will be known within the next two weeks, be appointed to address these questions and to report to me by the end of May. The report will assess the appropriateness of funding and implementation targets; propose, if necessary, a realigned implementation timetable; develop a realistic budget strategy for the next five years; and develop a draft implementation plan or service agreement between the SAMHS Board of Management and the South Australian Health Commission.

This agreement will have measurable quarterly outcomes, with both financial and service-related targets which will be linked to an agreed funding strategy. I stress that the Government is not seeking to change the direction of the mental health reforms which underpin the devolution process. Reforms simply must occur. What is vital is to ensure that there are achievable, measurable outcomes. We must ensure that results are delivered in a realistic timeframe—a timeframe which is less traumatic for patients, clients, carers and staff. We need a timeframe which does not tear the system apart but, rather, focuses on ensuring continuity of quality services. This Government is committed to the creation of a modern and comprehensive mental health service in line with the national mental health policy to which this Government has long been committed.

QUESTION TIME

The SPEAKER: Order! Before calling on questions, I advise that questions otherwise directed to the Premier will be taken by the Deputy Premier; questions to the Minister for the Environment and Natural Resources will be taken by the Minister for Housing, Urban Development and Local Government Relations; and questions to the Minister for Industry, Manufacturing, Small Business and Regional Development will be taken by the Minister for Tourism.

STATE TAXATION

The Hon. LYNN ARNOLD (Leader of the Opposition): Does the Treasurer stand by the categorical undertaking given by him in this House on 17 February, as follows:

> There will be no new taxes and no increase in the rate of taxation.That statement was made by the Premier, and it was endorsed by the whole Cabinet.

At a press conference yesterday the Premier refused to rule out tax increases following the Premiers Conference. The Premier said:

> I am not going to give any indication as to the potential impact of this on the State budget because we have not sat down and done that assessment.

The Hon. S.J. BAKER: The question has a great deal of interest for me because it is asked by the person who was the Premier of this State and a senior Cabinet Minister during the 1980s. During that time all States lost $3.7 billion per annum in grants from the Commonwealth Government. The fairy floss we heard from members opposite was, 'Look, that is bad luck. We are sorry about that. We accept it.' For the 11 years of Labor Government the now Leader of the Opposition and his colleagues laid down while the Federal Government walked all over them.

If we look at the record of the previous Government in its negotiations with the Federal Government, we see a 'walk in, walk out and accept what the Federal Government is giving you' attitude. That approach has put this State at enormous risk because not only have our past incomes been affected but our future incomes as well. We have had not only the State Bank with its huge losses but also an approach whereby the previous Government told its mates in Canberra, 'Look, don't worry about that; just cut the State resources accordingly.' That is the history for the past 11 years. I find it interesting that the Leader of the Opposition should ask the question.

We will go into bat at the Premiers Conference tomorrow in order to draw back some of that money to South Australia. It will be a fiercely fought battle because I believe—and there is nothing certain about all the Premiers doing the right thing at the right time and together—that all Premiers are united in their disillusionment with the latest offer. It is my belief that we will be able to claw back some of that money. However, that depends on the will of the Prime Minister and the Treasurer in Canberra.

Who knows what will happen under those circumstances? It could well depend on how he is sorting out his own problems within his Party, and I refer to the resignation of Senator Richardson. As we have seen with the Prime Minister before, he is very much affected by the circumstances in which he finds himself. If he has a win, he may be grateful for that and treat the States far better than if the problems are still with him. The issue of what will happen in the future is irrelevant. We will go into bat for the best deal possible.

BASKETBALL

Ms GREIG (Reynell): Mr Speaker, my question—

Members interjecting:

The SPEAKER: Order! The member for Reynell has the call.

Ms GREIG: Can the Minister for Recreation, Sport and Racing advise the House how plans are progressing for South Australia to host a pool of the 1994 World Women's Basketball Championships?

An honourable member interjecting:

The Hon. J.K.G. OSWALD: I am certainly not going to take this on notice. This is one of the most significant sporting announcements for 1994, and I am proud to make it in the Parliament. Apart from the Grand Prix, this is the biggest international sporting event to be held in Adelaide this year. Those who watched television last Friday evening would have seen me pasting up the last panel of a giant billboard on Grange Road which will advertise the Oz 94 World Women's Basketball Championships to be held at the Powerhouse from 2-4 June. That was the start of the advertising campaign, and tickets will go on sale very shortly.

The pool to be played in Adelaide involves eight of the top 16 nations in the world. We will see in Adelaide China, Italy, Kenya, Cuba, France, Canada, probably Japan, and, most significantly, our own Australian team. South Australia is strongly represented by players Rachel Sporn and Michelle Brogan and assistant coach Jenny Cheeseman. Australia's best performance in senior world championships in the past has been fourth, but this time we will be playing on our own home turf.

The significance of this event should not be underestimated. Basketball is the world's largest women's team sport. It is played by 100 million women around the world in 195 countries. It is a mainstream Olympic sport, and this high profile tournament will be in Adelaide for all of us to go along and observe. I am also pleased to announce that the South Australian Government has contributed $100 000 towards the cost of staging this event and that Miss Julie Nykiel, with whom all will be familiar, of the international events unit in my department, is the representative on the board of Oz 94 Limited, the company which has been set up to manage the event. Miss Nykiel is well placed to carry out her responsibilities, having represented Australia at three previous World Championships and two Olympic Games. On behalf of all members, I wish the Australian team well in the competition and encourage all members to go to the Powerhouse on those evenings to see some very spectacular basketball.

STATE TAXATION

The Hon. LYNN ARNOLD (Leader of the Opposition): Can the Treasurer explain why the Premier yesterday refused to rule out tax increases following what the Government says is the proposed cut in Commonwealth grants to the State of $39 million when, according to its pre-election announcements, the Government must now have an extra $100 million that was set aside for the so-called fifth State Bank bail-out? During the election campaign, the now Premier said there would be no new taxes or tax increases under a Liberal Government. He also stated that the Liberals had accounted for a so-called fifth State Bank bail-out of a further $100 million in its debt reduction strategy. It has now been reported that the so-called fifth State Bank bail-out is no longer required. Therefore, this must free up an extra $100 million for the Brown Government.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: I think that the gremlins have been in the system. In fact, I am sure it is the Deputy Leader of the Opposition who is writing the questions, because he wants to give his Leader a fairly rocky road with the object of replacing him. On the Leader's performance to date, I can see him being very successful in that endeavour. The question amazes me, given that in this House and in statements prior to the election we outlined our debt management strategy. In that debt management strategy we described the areas of sale that were to be pursued in order to get the debt $1 billion below the previous Labor Government's target.

I will repeat it for everybody in this House. At that time it was quite clear that the provisioning on a number of these items and, in fact, the sale of a number of the assets would take place over a period of time. I can understand why the Leader asked this question: it is indicative of his lack of understanding of State financing—absolutely indicative. It is indicative of the fact that he simply does not understand that you cannot somehow transpose a provision into a saving. Because, indeed, when looking at 1997-98—when we said we will deliver our debt management target—all those matters will be brought to account. We said that at the time, and we continue to say that.

If the Leader looked at his own forward estimates of budget he would know that there is a significant deficit overhang that also has to be answered in the current budget context. I cannot understand why the Leader asked such puerile questions. He should know the answers himself, and I can only suggest that the people of South Australia are well rid of him.

WOMEN PRISONERS

Mrs KOTZ (Newland): Will the Minister for Correctional Services assure the House that in the evaluation and any subsequent reforms of the State's prison systems the special needs of women in prison will not be overlooked?

The Hon. W.A. MATTHEW: Yes, I am very pleased to give the House that assurance. Members would be aware that in this State women prisoners account for just under 10 per cent of the total prison population. It is fair to say that under the previous Government the needs of women prisoners were largely overlooked. In the lead-up to the last State election the Liberal Party released a policy stipulating the following specific objective:

> Develop a range of facilities, programs, educational and training courses relevant to the needs of women offenders, especially those with special needs such as non-English speaking women and women with disabilities.

The majority of women who are incarcerated in South Australia occupy the Northfield Prison Complex. My Chief Executive Officer of the department has recently examined the operations at the Northfield complex and, as a result of her findings, is now taking the prison in a new direction in line with the Government's policy for women in prisons. A number of the problems identified during that review were in the areas of health and welfare programs, work and educational opportunities, targeted rehabilitation programs, social work services, remedial support for drug addicted prisoners and the cultural relevance of services for Aboriginal women prisoners.

It is evident that the prison culture at Northfield has been largely influenced by the physical facilities, the lack of appropriate programs, and management and staff issues. It became very obvious after that review that significant change was required, and some of that has already been implemented. On Monday, 14 March, a new General Manager, with specialist skills and experience, Ms Kim Dwyer, commenced duties at the Northfield Prison Complex. Ms Dwyer was previously employed as a regional director with the Department for Family and Community Services.

Ms Dwyer is the first woman to hold the modern day position of General Manager of a prison in South Australia. It has been 10 years since Mrs Betty Roberts held the position of Superintendent of the then Women's Rehabilitation Centre, which was a very different role and a very different institution from the one we have today. But members would be aware that the Northfield Prison Complex is not just a women's prison but also includes a low security cottage section for male prisoners and the Fine Default Centre.

However, it does have, as I said, the majority of women prisoners in this State. Ms Dwyer, the new General Manager, has outstanding management experience in the delivery of human welfare services in the areas of child protection and victims of domestic violence. She was a South Australian representative of the National Committee on Violence, which reported to the Prime Minister in 1991. Ms Dwyer is a qualified psychologist with extensive experience working with women with drug addiction and psychiatric problems. She has also had a special interest in the health and well-being of Aboriginal people, with whom she has worked professionally in the northern region of the State and on a voluntary basis.

Undoubtedly, her skills and experience will enable her to assist the prison and to respond to the special needs of women prisoners, many of whom have been subjected to sexual abuse and domestic violence. The focus for the Northfield prison management and the staff is now to expand rehabilitation programs at that prison for all sentenced prisoners including women whose special needs have long been neglected under the previous Labor Administration.

STATE DEBT

Mr QUIRKE (Playford): Can the Treasurer give a categorical assurance that the State Government's debt reduction strategy will be delivered, or does he agree with the Premier that this is now negotiable? The Liberal Party gave the community 'a cast iron undertaking to reduce State debt to $6 000 million by the end of its first term'. When asked yesterday whether the outcome of the Premiers Conference would impact on jobs or taxes, the Premier said, '...or you're going to have to increase debt'.

The Hon. S.J. BAKER: Again we get questions which I would have thought the Opposition were not advised to ask, but we will answer them anyway.

Mr Brindal interjecting:

The Hon. S.J. BAKER: In fact, as the member for Unley said, they probably wrote them last week. There are at least two or three issues that need to be looked at in the context of the question. The first is that there is a misleading figure provided by the member for Playford. Either he does not know or he is doing it deliberately, and he can choose one or the other, but the point at issue was not the $6 000 million. The $6 000 million was our early estimate based on the Government's estimates of its own performance, which was that it was going to reduce to $7 000 million, as everybody here would acknowledge.

The Hon. D.S. Baker interjecting:

The Hon. S.J. BAKER: Yes. There are some interesting circumstances. Treasury advised the Treasurer of the day, the now member for Giles, 'Whoops, there has been a slip up. We have just found a big mistake. We have discovered only $577 million worth of error.'

Members interjecting:

The Hon. S.J. BAKER: Yes, only $577 million worth of error.

The Hon. Frank Blevins: Don't tell lies—

The Hon. S.J. BAKER: On a point of order, Mr Speaker, the member for Giles—

The Hon. Frank Blevins interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: —has five times now said that I am telling lies. I ask the member to withdraw.

The SPEAKER: Order! If the member for Giles made those comments, he must withdraw them.

The Hon. FRANK BLEVINS: I am advised, Sir, that it was only four, and of course I withdraw.

The SPEAKER: Without qualification, I remind the member for Giles.

Members interjecting:

The Hon. S.J. BAKER: He still cannot count: he is still making 20 per cent errors. The facts at the time were quite clear: the Treasurer was advised by Treasury of a monumental blunder. The Premier claimed very close to the election that he had not been told. That was never agreed. I think the member for Giles said, 'I think the Premier knew.' Now we are not too sure who is telling the truth here, whether it is the member for Giles or the Leader of the Opposition, but it does not matter really. The fact is that a monumental blunder was made, and in fact the estimates, rather than the $7 000 million which they never would have achieved anyway, on their own basic cost savings, were down to $7 577 million rather than the $7 000 million which was claimed in the Meeting the Challenge statement. Let us put that on the record. It is a false figure and the member for Playford is well aware of it. In terms of the debt target, we will reach that target.

MOUSE PLAGUE

Mr LEWIS (Ridley): What steps is the Minister for Primary Industries able to take to alleviate the concern of South Australians who live in the Mallee on the Victorian border and who controlled the mice on their farms last year but are now finding that their properties are being reinfested by mice migrating across the border from Victoria and to get the Minister and the Government to do their duty to control the plague?

The Hon. D.S. BAKER: If I were to treat this question with some flippancy I would say I will put this matter in charge of the Deputy Leader of the Opposition, because he is the best person I know at shifting things from South Australia to Victoria. However, the situation is much more serious than that. The mouse plague last year really did highlight some of the former Administration's procrastination and inefficiencies. It was not until people were resowing for the second and third time that we managed to get some action late in August to allow strychnine baiting. That was very successful and, as everyone now knows, we had one of the largest wheat and barley crops in the history of the State. Much of that success in the areas affected by mice was a result of the strychnine baiting.

The Victorians have fallen in line very well since then by ensuring that their regulations are similar to South Australia's. I have had discussions with their Minister of Agriculture to ensure that both primary industry organisations are communicating with each other with a view to coordinating any necessary baiting on both sides of the border. So, properties along the border will not be affected as they have been in the past.

I can therefore assure the member for Ridley that we are communicating with the Victorians. We now have the whole matter properly managed, and ample communication is taking place among the pest plant control people in both States to ensure that reinfestation from the other side of the border does not occur. So, it probably will not be necessary to use the Deputy Leader of the Opposition.

WEAPONS CONTROL

The Hon. M.D. RANN (Deputy Leader of the Opposition): My question is directed to the Minister for Emergency Services. Does the Government intend to mount a major crack down on the carrying of knives by minors, and does it intend to legislate to tighten the existing laws restricting the carrying of knives in public, following claims by the South Australian Police that they are alarmed by the increasing number of children roaming Adelaide streets carrying knives?

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The Victorian Government has announced that carrying a knife even for self-defence will be outlawed, following a series of violent attacks. An amendment to the Control of Weapons Act in Victoria will prohibit the carrying of knives in public except for legitimate reasons, such as occupational and sporting purposes, and will also increase police powers of search and arrest. If the amendment is passed by the Victorian Parliament, police there will not need a warrant to stop and search anyone they reasonably suspect of carrying a knife. In South Australia a front page story in the *Advertiser* quoted a Sergeant Andy Barkell of the Hindley Street Police as saying that many children questioned gave 'lame excuses' for carrying knives, from needing them to peel fruit to sharpening eyebrow pencils. However, according to the *Advertiser* report, the police claimed that the knives could be confiscated only if the owners admitted carrying them with some unlawful intent.

Police were reported as saying that most children—some as young as nine years—claim that the knives are for protection, and police said that one in every two people they have questioned over other alleged offences in the central business strict recently was found to be carrying a knife. The officer in charge of the Hindley Street police station, Senior Sergeant John Wallace, said he was concerned at the dramatic increase in the number of young people carrying knives. I am told that in recent months police in the city centre have investigated 12 offences involving knives, ranging from robbery to assaults. Will there be a police crack down on those?

The Hon. W.A. MATTHEW: I must say that my colleagues and I continue to be somewhat puzzled by members of the Opposition who consistently rise to their feet to ask what we will do to fix up their messes. The carriage of knives by persons is of concern to the police, and the Attorney-General and I are discussing the matter. Following lengthy discussions with the police, they advised me that in most circumstances the carriage of a knife is not an offence. Section 15(1) of the Summary Offences Act prescribes carriage of an offensive weapon. Some knives are defined as unlawful, namely, flick-knives, knuckle knives and some daggers. Further, section 31 of the Criminal Law Consolidation Act prohibits carrying or controlling an object with intent to kill or endanger the life of another. However, the prosecution must be able to prove intent at the time of carrying.

With that in mind, police officers therefore need to be able to prove a lack of lawful excuse. Very often, unless the reason given for carrying the knife is obviously ridiculous in the circumstances, the police find that the matter cannot be taken further. In most instances some clear admission of an unlawful purpose is needed. Many judgments require police officers to make fine distinctions in the field. What if a person gives a mixture of lawful and unlawful reasons for carrying a knife? In such circumstances a court will have to make a decision based on all the facts.

Police in Hindley Street, as the honourable member has advised the House, have reported an increase in the number of people carrying knives in circumstances where, under the present laws, it is inappropriate to lay any charge. That concern is exacerbated by an increase in the figures for offences of robbery with violence and assaults committed by persons armed with knives. I can report to the House that at least 19 known offences have occurred in the Adelaide City area since August 1993. The problem is not as simple as making it illegal for somebody to carry a knife. Indeed, many members of this House in their youth may have legitimately carried a pocket knife. At that time young people carried a knife for fishing or other purposes. We are looking to see whether the law can be tightened to ensure that offences involving weapons such as knives do not continue to increase.

ENGINEERING AND WATER SUPPLY DEPARTMENT

Mr QUIRKE (Playford): Will the Treasurer advise whether the terms of reference for the Audit Commission Inquiry into the E&WS include proposals for the corporatisation of services delivered by that department? Employees of the E&WS have expressed concern that the Government is examining options to corporatise the department as a prerequisite to privatising essential services such as the operation of the State's water treatment plants.

The Hon. S.J. BAKER: I wish the member for Playford would do his own homework. The former Government indeed had a long list of corporatisation proposals, and the E&WS happened to be on that list. What is he talking about? I cannot believe the selective memory of members of the Opposition. During the State Bank debacle the former Premier claimed that he was not told anything, he did not know anything and was not told anything by his predecessor for the previous nine years. He said that when he was Premier no-one would talk to him and tell him about the state of the finances. It seems that none of his Ministers talked to him about the schedule of corporatisation. The honourable member simply has to ask one of his colleagues about that. It was clear at the time that a long list of corporatisation prospects existed. It is a valid process and we applaud it, not that the then Government would have got it right.

We believe that the corporatisation process has a lot to offer in terms of focussing an organisation, ensuring that it meets commitments to its markets and ensuring good and proper customer service with increasing efficiencies that can be returned to the taxpayer. They are vital elements of any corporatisation process, otherwise one would not bother going through it.

The E&WS happened to be on the former Government's list. We have not made up our mind whether to go through a corporatisation process as such to achieve efficiencies. We will wait on the Audit Commission to report on a number of matters. It may well reflect on that matter and on the issue of

corporatisation as a way of improving the focus of the Engineering and Water Supply Department. There is room for considerable improvement, as there is right throughout the Public Service, and we have made that quite clear. We want a Public Service of which the people of South Australia can be proud, delivering a cost effective service and performing to the level expected by the taxpayers. We have made that clear. We have never suggested and will not suggest selling off water supplies, reservoirs or similar items related to the E&WS Department. I hope that that is a very clear answer to the honourable member.

WILLUNGA YOUTH FESTIVAL

Mrs ROSENBERG (Kaurna): Is the Minister for Youth Affairs aware of a local resident's initiative in the Willunga District Council area to provide a Willunga District youth festival this weekend?

The Hon. R.B. SUCH: I thank the honourable member for her question and ongoing interest in youth affairs. I am aware of the Willunga youth festival being held this weekend. It is sponsored by the South Australian Country Arts Trust, and the intention is to provide a showcase of local young people's talents, recreational activities, artistic displays and pursuits. It will involve such towns and regions as Willunga, McLaren Vale, Sellicks Beach, Aldinga and Port Willunga. The idea came from a parent concerned about negative attitudes often expressed about young people and towards young people. She was moved to action to provide a vehicle by which young people could showcase the many positive things that they are doing. I commend communities, individuals and groups involved in promoting a positive image of our young people. We can be proud of them and their achievements. Our Government is committed to promoting young people, to developing positive attitudes towards them, to recognising their contribution and to giving them an opportunity to participate in meaningful decision making.

Yesterday I launched a housing project for homeless youth in the Port Adelaide region—a very positive project involving St Vincent De Paul and other community minded organisations and Government departments. I was amazed after the launch to be confronted by someone who said, 'We do not want young people living here'. I was absolutely staggered by the attitude of a professional person who came to me and said that they did not want young people there. I find that attitude in our community deplorable, and I am determined to do something to change that attitude, which is held by a minority, towards young people. I applaud this initiative in the southern area and commend the local member for her participation and support and wish the festival all the best.

ROAD FUNDING

Mr ATKINSON (Spence): Will the Acting Premier advise whether the Government intends to honour its election undertaking to boost road funds to the southern suburbs of Adelaide in real terms? The transport policy issued by the Liberal Party before the last election included a section entitled 'Southern Metropolitan Transport Network'. In this policy the Liberal Party claimed that the south was forgotten and transport needs neglected by the former Government. The Premier indicated yesterday that the Government was considering expenditure cuts in light of the Commonwealth offer to South Australia.

The Hon. S.J. BAKER: The honourable member has become a little disorientated. I thought that his electorate was in the western suburbs, but now he is asking about the southern suburbs.

An honourable member interjecting:

The Hon. S.J. BAKER: I apologise to the honourable member—he is probably the closest Opposition member to the south. He did not show a great deal of interest in the south when his Government was in power. As to the question about future funding, obviously from our viewpoint road funding has been cut. We have seen a folding of road grants into general purpose grants. At this stage that matter has not been assessed. We received the offer document yesterday and have not had a chance to assess the individual components. It has ramifications for Medicare, along with road funding and a number of other areas. Until we have assessed the document I cannot give a definitive statement, nor would I as it is not my area. Perhaps the question is best directed to the Minister for Transport. In its policy statement the Government mentioned a commitment to the third arterial road down south. As far as I am aware, the changes in funding arrangements will not prevent that road progressing. At this stage, as I said, the full ramifications of the Federal offer have to be assessed.

SOUTH-EAST DRAINAGE SCHEME

Mr BUCKBY (Light): My question is directed to the Minister for Primary Industries. At what stage of planning or implementation is the Upper South-East Drainage Scheme?

The Hon. D.S. BAKER: I thank the honourable member for his interest in this matter. The salinity problem in the Upper South-East covers about 250 000 hectares and probably has the potential in agricultural and environmental aspects to become the biggest disaster in South Australia's history, other than the State Bank, of course. An EIS was prepared under the previous Administration, and we are now working through that.

In the past couple of weeks the South-East Drainage Board, as it was known, has come under the direction of the Minister for Primary Industries. The board and other people are putting final submissions for the EIS. Sensitive negotiations are involved in the proposals for deep drainage which will affect the spring water. Some of the drainage system will go through national parks, which is a problem, and at the end of the day the water will probably go into the Coorong or perhaps into the sea.

Sensitive issues have to be worked through, and I appreciate the help of the Minister for the Environment and Natural Resources and other departments who are working through the matter very sensibly. I am confident that eventually we will get a consensus of opinion regarding the EIS, and then consultation has to take place with the Federal Government because, at the end of the day, we gave an election promise that the State Government would put up its share of funding for the scheme, and our share of the funding is about $13 million.

It has been suggested that the Federal Government should match that, and the rest of the cost will come from local government. It is a serious problem which has received bipartisan support in the past, and I am sure it will receive such support in the future. In fact, when we go to Canberra to negotiate funding for the project, it is my wish that the Opposition spokesman accompanies us to make sure that this matter is resolved.

Salinity represents a tremendous threat to the environment. Every year trees die in their thousands as the watertable rises and salinity spreads. This problem is something that South Australia should work hard to resolve if we can do something about it. I am confident that the EIS function will be negotiated by the end of June, and then we have to convince the Federal Government to get behind the scheme. I am confident that the Opposition will join with us when we go to Canberra.

MOUNT BURR MILL

Mr De LAINE (Price): Can the Minister for Primary Industries give a categoric assurance that he will honour his election promise to keep the Mount Burr mill open? The Mayor of Millicent, timber unions, community associations and business people in the South-East have all expressed concern that the Minister is manoeuvring away from what was clearly an unconditional election promise to maintain the mill. On Friday 18 March the Minister refused to give such an assurance when questioned on ABC Radio, and workers at the mill believe the kilns are to be closed within months.

The Hon. D.S. BAKER: I thank the honourable member for his interest in my electorate.

The Hon. M.D. Rann: You're hardly ever down there.

The Hon. D.S. BAKER: That is why it is probably the safest seat in South Australia! The previous Government announced quite harshly that it was going to close the Mount Burr mill. Mount Burr is a very vital town in the electorate of MacKillop in the South-East. Many families down there were heartbroken at that decision. As the former Opposition spokesman on primary industries I gave an undertaking that the mill would not close. Mr Speaker, that mill will not close, but I am not willing to pre-empt the forest review and the review of the management of the forests that has been announced in the past fortnight.

Australasian Agribusiness is conducting the review. Under the previous Administration we had a forest rotation of 47 years, while all other commercial forests in Australia have a rotation between 32 and 35 years. If we bring our 47 year rotation back to somewhere near the commercial level, the difference is about $20 million a year extra income for South Australia. As a result, every mill in the South-East would be working extra shifts. All those people at Mount Burr whose jobs were put in jeopardy by the previous Administration can be assured that they will have work under the new Administration.

OWNER BUILDER HOUSES

Ms HURLEY (Napier): My question is directed to the Minister for Housing, Urban Development and Local Government Relations.

Members interjecting:

Ms HURLEY: I am sorry to disappoint you. Has the Minister any plans to protect people who buy houses from owner builders? I am aware of a case in which a couple bought a two year old house from an owner builder in which there was no water proofing in the bathroom areas. They have been advised that there is no recourse available to them under the building regulations which provide protection for consumers who buy from professional builders.

The Hon. J.K.G. OSWALD: I thank the honourable member for her question. Obviously, the Government is interested in providing protection for any consumer, and I will obtain details on the case that the honourable member raises and bring back a report. Consumer protection is something that this Government and this Parliament embraces, and I would like South Australian consumers to know that they will be well protected when the circumstances warrant it.

NORTHERN METROPOLITAN PLANNING

Mr TIERNAN (Torrens): Has the Minister for Housing, Urban Development and Local Government Relations considered the adoption of a coordinated approach for the planning and development of the northern metropolitan region of Adelaide? Since becoming the member for Torrens I have been approached almost weekly either by a lobby group or a representative of a local advisory group for a particular development or redevelopment project which has already started or which is about to start.

Members interjecting:

Mr TIERNAN: I will help you. It is clearly wishful thinking in many cases. The different opinions and variety of these projects indicates that there is an urgent need for some form of coordinated approach in regard to the planning and development of the northern metropolitan region of Adelaide.

The Hon. J.K.G. OSWALD: I thank the honourable member for his question, as I know of his interest in urban development and planning. This Government embraces the principles of regional planning, and certainly regional integrated planning. The whole question of coordination and cooperation between councils and between councils and government is a subject that we deem to be important. The northern metropolitan region of Adelaide is an area that is about to take off with an enormous amount of development. There has to be considerable care in ensuring that various super lots do not become available, and certainly there is a need for coordination to be handled with care in regard to future planning.

I recently received a delegation of mayors from the northern councils through the metropolitan regional area, and it was the first time that a Minister responsible for planning has received a deputation from all the mayors. As a result, we have agreed that our officers will meet and put together a document that will commence this process of integrated regional area planning. I will shortly visit the region to sign a memorandum of understanding on where both Government and local government is going.

The whole purpose of formalising it is so that there is a basis on which the officers in the councils and within my department can link together integrated local area planning. Anyone who has been out in that area and seen the work, the housing developments, the potential for growth and the areas which need regeneration would understand that the linkages are not just about building houses and allocating broad acres into housing. We have to look at roads, schools and community facilities, linking them all together so that the people of South Australia in 10 or 20 years can be justly proud of the decisions taken in 1994.

SEMAPHORE POLICE STATION

Mr FOLEY (Hart): My question is directed to the Minister for Emergency Services. Given the Government's policy of community policing and the establishment of new suburban police stations, will he give consideration to the reopening of the Semaphore police station within my electorate? The Semaphore police station had been a fully

operational, 24-hour station for many years prior to its closure eight years ago. It is still owned by the Police Department and used as a storage facility.

The Hon. W.A. MATTHEW: Time and again I rise to my feet in this House and the question is almost the same: 'What will you do to fix the mess the Labor Party created?' As the honourable member asked that question, I saw many other members pointing to themselves saying, 'Me too.' It is fair to say that my office and the Police Department have been inundated with requests from members of Parliament to consider opening community police stations in their electorate. There is a very good reason for that: I think that South Australians recognise the value of community policing. In order to facilitate the transition the Police Force is undergoing at the moment, as at 6 January this year two new commands were created for the South Australian Police Force. They are essentially a southern and a northern command, each headed by an Assistant Commissioner. Through those commands we have already devolved many processes of decision making and operational activities, and we have given new financial autonomy to those regions.

At the same time, a number of other things have been occurring. We have given a new customer services emphasis, through the Police Commissioner, to policing in South Australia. The department is examining police resources. It has already implemented a number of special policing operations, not the least of which are at the Salisbury and Noarlunga interchanges, and it has further developed a neighbourhood policing role. As we develop that neighbourhood policing role with the Police Department, the department is looking at all sites throughout the State that it presently owns to determine whether or not it is appropriate once again to reintroduce community policing at those sites, to change policing or whether other sites, even within the same area, may be more suitable than those the department presently owns.

The department will give consideration to the honourable member's area, as it will give, and is giving, consideration to other areas in order to determine the most appropriate centres for community police stations to be opened.

PUBLIC SECTOR EMPLOYEES

Mr QUIRKE (Playford): My question is directed to the Treasurer. Does the Government stand by its election promise that all employees of the Pipelines Authority of South Australia and the Central Linen Service will have the right to remain within the South Australian Public Service? The Liberal Party's South Australian recovery program issued before the last election identified the Pipelines Authority of South Australia and the Central Linen Service as asset sales. The policy stated:

> As for PASA, employees of Central Linen Service would have the right to remain within the South Australian public sector if they wished.

Yesterday, the Treasurer indicated that employees of PASA would be treated in the same manner as State Bank employees and would lose their rights to State superannuation.

The Hon. S.J. BAKER: The short answer is 'Yes'; the longer answer is 'Yes, again'. The issue is the extent to which we can have pride in our institutions. When I answered the question yesterday, I indicated that, if we are to go through a process of corporatisation, at the appropriate time there will be a sale of both those entities. I made no secret of the fact that there must be changes to superannuation arrangements. They will be negotiated at the time; it is quite simply that. We also say that they will stop their entitlement: it will be accrued, preserved and then a new superannuation arrangement will be put in place. I made that quite clear.

In relation to the open offer, it still remains: it will be there. I suspect that, if we do what we intend and get everybody on board in the process, those people will want to stay with the new organisations. One of the great problems that the State Public Service has faced over the past 11 years was the totally inept Administration which has allowed the quality of Public Service delivery to decline to dramatically low levels. What we have seen—and every member in this House will recognise this with public servants ringing them—is that people have upheld a fine tradition and provided a fine service to this State, but they now find that their best efforts have been thwarted by the activities and actions of the former Government. That was a constant reminder to me of how much damage the previous Government did to the Public Service in this State.

Our intention is to put pride back into the Public Service to make sure that the jobs are meaningful and that they are delivered efficiently. As far as the two organisations are concerned, we have said that we will make them the best organisations of their type in Australia. I believe that, under those circumstances—and if they want to, they can come back into the Public Service—as I said, most of them, if not all of them, will stay where they are.

HOSPITAL WAITING LISTS

Mr BROKENSHIRE (Mawson): Is the Minister for Health aware of the hospital waiting list increase in general and in particular in the southern areas over the past six months, and what are the Government's plans to address the problem? Hospital and health services waiting lists in the south have been enormous for a few years; however, many constituents have recently complained that health services workers are telling them that the waiting lists are rapidly increasing because people are dropping out of private health insurance and thus seeking public health services.

The Hon. M.H. ARMITAGE: I thank the honourable member for his question. I acknowledge his continuing fierce representation of the constituents in Mawson in particular and the south in general.

Members interjecting:

The Hon. M.H. ARMITAGE: It is fierce representation. It is a pleasure to be in the House and see such fierce representation of constituents in that area: it was quite obviously lacking before. The Government is well aware of the number of people on the waiting list. In fact, the latest figures I have seen indicate that there are 9 509 people on the waiting list. That is an appalling indictment on the past 11 years of stewardship by the previous Administration. When you look at the numbers of people waiting on operating lists graphically, what is most striking is that there was a huge upturn in the figures presented between November and December. That is the time when the then Government was asking South Australians to elect it, partly because it had the answers to all the health problems of South Australia. Palpably it did not.

Unfortunately, the health system is a little bit like a super tanker in that you have to start making adjustments now to see change later. That is what we are doing. The member for Mawson indicated that many people are concerned because they are having to drop out of private health insurance. That

is clearly the case. I am concerned about changes which we hear may occur in the Federal ministry. Senator Richardson got a lot wrong, but one of the things he got right was that you cannot have this continual bleeding of the private sector, because it puts continual demand on the public sector. Most of his colleagues, in particular the well remunerated Prime Minister, will not privately insure, so that leaves State Ministers, most of whom are Liberal members, with the job of providing services for the public, and that has made it very difficult.

As regards the numbers in private health insurance, prior to the introduction of Medicare, about 70 per cent of people were privately insured. The number now in South Australia is 36 to 38 per cent, and unfortunately it is dropping by about 2 per cent every year. A recent exit poll indicated that 70 per cent of people say that is occurring because of financial difficulties that they were having under previous Administrations. The question is: what Federal Government policies will stop this decline? The answer thus far is, 'None.'

The honourable member asked, in particular, about waiting lists in the south. There is a problem at the moment in that many of the acute beds in hospitals in the southern area have nursing home type patients in them. That is a Federal funding problem, of course, but they present a logjam for the public sector. We have approached the Federal Government about this. Unfortunately, it says that it is perfectly all right to have a long wait, because other States sometimes have a wait of three months. Normally in South Australia it is about one week. Once again, we are being asked by the Federal Labor Government to accept the lowest common denominator, and that is not good enough. Our discussions have suggested a number of innovative solutions to remove the logjam. Thus far there has been no great joy, but I am optimistic because negotiations at the moment seem to be heading in the right direction.

Recognising that a number of nursing home type patients cause a blockage which will not allow us to put acute patients from the waiting lists in from the other end, on Saturday in the press there was a call for expressions of interest in expanding a convalescent unit off campus which would free 16 acute beds at the Flinders Medical Centre, allowing more operations to be carried out. That is another example of this Government doing things. I have instigated a series of meetings with near country hospital Chief Executive Officers to see whether any of them have any facilities for taking more of these nursing home type patients, with the obvious agreement of the patient and family, again to free the acute hospitals so that we can put more patients through. Those are options which will alleviate the problem immediately.

Of course, after 1 July, with the introduction of casemix funding, which will allow the Government to target efficient hospitals which are providing operations directly from the waiting list, we will see a major reduction in the number of people waiting for hospital procedures. Going back to the supertanker analogy, this Government has recognised the hazards and the health system is back on a proper course.

TOURISM PUBLICITY

Mr ROSSI (Lee): Can the Minister for Tourism inform the House about the publicity that South Australian tourism is receiving overseas?

Members interjecting:

The SPEAKER: Order! The member for Ross Smith.

The Hon. G.A. INGERSON: I thank the member for Lee for his question. We all know that he has a special interest in tourism, because in his area he has probably one of the most important tourist attractions in this State—West Lakes.

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith.

The Hon. G.A. INGERSON: Unlike the previous Government, it is a privilege to announce that things are actually happening in tourism in South Australia. The highly prestigious Mondon Weekend television film team visited South Australia between 7 and 17 March. They came here to make a documentary film about the grain trade in the 1930s, as well as a film on South Australian explorers. The world renowned travel author, Eric Newby, was the focal person of the group as he has written a book called *The Last Grain Race*, which is an account of his trip to South Australia. The team has visited Port Victoria, the Gawler Ranges and Port Lincoln, and it has made a long-term documentary film which will appear in England during early May.

This media publicity presentation was organised by a consultant in London who used to be the chief consultant in South Australia, Sheila Saville. The South Australian Tourism Commission organised the itinerary and assisted them throughout the visit. The former Minister should know that that person is coming back to South Australia now that she knows we have a good Liberal Government which will do something about tourism. This presentation, with a viewership in England, will for the first time extend the opportunity of promoting South Australia within the tourism industry overseas.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances. The member for Playford.

Mr QUIRKE (Playford): The other night members of the Finance Sector Union who were in what is known as the old State superannuation scheme held a meeting at the Dom Polski Centre. It was a very well attended meeting. About 360 members were present. Of those 360 people, about 340 identified themselves as being victims of this Government. Those are the people whom this Government intends should have their benefits reduced, and they are the people whom this Government is throwing onto the scrap heap.

Members interjecting:

Mr QUIRKE: An honourable member asked whether I was there. Indeed I was. So were two other politicians. The Treasurer, to his credit, was there. He faced what could only be described as a lynch mob, but I must say that he got some credit for attending that meeting. Mike Elliott from the other place was also there. But as quickly as the Treasurer got credit for being there, he lost it as soon as he opened his mouth because, in a 25-minute address, he made three salient points.

The first was that those people in the room who were employed by the State Bank should be grateful because, if it had been a private company, it would have been bankrupt, the superannuation, as he put it, in all probability would have gone and they would have had nothing at all. That message went down very well.

The next message was that existing arrangements, the honouring of which had been promised by both sides in the lead-up to the election and, indeed, over many years—existing arrangements which in some instances had been in place for 40 years and on which people had reasonably built their future financial considerations—would be too expensive for the Government to carry through.

What we were told, and what we were told in the House that same day in Question Time, was that the cost of honouring those obligations would be about $60 million in the first instance for those 150 people who were over 45 years of age in the State Bank and, because of this supposed double dipping—a problem that the Treasurer was not aware had already been resolved—there would be a further $12 million. He said that that $72 million obligation was too great for the Government to countenance, so superannuation arrangements, which had been entered into not only in good faith but compulsorily when those people joined that organisation, would be terminated.

The Treasurer also said a third thing that went down very well. In his 25-minute speech he made the comment that when SGIC comes to the auction block the same thing will happen. Indeed, he said he was not sure if there were any members of the old State superannuation scheme in SGIC. I must say that we were both grateful to the Hon. Mike Elliott, who pointed out that the number is 70. I am not sure if the number is exactly 70 but that was the number mentioned on the night. I understand that about 70 employees of SGIC will be affected. During Question Time yesterday we discovered that the Pipelines Authority and other similar organisations will also go to the auction block, and we have been told by the Treasurer that when that happens the superannuation arrangements—

Mr Lewis interjecting:

Mr QUIRKE: —the same arrangements that the member for Ridley is so looking forward to, and in his case will probably be kept, will be null and void. It is disgraceful that a Government can turn on its own employees in such a way. It is despicable; it is the sort of thing that should never happen.

Mr BUCKBY (Light): I wish to bring to the attention of the House the problems associated with cost-plus contracts in building a house. I have been approached by a residents group within the electorate of Light, 30 of whom have problems with a local construction company by the name of Countryside Constructions. These 30 residents have entered cost-plus contracts with Countryside Constructions, only to find later that the cost of their house has increased by some 30 to 40 per cent over and above what has been quoted.

In one instance, a Mrs Hilary Stones of Mallala, who was quoted a price of $200 000 for her house—complete at the hand-over stage—has now been quoted a price of $250 000—an extra $50 000 to complete that contract. Fortunately, she was smart enough to stop any further payments when the price reached $200 000 but, unfortunately, she is now left with an unfinished house—might I say, unfinished to the stage where the sewerage system to her house is not connected. She has a tank but there is no pump to take sewage way from the house which, of course is a problem for health as well. She has actually paid for a complete sewer system but the owners of Countryside Constructions have not supplied it.

A number of warnings apply to people undertaking cost-plus contracts when building a house, and these are very amply set out on the foreword page of a document issued by the Housing Industry Association. They warn people that certain problems can arise with cost-plus contracts. Mr Don Kennett, of the Housing Industry Association, says that cost-plus contracts are very rarely used. They are used mainly where the results of building are unknown, perhaps where there is landfill or where excavation is taking place and the costs are unknown.

The real problem for these 30 residents now is that many of them have incomplete houses. One couple have been declared bankrupt because they had to borrow the extra money to try to complete their house, and two marriages have broken down because of the stresses and strains associated with the building problems. It does not end there. In September last year the court ruled that an administrator to Countryside Constructions be appointed, namely, Mr Campbell of KPMG Peat Marwick, and he has since identified $2 million worth of creditors owed money by Countryside Constructions. He has also identified that any creditors prior to 23 December will not be looked after by KPMG and, therefore, they are left out on a limb.

There is obviously some problem with our law—and I have written to the Attorney-General—when a loophole exists to allow this type of thing to happen. What is even more concerning is that the administrator from KPMG advised those creditors that Mr Graham Lake, the owner of Countryside Constructions, is now applying to register another company in the name of Adelaide Homes Pty Ltd. This would suggest that Countryside Constructions may be left holding the $2 million and those people who are yet to have their homes finished may be left holding the baby.

As I said, I have approached the Attorney-General on this matter. We are looking into the contract to see whether or not the residents have any lawful claim in that area. The 30 affected owners are considering taking joint action, and I trust that, first, Mr Lake will not be able to register a new company until Countryside Constructions has completed its obligations; and that, secondly, if there is an anomaly in the law it will be removed.

Mr FOLEY (Hart): I want to briefly talk today about the Government's decision in respect of the Ophix development in Wilpena Pound and the announcement that the Rasheed family will be upgrading the existing Wilpena facility. It is with disappointment that I read this morning that the Government has deemed it appropriate to scrap the Ophix plan, but I have to be honest and say that as the Opposition's shadow Tourism Minister I can understand that decision. That is not to say that I am pleased with it but I think the commercial reality was such that Ophix had had quite a long time to make a commitment to the Wilpena development and has had more than ample opportunity to raise the appropriate capital to develop that project.

I think that the Minister has had little choice but to accept the fact that it was highly unlikely that Ophix would raise the capital and he had to look to put in place alternative resort facilities. The Wilpena Pound area is obviously a site well known to many South Australians, and indeed to me, having spent many holidays in that area. I think that the Rasheed proposal has merit, although I do not know that that side is particularly suited to the sort of expansion that may be being mooted.

The Government, together with the Rasheed family, must look very carefully at the environmental problems associated with the entrance to Wilpena Pound. It is a very fragile area

which has been visited by many tourists and it may be that that site cannot cope with the establishment of a major facility. I would urge the Government to ensure that the appropriate environmental concerns are addressed, also taking into account the concerns relating to the local Aboriginal community. As a community, we should not now sit back and say, 'Well, over the next couple of years we have the Rasheed family putting $3 million or $4 million into this development and that will be enough.' Wilpena Pound, to my way of thinking is probably the State's best tourist asset.

The figures reveal that it accommodates in the order of 200 000 visitors annually, most of those visitors coming from interstate and overseas. Whilst the Wilpena development is welcomed from this side of the House, it will not be sufficient. My view is that we must continue to seek out investors prepared to put environmentally sensitive facilities into the Flinders Ranges—facilities in tune with the area but, nonetheless, we need to have more facilities. We had the Cameron McNamara report some years ago, in 1986, which essentially was the catalyst for the original Ophix development. That report stated that we should not have six or seven separate satellite facilities sprinkled throughout the Flinders Ranges but that we should concentrate on one area and, hence, that is why the Ophix development came forward.

We should take that report into account and ensure that we work quickly on attracting investment into that area. I support the Government's initiatives as outlined in the media today with respect to having to put infrastructure in place in the Flinders Ranges. We clearly need to have money spent on the roads in the Flinders. There may well be a strong argument for the Government to look at some form of capital funding towards the Hawker airstrip, upgrading that facility to enable jets to fly between Adelaide and the Flinders to give us quick mobility of international tourists into the Flinders.

I support the general thrust of what the Government has done with respect to the decision to scrap Ophix. However, we should not now sit back and be satisfied with what is a very modest and some would even argue a small development in respect of what the Rasheeds are putting forward. It is an important one, which I welcome and support, but it will not be sufficient. We need to look at attracting further investment to give us the accommodation, the support, the services and facilities in the Flinders that this world-class tourist attraction deserves. If we are to market the Flinders Ranges throughout Australia and, more importantly, throughout the world we cannot have visitors going to that part of the world without decent accommodation.

Ms GREIG (Reynell): I wish to address the Alice Springs to Darwin rail link. This matter has been mentioned in the other House, but I will put my support behind it also. Throughout both Federal and State election campaigns, there was a great deal of debate regarding the Alice Springs to Darwin rail link, which could ultimately become an Asian link that could put South Australia at the hub of the nation's first transport system involving that area. The Northern Territory Chief Minister, Marshall Perron, stated early last year that the building of the railway would not only open up a direct link between Adelaide and Asia but it would give us valuable spinoffs in lower road costs, fuel savings and environmental benefits.

There would be a massive boost to South Australia's steel and concrete industries with an estimated 2 000 jobs. We as a State need to get behind this project. We have to use our influence and mobilise the ideas so that the Federal Government makes a commitment rather than gives us mere expression of support. A major benefit to South Australia would be access to the Northern Territory market and South Australia's positioning at the hub of a transport network for the whole of Australia. It has been estimated that building the 1 400 kilometre railway would use 155 000 tonnes of steel rails from the Whyalla steelworks, more than 2 million sleepers, 15 kilometres of culvert pipe, 3 500 tonnes of structural steel and 2 million cubic metres of ballast. It would involve earthworks totalling 14 million cubic metres, the upgrading of 160 bridges and culverts, and 80 new bridges.

By transferring freight from road to rail, some 70 per cent of road freight traffic would be removed from the Stuart Highway. Fewer heavy road freight vehicles would reduce the need for road maintenance and reconstruction by approximately $12 million a year. It would also make the highways safer for passenger vehicles, reducing the toll in deaths, injuries and property damage. Using fuel-efficient rail transport, railways could save more than 2 million litres of fuel over the next 50 years. On today's prices, these savings could exceed the $800 million initial cost of the rail link project.

Environmentally, not only would the fuel saving reduce the depletion of fossil fuels, it would also reduce our contribution to global warming. A total of 114 000 tonnes of carbon dioxide could be reduced annually by transferring road freight to rail. The new rail link has been a South Australian pioneering vision since 1890 when the Commonwealth acquired the Territory. In 1911 the agreement with South Australia obliged the Commonwealth to complete the north-south rail link, but successive Federal Governments have not carried out the agreement. As a Government, we have shown our support for the rail link, and I look forward to seeing this project become a reality.

Ms HURLEY (Napier): I wish to refer to scientific and agricultural research. Universities in this State have a very proud tradition in scientific research and have produced a number of outstanding graduates over the years, many with international reputations in their field. Since the last century, we have had some outstanding graduates coming from Adelaide University and more recently from both Flinders University and the University of South Australia. This State has particular areas of expertise in scientific research, notably mining and mineral analysis, agriculture and, to a large extent, health—for example, in the blood transfusion area.

Members would know that research does not necessarily produce quick results: starting on one track, one often gets diverted or reaches a dead end and then has to go back and start again. It can be a very time consuming process. It can also be a very costly process. In tight economic times, it is very easy to withdraw or freeze funds for research. It is an area that can be very easily cut without any obvious immediate drawbacks. As a result of this, many of our research institutions have gone into contracting out their research capabilities either in the form of projects or in consulting. They have also sold some of the products of their research to other companies to take it to the initial stages of production. However, this is a time consuming and expensive business in setting up such marketing expertise. Scientists are not generally noted for their marketing ability and it usually requires setting up a separate entity to run this.

I want to concentrate on this matter today, because I have heard worrying rumours around the scientific community and the agricultural research area in particular that in future

agricultural research in this State might be rearranged and encouraged to become almost entirely self funding. I am concerned about this because, as members would know, in the past the rural community has, as much as possible, supported research in agricultural areas in this State. The people concerned will no doubt do as much as they can in the future, because they recognise the value of this research: that is true in Australia generally. Australians have a good record in agricultural research and it has produced some tangible and very major benefits in agriculture, in the same way as mining research is supported by mining companies. Indeed, they have their own association, AMIRA (the Australian Mining Industry Research Association).

The rural community does not have the organisational ability of the mining industry and, in the current conditions, it does not have the capital, the spare funds available, to support research. I am particularly concerned because agricultural research covers statewide interests, and it was mentioned today that salinity is a problem in the South-East. In Australia, there is biosalinity research going on which introduces plants used to growing in salty soil. Other new products are needed in the agricultural area. One example of this is in horticultural research. A number of flower growers in my electorate are producing new improved flowers for the export market. Much of that ability has come from research into producing flowers that bloom at different times of the year or from the production of more regular blooms. Farmers are not able to support this research always in monetary terms. There has been some suggestion that all such research should be left to the Federal Government, that it should be nationalised in that sense. I can see the logic of that argument. There is some value in coordinating our research around Australia.

Mr CAUDELL (Mitchell): In this grievance debate I want to discuss problems associated with the movement in the price of petrol, which is an issue that has been deliberately clouded by the oil industry. Increases in the price of petrol of between 10¢ and 15¢ per litre and very slow price decreases have been common. Many people in my electorate have expressed concern to me about this movement and the fact that they cannot understand what is occurring with regard to the price of petrol at their service station. In fact, there is no confusion, because the retail price of petrol is manipulated by the oil industry. The most recent occurrence was this weekend when BP telephoned its service station dealers on Friday advising them to put up the price of petrol at their pumps at midnight on Sunday. Other service station dealers in the area were advised that BP was moving first and that they were to increase the price of petrol by lunchtime on Monday.

That is not so amazing, because it has been going on for a long time in the oil industry. I remember that, when I first started in the oil industry in 1972, one of my jobs was to ring around all the other oil companies to see whose turn it was to quote for the local government business at that stage and what the price would be. This was before the Trade Practices Commission came into being. Much of the time the oil industry blamed dealer-owned service stations for manipulating the price of petrol and forcing the price down, but that is totally incorrect. The oil industry totally controls price decreases, when it has excess product and it wants to move it from a particular area, when its market share has dwindled or before the release of market share figures from the Bureau of Statistics or in retaliation for the loss of a large customer from an area.

The oil industry also controls the location of the pricing, and who gets assistance and what assistance is offered. The oil industry has sent more than one service station dealer in this State bankrupt; it has caused cost to our community in unemployment, bankruptcies and family break-ups; and it has destroyed lives. It is an unknown financial cost to the economy of this State. It affects businesses by making them unable to plan strategically; it affects the ability of service station dealers to plan for their cash flow forecasts; and it affects their capital costs with regard to their relationship with their bankers.

The oil companies say that petrol itself is only a minor aspect of a service station's business and that the shop is the major area. However, it is a large part of the total cost, and it is ridiculous that service station dealers in South Australia are losing money. Their costing is such that the oil companies control the whole market, and it is one of the few industries that controls not only manufacturing and distribution but also retailing.

The United States has anti-trust laws which were set up to control this situation and to break up the marketing of petroleum products. When we had the introduction of a franchise fee—which was an American idea—to whip an extra $20 million out of Adelaide service station dealers, the previous Labor Government sat on its hands and failed to give them any protection under the Landlord and Tenant Act. Although the service station dealers called for protection, they did not receive it. The oil industry has constantly breached provisions of the Trade Practices Act, and the Trade Practices Commission has failed to act. It has previously been advised of information associated with the price fixing of petroleum products in South Australia. It is time for the oil industry to get out of the retail market.

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

WILLS (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. S.J. BAKER (Deputy Premier): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill amends the Wills Act in a variety of respects. The genesis for the changes came largely from the Registrar of Probates and the judges of the Supreme Court together with suggestions from the Law Society. Many of the changes have been the subject of a report by the New South Wales Law Reform Commission.

The Bill represents the culmination of a considerable period of consultation and discussion commenced by the former Attorney-General.

The principal changes made by the Bill are as follows:

Will making by Minors

At present minors (those persons under the age of 18 years) do not have testamentary capacity. If an unmarried minor dies, leaving any estate, the rules of intestacy provide that the estate will devolve upon the minor's parents, or if the minor's parents are deceased upon the minor's surviving brothers and sisters. If the minor is married the estate passes to the spouse and children.

The NSWLRC has expressed the view that there may be occasions when it is appropriate for a minor to make a will varying

the order of intestate distribution. Examples of situations where this may be appropriate include the situation where a minor is entitled to considerable damages or owns considerable assets. The NSWLRC considered this problem could be overcome by giving the Supreme Court power to give approval in advance to allow a specific will to be made. This option was preferred to the alternative of empowering the Court to confer testamentary capacity. It was considered that the minor's ability to make a will should be closely controlled and that the Court should be able to examine the circumstances in any particular case to ensure that the minor is not subject to undue influence.

This recommendation was supported by the Law Society and is included in this Bill.

Further provision is made for a minor to make a will in contemplation of marriage and to retain testamentary capacity in the event of divorce.

Requirements as to execution of a will

The Wills Act currently provides for a will to be properly executed it must be signed by the testator at the foot or end of the will. The effect of this requirement is that in cases where the testator signs the will at the side or on a page other than the last page, the will, even though signed in the presence of witnesses, must currently go to the Supreme Court to be declared a "valid document purporting to embody the testamentary intentions of the deceased person" under section 12(2) of the Wills Act.

It is the opinion of the Registrar of Probates and the judges of the Supreme Court that there is no reason why the requirements for signature at the foot of the will cannot be relaxed. In the UK and in WA there is no longer any requirement for the signature to be in a spatial relationship to the end provisions of the will. There have been other reform proposals from NSW, Vic, and ACT recommending such changes.

This Bill provides that it must appear from the face of the will or otherwise that the testator intended by the signature to give effect to the will. This will allow extrinsic evidence of the testator's intention (where relevant) to be taken into account. These amendments will allow the "misplaced signature cases" to be dealt with expeditiously.

Witnessing requirements

The Bill maintains the current requirement that the testator make or acknowledge his or her signature in the presence of two witnesses. However the Bill makes clear the fact that the two witnesses need not sign in each other's presence. While the Wills Act does not currently specifically require the joint presence of the two witnesses when witnesses sign, the practice is for witnesses in fact to sign in each other's presence.

Informal wills

A major amendment made by this Bill is to the sections of the Wills Act relating to the proving of informal wills.

South Australia was the first State to enact provisions enabling the Supreme Court to admit to probate a document which does not comply with the formal requirements of the Wills Act.

The current standard of proof in section 12(2) is that the Court must be satisfied that there is no reasonable doubt that the deceased intended the document to constitute his or her will. This Bill replaces that criminal onus with a heavy civil onus which will be determined by judicial determination. It appears anomalous and contrary to the principles applied in civil litigation, including probate litigation, to impose the criminal standard of proof. Other States which have now followed the South Australian section 12(2) procedure have all opted for a lesser standard of proof requiring that the Court be "satisfied", the document was intended to be the will of the deceased. It is quite clear that the Courts will continue to scrutinise closely all written and oral evidence in determining whether to exercise the dispensing power.

A further amendment to section 12 makes clear that it applies to a document which came into existence outside this State but which is propounded for probate here. This is a problem drawn to the attention of the Government some time ago by the Hon. H. Zelling, and the opportunity has been taken to remedy the problem.

The final amendment to section 12 concerns the jurisdiction of the Registrar of Probates in relation to informal wills. Provision is made for the Registrar of Probates to exercise the dispensing power pursuant to Rules Of Court. The Registrar of Probates in NSW has authority by the Rules of Court in that State to deal with all non contested informal will matters. It is not unreasonable to anticipate that the making of similar Rules of Court in this State will result in a saving of both cost and time to the estate of a person who dies leaving an informal will and to the Court.

Opportunity has also been taken to make clear that the dispensing provision applies also to instruments of revocation.

Rectification

The final matter dealt with by the Bill is the matter of rectification.

In the general law where that form of a document does not truly reflect the stated intention of the party or parties to it, the equitable doctrine of rectification enables the court to correct the document to express those intentions. The principles of rectification are well settled and accepted. The party seeking rectification must provide clear and convincing proof of error and must clearly establish what form the document was intended to take. The Court currently has the power to correct mistakes in wills but that power is more circumscribed than the equitable doctrine of rectification. The UK, QLD, NSW and ACT have all now included a specific power of rectification. This Bill therefore provides that rectification of a will is available wherever a court is satisfied that the will is so expressed that it fails to carry out the testators intentions.

In large part this Bill brings the South Australian law in relation to wills into line with the law which applies in other jurisdictions.

The Bill does not deal with 2 matters which will be the subject of further consideration and perhaps future legislation. The first of these matters concerns provisions allowing for the making of statutory wills for persons who do not have testamentary capacity. Provisions of this type have not been enacted in any Australian jurisdiction but have been in existence for some time in England, and were recommended by the New South Wales Law Reform Commission in the Report entitled "Wills for persons lacking will-making capacity". The second matter concerns the effect of divorce on wills. The law in this area is clear in this State in that divorce has no effect on the validity of a will. However, some of the other jurisdictions have made provision for divorce to affect the validity of a will in a variety of ways: invalidating the whole will, causing a bequest to a former spouse to lapse, or the will may be treated as if the former spouse had predeceased the testator. These issues will be further considered.

The Bill is a worthwhile reform and is commended to all Honourable Members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 3—Interpretation and application of Act

The amendment inserts definitions of "adult" and "minor" for the purposes of new sections 5 and 6 inserted by clause 4.

Clause 4: Substitution of s. 5

Section 5 dealing with wills of minors is replaced by 2 new sections dealing with wills of minors.

Section 5 enables a minor who is or has been married to make, alter or revoke a will. It also enables a minor to make a will in contemplation of marriage.

Section 6 enables a minor to make, alter or revoke a will pursuant to an order of the Supreme Court. The court must be satisfied that the minor understands the nature and effect of the proposed action, that the proposed action accurately reflects the intentions of the minor and that the order is reasonable in all the circumstances.

Clause 5: Amendment of s. 8—Requirements as to writing and execution of will

The formal requirements for the execution of wills are altered in two respects.

The testator's signature must currently appear at the foot or end of the will. Under the amendment the testator's signature may appear anywhere on the document so long as the testator intended by the signature to give effect to the will.

Currently 2 witnesses must sign the will in the presence of the testator. Under the amendment the two witnesses may either sign or acknowledge their signatures in the presence of the testator (but not necessarily in the presence of each other).

Clause 6: Repeal of s. 9

This amendment is consequential to the amendment in clause 4 removing the requirement that the testator's signature be at the foot or end of the will.

Clause 7: Amendment of s. 12—Validity of will

The amendment alters the burden of proof with respect to informal wills. Currently the Supreme Court must be satisfied that there can be no reasonable doubt that the deceased intended the document to constitute his or her will. Under the amendment the Court must be satisfied that the document contains testamentary intentions. The Court is also given express power to take account of informal documents revoking an earlier formal or informal will.

The amendment also makes it clear that the provision applies to wills that come into existence outside the State and that Rules of Court may authorise the Registrar to exercise powers under the section.

Clause 8: Insertion of s. 25AA and heading

The new section gives the Supreme Court power to rectify a will that the Court is satisfied does not accurately reflect the testator's intentions.

Clause 9: Application of amendments to formality requirements

The amendments as to formal requirements for the execution of a will are to have effect whether the will was made before, on or after the commencement of the amending Act.

Mr CLARKE secured the adjournment of the debate.

RETIREMENT VILLAGES (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. S.J. BAKER (Deputy Premier): I move:

That this Bill be now read a second time.

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

Leave granted.

These amendments to the *Retirement Villages Act 1987* are the pleasing result of successful discussions between industry, resident groups and government. Since 1990, the Retirement Villages Advisory Committee has considered a wide range of changes to this legislation in order to address certain contractual and financial matters, provide for a limited form of guaranteed refund and to clarify the rights, obligations and responsibilities of administering authorities and residents.

The first matter of significance is that there will be a settling period of ninety days during which the resident may elect to leave the retirement village and in such a case the resident will receive a full refund of the premium paid on entry to the village, but will be required to pay a fair market rent for the time of occupation and for any services provided.

Another feature is that there will be a greater role for the resident's committees in the daily management of villages through regular consultation with the administering authority.

At meetings of residents, the administering authority must be represented by a person who can speak on its behalf and answer questions put by residents. Residents must receive detailed financial information prior to the meeting.

Where a village is sold, the proposed new administrator must meet with residents prior to purchase to discuss the future management of the village and any proposed financial changes. The new administrator must give notice of any intention to raise charges.

There will be a better defined role for the Residential Tenancies Tribunal with a distinction between disputes affecting legal rights and liabilities, and disputes requiring arbitration and conciliation. The Tribunal will have the power to hear matters concerning the premium which were previously only within the jurisdiction of the Supreme Court.

The new amendments will provide for a mandatory code of conduct dealing with the issues of guaranteed refunds, marketing and relicensing of units, consultation with residents' committees and the presentation of accounts. A code has already been developed by negotiation between the parties and in many instances industry and resident groups met independently of government officers to determine the provisions. A code also provides a model of more flexible regulation than can be achieved through legislation.

Key features of the proposed code include procedures to be followed where a resident for medical reasons needs to move from the village to some form of supported care. In such a case, the code will provide for a guaranteed refund within sixty days to the resident of an amount of the premium necessary to move to that supported care. Once the unit is relicensed, the resident will then receive any further monies to which he or she might be entitled under the residence contract.

Plain English will be required in all documents dealing with retirement villages and there will be certain minimum essential information which must be provided.

These amendments will benefit both residents and administering authorities and reduce the role of government by setting clear guidelines for the management of villages.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will come into operation on a day to be fixed by the Governor by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This amendment corrects a clerical error that currently exists in the Act.

Clause 4: Amendment of s. 4—Application of this Act

This clause revises the provision that provides that the legislation binds the Crown in order to make it consistent with other, more recent, legislation.

Clause 5: Amendment of s. 6—Creation of residence rights

This amendment will allow the regulations to prescribe requirements which must be met by residence contracts. The Act will also expressly provide that a residence contract is enforceable against whoever is the administering authority of the retirement village for the time being.

Clause 6: Amendment of s. 7—Termination of residence rights

This clause introduces the concept of a settling in period. It will be a term of every agreement that the right of a resident to terminate the residence contract during the settling-in period cannot be limited or qualified. No penalty can be applied if the resident terminates the right of occupation during the settling-in period. However, the resident will be required to pay fair market rent for his or her occupation of the unit, and other amounts payable under the contract.

Clause 7: Insertion of s. 9a—Absence from retirement village

It is proposed that a resident not be required to make certain payments if he or she is absent from the village for 28 days or more, or after he or she ceases to reside in the village. In addition, a resident who has left the village and is waiting for a refund of premium will not be required to pay for recurrent charges until the premium is refunded.

Clause 8: Amendment of s. 10—Meetings of residents

These amendments relate to meetings of residents. The annual meeting of residents will be chaired by a representative of the administering authority who is authorised to speak on behalf of the authority and answer residents' questions. A greater degree of financial reporting will be required, and residents will be encouraged to submit written questions to the administering authority to be answered, if possible, at the annual meeting. At the same time, amendments have been made to assist the administering authority in the preparation of its financial statements and to allow the authority to set a financial year for a particular village.

Clause 9: Insertion of s. 10aa—Meeting with new administering authority

New section 10aa addresses the difficult issue of a change in ownership of a retirement village. The legislation will require the incoming administering authority to convene a meeting of residents and present a report on future changes and its plans for the future management and operation of the village. Residents will be able to ask questions.

Clause 10: Amendment of s. 13—Residents' committees

The legislation will make it an offence for an administering authority to discourage or prevent the appointment of a residents' committee, or to obstruct a residents' committee in the performance of its functions.

Clause 11: Substitution of s. 14—Tribunal may resolve disputes

This clause rewrites the section of the Act relating to disputes before the Residential Tenancies Tribunal. The new section will clarify the powers of the Tribunal in relation to disputes and the principles that must be applied by the Tribunal in the exercise of its jurisdiction. For example, the Tribunal will be able to make orders if it finds that a contract has been broken, that the Act has not been complied with, or that an administering authority has acted in a harsh or unconscionable manner. It will also be able to resolve disputes as to the repayment of a premium. If a dispute does not involve such issues, or the Tribunal considers that the matters should proceed by arbitration, the Tribunal will be empowered to act as an arbitrator with the consent of the parties. The parties will also be able to apply to have their dispute resolved through arbitration. In such a case the matter will be resolved by reference to considerations of general justice and fairness. The Tribunal will be able to decline to hear an application if it considers that the matter should be dealt with under the rules of the retirement village, or by proceedings before a Court or another tribunal. The provisions will not affect the ability of the Tribunal to attempt to resolve a matter in dispute by conciliation.

Clause 12: Amendment of s. 19—Non-compliance may be excused by the Tribunal

Section 19 of the Act currently provides that inadvertent non-compliance with a provision of the Act may be excused by the Supreme Court. This jurisdiction is to be vested in the Tribunal.

Clause 13: Substitution of s. 21—Contract to avoid Act

21a. Codes of conduct

This clause revises the provision that prevents a person from entering into an agreement to exclude or limit a right under the Act. The amendment will provide a greater degree of protection to residents while, at the same time, allow appropriate modifications in special circumstances permitted under the Act. New section 21a will provide for the prescription by the regulations of codes of practice to be observed by administering authorities.

Clause 14: Amendment of s. 23—Regulations

This amendment will allow the regulations to make provision in relation to the form or content of residence contracts.

Clause 15: Insertion of schedule 3

It is proposed to insert a new schedule in the Act dealing with proceedings before the Residential Tenancies Tribunal under the Act. Regulations under the Act currently provide for the application of certain provisions under the *Residential Tenancies Act 1987* to proceedings under the principal Act. It will be easier for residents and administering authorities if the relevant provisions are brought together under the one piece of legislation. The provisions to be inserted by this amendment are modelled very closely on the provisions that apply to proceedings under the *Residential Tenancies Act 1987*.

Clause 16: Transitional provision

This clause contains various transitional provisions that are relevant to the enactment of the new legislation. In particular, the provisions that relate to the form of residence contracts and settling-in periods will not apply to contracts entered into before the commencement of the new legislation.

Mr CLARKE secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 546.)

Clause 6—'Substitution of s.30.'

Mr De LAINE: I would like to continue the line of questioning that my colleague the member for Playford undertook this morning in relation to authorised journeys undertaken by employees within their employment. What will constitute authorisation for a journey under the legislation? Does it have to be written into awards and duty statements, or is it a written authority at a particular time by some authorised person?

The Hon. G.A. INGERSON: We have entered into a new era of flexibility. The arrangements between the employer and employee will be handled at individual enterprise level, and whatever method they use will be accepted.

Mr De LAINE: But in the case of a disputed claim what is important is what the courts will accept. That is the bottom line, and it needs to be spelt out. I feel very uneasy about it unless some specific legal guidelines are set up which the courts will recognise.

The Hon. G.A. INGERSON: If there is any need for special regulation when this Bill is proclaimed it will happen at that stage.

Mr De LAINE: As teachers have been mentioned at some length, I will use them in an example that I will put to the Committee. This is not like some of the unusual and frivolous examples provided by Government members—

The Hon. G.A. Ingerson: Your members.

Mr De LAINE: I said Government members. Teachers sometimes need to take an injured or sick child home or to a hospital. What will happen if a teacher is put in that position and is unfortunate enough to have an accident? What will happen in the event of a claim being made? If a teacher seeks permission to undertake such a journey, will it have to be given in writing, and how senior will the person giving the permission have to be? Will it be the principal or deputy principal?

The Hon. G.A. INGERSON: School administrations, along with all teacher employees, will be quite capable of working out an administrative process in respect of duties of employment that will stand up under law. Those activities listed as part of the duties of employment will be covered. Those activities not listed will not be covered. It is as simple as that.

Ms HURLEY: My question is on new section 30B(ii), which relates to disabilities not being compensable. What legal power does an employer have to compel an employee to be tested for alcohol and drugs?

The Hon. G.A. INGERSON: Some employers have common law rights, and it will depend entirely on how it is designated in the discussion between the two parties.

Ms HURLEY: What motivated the Government to remove from the present section the rights of widows and dependent children to derive compensation following the death or total and permanent incapacitation of an employee who was guilty of serious and wilful misconduct or under the influence of alcohol or drugs, and what are the cost savings to WorkCover?

The Hon. G.A. INGERSON: It is the Government's view that no justification exists for an employer having to fund issues that relate to the use of drugs or alcohol in employment.

Ms HURLEY: I repeat the last part of my question: what are the cost savings to WorkCover from the deletion of the ability of widows to derive compensation?

The Hon. G.A. INGERSON: Those figures have not been provided to me at this stage. I will provide them to the honourable member prior to the Bill's going to the other place. If the information is not provided at that stage, I will make sure that it is available for insertion into *Hansard* in the other place.

The Committee divided on the clause:

AYES (29)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Gunn, G. M.	Ingerson, G. A. (teller)
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Tiernan, P. J.	

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Quirke, J. A.	Rann, M. D.

PAIRS

Brown, D. C.	Atkinson, M. J.
Olsen, J. W.	Foley, K. O.
Wotton, D. C.	Hurley, A. K.

Majority of 23 for the Ayes.

Clause thus passed.

Clauses 7 and 8 passed.

Clause 9—'Commutation of liability to make weekly payments.'

Mr CLARKE: In relation to new section 42(3), what rationale did the Minister and the Government use to give the WorkCover Corporation the absolute discretion to commute or not commute a liability under that section? Why is the corporation's decision on applications for commutation not reviewable? Under the existing legislation any decision by WorkCover with respect to commutation is subject to judicial review. I would have thought that that is a basic right for every citizen in this State, particularly when dealing with Government authorities—their word is not final. In a case where there is an unjust or unreasonable decision, it should be capable of judicial review, as it is currently. It is a highly authoritarian decision. It takes away any semblance of equality of bargaining power between the injured worker and the corporation.

Under the amendment the corporation has the final say, knowing full well that it cannot be challenged in its negotiations with the injured worker on the issue of commutation, yet at the moment, and as it should be in any bargaining process, to level the scales of justice it is aware that, if it is unreasonable in its actions, the decision is subject to judicial review. There is no excuse and it is an absolute scandal that the Government is willing to throw any balance away as a result of the amendment.

The Hon. G.A. INGERSON: What an amazing question. The only reason why we have this provision is that the previous Government agreed with the unions and the Democrats when it introduced section 42a concerning commutation of weekly benefits and it was agreed to in this Parliament in December 1992. That is why we have introduced it—because we thought members opposite would support it. It is exactly the same position of having a non-reviewable decision for commutation of weekly benefits. It is a simple reason and perhaps I will read to the honourable member the exact situation as it occurred in December 1992 when the same principle was brought into the House by the previous Government and agreed to by the Democrats in another place. It was publicly agreed to by the union movement. I would have thought that the Liberal Party was in step with what the previous Government wanted. In a letter to a member in another place, WorkCover advised the following:

> . . . these proposed changes are no different to the provisions inserted by the Parliament in December 1992 in section 42a(9). . . those provisions, which were inserted with the agreement of the ALP, the Australian Democrats and unions as appropriate protection when we introduced the concept of periodic lump sum alternatives to weekly income support. The corporation has sole power to make a decision whether or not to make a periodic lump sum.

This same provision is brought in now because the Supreme Court recently ruled against the intention of the previous Government that both lump sum and weekly payments would be available to the injured person, against the principle introduced in 1986 by the member for Giles and against every principle that I have been told about by the union movement.

I have never heard anyone from the union movement say that both lump sum payments and weekly benefits ought to be part of the prescription. The honourable member does not know what he is arguing about. This clause results from a Supreme Court decision and is in line with what the Government believes should occur. If the courts interpret differently to the intention of the Parliament, the matter should be corrected. I would have thought that the Labor Opposition would have consulted with its union colleagues to find out what they think about the issue. If the Opposition had consulted with its union colleagues, it might have found out that in 1992 this principle was agreed to at that time. They might have changed now, but in 1992 they agreed with this provision, and that is why the Government believes it should include it in the Bill.

We thought that in this case the people who are so proud of the existing WorkCover system and the amendments they made to ensure that there would be no abuse of the scheme would support the provision. Members opposite have asked me to ensure that, if the amendments I bring in are found not to be in line with what is interpreted by the courts, they will be changed. Here is a perfect example of that. It is not in line with what we necessarily believe, but it is directly in line with what the previous Government believed. We have much support for this provision, because we know the previous Government thought it was good and, more importantly, we know the group whom the honourable member opposite used to represent is wholeheartedly behind the amendment.

Mr CLARKE: The Minister is wrong on a number of counts, but that is not the first time today or since I have been in this House. The point at issue is that the corporation's decision is not reviewable and it totally puts the power balance in favour of the corporation. As to new subsection (3), I have some concerns about the way the provision is drafted. It is possible that we support the Government's intention. Can the corporation initiate commutation proceedings rather than the worker, who initiates proceedings in the first instance under the current Act, all matters flowing from the worker's initiation? New subsection (3) does not state that it is subservient to subsection (1), under which the worker initiates commutation proceedings. All members would be concerned if the corporation of its own volition, or seemingly of its own volition, could initiate commutation proceedings, particularly where the decision was final and was not reviewable.

The Hon. G.A. INGERSON: The existing situation of the worker being able to trigger this whole area is exactly the same. I refer the honourable member to existing section 42a relating to decisions of the corporation:

> (9) The following decisions of the corporation are not reviewable—
>
> (a) a decision of the corporation to make or not to make an assessment under this section (but an assessment is reviewable);—

but the decision is not—

> (b) a decision of the corporation as to whether to make a final assessment or one or more interim assessments;
>
> (c) a decision of the corporation as to whether to pay an amount assessed under this section—

Those provisions were all agreed to and put in by the previous Labor Government. There is no change by this Government, because we believe it did a good job. All we are saying is that the Supreme Court has made a decision that we do not believe is consistent with the intention of the Act, that is, concerning people getting lump sums and weekly pay-

ments at the same time. People should have one or the other. That was always the intention of the previous Minister and the member for Giles. I understood it was the view of the union movement, which the Opposition is supposed to represent. We believe this is an excellent clause because it is in the best interests of the workers. I am surprised, because the honourable member does not seem to be interested.

Mr CLARKE: New subsection (4) seeks to prevent double dipping where a worker can elect to commute and still have a residual income maintenance order made; there have been some decisions in that area. If that is the intention, clearly the Opposition does not have an argument with it. We support the proposition that, if a worker chooses to commute, it is the worker's decision and the worker can take it hopefully in light of the full facts. If they do so, they should not be able to take income maintenance as well. I take it that is the intention of the new subsection. If that is the case, the Opposition has no disagreement with new subsection (4).

The Committee divided on the clause:

AYES (29)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Evans, I. F.
Greig, J. M.	Ingerson, G. A. (teller)
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Penfold, E. M.
Rosenberg, L. F.	Scalzi, G.
Such, R. B.	Tiernan, P. J.
Venning, I. H.	

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Quirke, J. A.	Rann, M. D.

PAIRS

Brown, D. C.	Atkinson, M. J.
Olsen, J. W.	Foley, K. O.
Wotton, D. C.	Hurley, A. K.

Majority of 23 for the Ayes.

Clause thus passed.

Clause 10—'Compensation payable on death.'

Mr CLARKE: I refer to new subsection (15) of section 44. This is a consequential amendment flowing from the amendment that was just carried dealing with the commutation of weekly payments. Again, I point out that the corporation has an absolute discretion to commute or not to commute a liability under this section. The corporation's decision on the application for commutation is not reviewable. I will not go through all the arguments I have put previously with respect to that matter; it has already been dealt with. The Opposition opposes the amendment for the same reasons as it opposed the previous one.

The Committee divided on the clause:

AYES (29)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.

AYES (cont.)

Evans, I. F.	Greig, J. M.
Ingerson, G. A. (teller)	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Tiernan, P. J.
Venning, I. H.	

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Quirke, J. A.	Rann, M. D.

PAIRS

Brown, D. C.	Atkinson, M. J.
Olsen, J. W.	Foley, K. O.
Wotton, D. C.	Hurley, A. K.

Majority of 23 for the Ayes.

Clause thus passed.

Clauses 11 to 15 passed.

Clause 16—'Appeals to tribunals.'

The Hon. G.A. INGERSON: I move:

Page 10, line 17—Leave out 'the Review Officer' and substitute 'a Review Officer'.

We have said that the subject matter should be referred back to 'the Review Officer', but the commission has recommended that that is too tight and that it ought to be a reference back to 'a Review Officer'.

Amendment carried; clause as amended passed.

Clauses 17 to 19 passed.

New clause 19a—'Amendment of third schedule.'

The Hon. G.A. INGERSON: I move:

Page 11, after line 23—Insert new clause as follows:

19A. The third schedule to the principal Act is amended—

(a) by inserting the following sentence after the first sentence of clause 2:

However, in the case of hearing loss, compensation is not payable by reference to this schedule unless the percentage loss of hearing exceeds 5 per cent; and

(b) by inserting the following sentence after the first sentence in clause 4:

However, a percentage loss of hearing is to be determined in accordance with the principles set out in the report entitled *Improved Procedure for Determining Percentage Loss of Hearing* published by the National Acoustic Laboratories and dated January 1988 ISBN 0 644 06884 1).

This amendment relates to hearing loss. Currently there is no lower limit in the legislation in relation to compensation for non-economic loss for noise-induced hearing loss. Some interstate schemes have recently experienced a flood of claims for minor hearing loss. However, WorkCover has been advised by the National Acoustic Laboratories, the expert authority on noise-induced hearing loss, that 5 per cent or less would not be regarded as a disability and a hearing aid would certainly not be prescribed for someone with a 5 per cent or lower level of hearing loss. It should also be noted that the COMCARE workers compensation scheme has a threshold level of 20 per cent hearing loss before compensation is payable. The Northern Territory workers compensation scheme has a threshold level of 5 per cent and Social Security Act assessment of permanent impairment tables have a threshold of 5 per cent.

The reason for introducing this provision is to set up national standards and designate the minimum impairment loss. The Government intends to introduce this amendment

as of yesterday. In consequence, there will be a very clear direction so that we can prevent the situation that has occurred in other States.

Mr CLARKE: The Opposition is strongly opposed to this amendment. It is the equivalent of a Joh Bjelke-Petersen amendment, brought in almost in the dead of night. I understand that the Government has made regulations also dealing with hearing loss with a threshold of 5 per cent. In addition, it is trying to thwart a review through the Legislative Review Committee, because it has not followed the traditional four months notice prior to the regulation coming into effect. The Government has sought to introduce this through an amendment to clause 21 with effect from yesterday. All the justification that the Minister was able to provide to the Committee on this occasion was some claims in eastern States, as yet unidentified and without any information as to the extent of the real concerns of WorkCover or the Government with respect to hearing loss. I just cannot see how the Committee could make any reasoned decision on the Minister's claims.

This matter has not gone through the usual tripartite arrangements of consultation with those who are most clearly affected—the employees. There may have been a few discussions. I realise how close the Minister is to employer organisations in this State and no doubt he is accurately echoing their views. However, to my knowledge there has been no discussion on this matter with the trade union movement, which in the past has not shown itself incapable of resolving disputes with the Government in terms of WorkCover and any sensible changes that may need to be made.

The Minister has not told the Committee about the incidence of claims for hearing loss which have been paid by WorkCover since it came into being in 1987. I believe it is incumbent upon the Minister to advise the Committee of how many hearing loss claims have been paid since 1987, which have been 5 per cent or less, and the total cost to WorkCover. From my rough arithmetic—and the Minister is in a position to confirm or deny the information that I have been able to gather from around the traps—it is considerably less than $1 million over seven years. Indeed, it is probably less than $800 000 in total.

I believe that the Government is again taking a sledgehammer to crack a nut on this entire issue and no justification has been given by the Government for suddenly introducing this amendment. I do not think that it has only just occurred to the Government in the past 24 hours to drop this on the Committee. I believe that this idea has probably been germinating in the minds of the Minister and officials for many weeks, if not months, but he tries to cloak it as an amendment in order that it can be rammed through very quickly so that workers who may have a compensable injury with respect to hearing loss do not get wind of it and put in a claim. The Government, by stealth, is seeking to deny people their rights. I should be interested to hear the Minister's comments.

The Hon. G.A. INGERSON: First, I do not have the answer as to the number of claims that have been made, but I will get it. However, in the past few months in Victoria there have been about 5 000 claims each costing between $3 000 and $5 000, so we are talking of somewhere between $15 million and $20 million. Therefore, it is our intention to make sure that it does not happen here.

The reason we have followed this course is the advice received from senior people employed in acoustic laboratories in New South Wales. Mr John McRae is saying clearly that the hearing loss categorised by him is as follows: zero per cent, normal, .1 to 9.9 per cent, slight; 10 to 39.9 per cent, mild; 40 to 69.9 per cent, moderate; 70 to 79 per cent, severe; and 100 per cent, profound. He is basically saying that in essence a 5 per cent level of hearing loss is very slight and that anything above that would be covered.

Clearly, it is the Government's intention to make sure that those who have significant disabilities at work are covered. The Government believes that this is an area that needs some urgent tightening up on the experience of what is happening interstate. We have made the hearing loss level very low in terms of a cut-off point and we believe that that is reasonable. History shows that in areas such as this, if you do not move quickly and put in a beginning date immediately, claims will start to flow. We have inserted the beginning date, and we have no compunction about doing that.

Mr CLARKE: The Minister said that he would supply me with details of the number of claims. I would also appreciate it if he could supply me with the actual costs incurred by WorkCover, since its inception, with respect to that matter. The Minister's answer further confirms why the Opposition should oppose this amendment, because he is introducing this Bill not on the basis of the number of claims in South Australia—because he does not know them; he does not know what the costs have been to the scheme in South Australia—but because something has happened in Victoria and also, apparently, in New South Wales. I am not sure what has happened, but we have not been given sufficient information on that matter.

If the Minister jumps every time his mate Jeff Kennett does something in Victoria, he may as well abdicate his position as Minister for Industrial Affairs in this State, and we will take our directions from Jeff Kennett—although, given this Bill, the Minister has effectively done that. For those reasons the Opposition will be opposing the amendment.

The Hon. G.A. INGERSON: I suggest that if the honourable member consults with the Labor lawyers of Victoria he will find out why these sorts of issue are required. Anybody who wants to expand what is meant to be a reasonable exercise and who wants to go beyond what Parliament originally intended will get this type of legislation under our Government.

The Committee divided on the new clause:

AYES (28)

Andrew, K. A.	Ashenden, E. S.
Baker, D. S.	Baker, S. J.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Ingerson, G. A. (teller)	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Tiernan, P. J.	Venning, I. H.

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Quirke, J. A.	Rann, M. D.

PAIRS

Brown, D. C.	Atkinson, M. J.
Olsen, J. W.	Foley, K. O.
Wotton, D. C.	Hurley, A. K.

Majority of 22 for the Ayes.

New clause thus inserted.

Clause 20 passed.

Clause 21—'Application of amendments.'

The Hon. G.A. INGERSON: I move:

Page 12, lines 7 & 8—Leave out subclause (2) and insert—

(2) However—

(a) the amendments made by sections 8, 9 and 10 of this Act apply both prospectively and retrospectively; and

(b) the amendments made by section 20A apply to any claim for compensation for hearing loss made on or after 23 March 1994.

Mr CLARKE: The Opposition's objection to this amendment involves the date of effect, namely, 23 March 1994. Again, the date has been brought in without consultation. It has been deliberately designed to try to thwart the rights of workers who may have a compensable injury for a hearing loss of 5 per cent or less. Again, given the Minister's own words that he does not know the number of claims in South Australia, or the actual costs incurred by WorkCover since 1987 on this matter, he is jumping to rapid conclusions and denying people a fair go in this matter by making sure that nobody can claim after yesterday's date. The Opposition opposes this amendment.

The Hon. G.A. INGERSON: I have now been advised of the following: between 30 and 40 per cent of hearing loss claims over the past two financial years have been for a loss of 5 per cent or less. These claims have cost the corporation in excess of $380 000 over those two years. This figure would rise dramatically if organised campaigns—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: Just listen. This figure would rise dramatically if organised campaigns, similar to those undertaken in Victoria, were undertaken in South Australia. Given that five per cent or less of hearing loss is relatively insignificant (it can arise out of normal life), it is very difficult to identify any real source of the loss. There has been a very deliberate campaign in Victoria, and there have been in excess of 5 000 claims at an estimated cost of between $15 million and $20 million to the scheme.

We do not believe that it is unreasonable. In the light of the advice that we have been given by experts, a 5 per cent hearing loss is relatively insignificant. However, like all claims and all extensions of the system by that group of people called the labour lawyers, we believe it is important that we make sure that the scheme has funds available for those who genuinely lose their hearing while at work. I would have thought that the member opposite would be far more concerned to concentrate on those who do suffer serious hearing loss in the workplace and not those claims that are clearly identified as insignificant. Our intention is to make sure that this scheme covers those who are genuinely injured at work and not those at the frivolous end. If we can minimise those areas in the time we are in Government, I will make no apology to this Parliament about it, because that is the direction we intend to take.

Mr CLARKE: The Minister is condemned out of his own mouth on this issue. The fact of the matter is that, as he said, the costs over the past two years have been of the order of $150 000 per annum. I believe that my figure for the past several years, of less than $800 000, is about right. However, what it clearly identifies is that the Minister is concerned because of behaviour in Victoria. I just draw the Minister's attention to the fact that one of the reasons for the reaction in Victoria was the insensitive stupidity of the Minister of Labour and the industrial relations policy in that State. The Victorian Government gutted WorkCare, and its overall industrial relations policy encouraged fertile minds amongst workers to come up with whatever means were available to them to defend themselves against bosses who, supported by the Victorian Government, were ripping them off.

In South Australia we have not had that history of confrontation between the Government and the Labor movement. According to the information supplied to the Minister by WorkCover, the level of claims in respect of 5 per cent hearing loss was fairly moderate and well within the affordability of the scheme. There is no need; he has now belled the cat. He will pay very dearly for it in the scheme in the long run, and he will constantly have to keep legislating, similar to Victoria, because the more you take away people's rights the more they will look for escape routes, as occurred in Victoria.

The Committee divided on the amendment:

AYES (28)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, D. S.
Baker, S. J.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Ingerson, G. A. (teller)	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Penfold, E. M.
Rosenberg, L. F.	Rossi, J. P.
Scalzi, G.	Such, R. B.
Tiernan, P. J.	Venning, I. H.

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Hurley, A. K.	Quirke, J. A.

PAIRS

Brown, D. C.	Atkinson, M. J.
Olsen, J. W.	Foley, K. O.
Wotton, D. C.	Rann, M. D.

Majority of 22 for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I move:

That this Bill be now read a third time.

In moving that one of the most important workers compensation Bills to come before this House be read a third time I would like everybody in South Australia to know that, although the Opposition made so much noise about all the issues in relation to stress and journey accidents, it did not move one single amendment. I would have thought that, with all its noise about the need to make changes to this Bill, the Opposition would have attempted to improve it by moving just one amendment. I have never heard so much meaningless noise in all my life, particularly from the member for Ross Smith. There was not one amendment.

We heard all the examples, the whingeing and complaining about how the legislation will affect the workers and the

scheme, but not one attempt was made to amend it. It really is a disgrace from an Opposition that believes that this Bill sets the whole social engineering agenda for the 1990s. Even with his experience, the member who brought the original legislation into the House—the member for Giles, the member who set this social engineering in train—did not bother to move even one amendment to this Bill. It gives me great pleasure to move the third reading of this Bill.

Mr CLARKE (Ross Smith): Over the past few minutes the Minister made great play about the fact that the Opposition has not moved any amendments—and that is quite true. The reason is that we are opposed to amending the legislation in any form, because the Act should remain as it is currently constituted. If we look at the Government's own pathetic attempt at amending the legislation, we see that it stuffed up the stress provisions in its own Bill. It had to introduce an amendment to try to fix up the member for Florey. Other backbenchers got a bit nervous because emergency service workers were not covered for stress by the original Bill. They were quite rightly concerned—as we were—although, when the United Trades and Labor Council pointed out that the Bill denied emergency service personnel and psychiatric nurses from ever being able to claim for stress, the Minister said everything was okay. But when the heat got too much for him, the Minister introduced an amendment.

The Hon. G.A. Ingerson: That's because I listened.

Mr CLARKE: He did listen, and I commend him for that. He listened to me, but he has not understood, because he does not want to. He wants to try to blind people, including his own back bench. That was very noticeable last night with respect to his responses to the member for Unley and in particular the member for Giles, who probed the Minister with respect to who was eligible for a stress claim. From the Minister's answers it has become patently obvious that his amendment to his own legislation does not fulfil the criteria. That will not satisfy the member for Florey, I trust, because many of his own former union members who work for the Police Department will not be able to make stress claims under this legislation. It is extremely difficult to draw up an amendment that will do what the Minister has said with respect to stress, and that is why I did not put up an amendment in that area. The current legislation provides the necessary protections to the scheme while still allowing those with a genuine compensable injury to make a claim.

With respect to journey accidents, the only amendments the Opposition could have made was to do what the Government has done and remove existing rights from workers. We on this side of the House believe that workers are entitled to their journey accident claims. It was not possible to amend a Bill put forward by the Government in such a way as to do anything but detract from the current legislation in this regard. Last night in answer to my question on stress the Minister said that he anticipated savings of $6 million in the private sector with respect to stress claims, but in answer to a question on the number of claims that would be reduced he said he did not know.

God knows how he arrived at a saving of $6 million when he did not even know the number of claims he thought his legislation would eliminate. As I always understood mathematics, if you multiply 10 by nought the answer is nought, so I do not understand how the Minister could possibly arrive at this figure of $6 million. Then the Minister said, 'Well, look, in the public sector, stress claims will cost us $20 million'. I notice how today the *Advertiser*—the Minister's and the Government's mouthpiece—gave front page coverage to a figure of $20 million.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: Absolutely: the linkage between the editorial floor of the *Advertiser* and the Minister's office is fantastic, and he deserves credit for it. However, the Minister should remember this: it usually ends up biting the hand that feeds it, as he will learn to his own cost over time. That $20 million figure is interesting. Why does the Minister not ask, 'What is the actual cost? Why is the Government so bad as an employer that it has so many stress claims?' There are some obvious answers, of course: it has a number of essential services where stress is part and parcel of the job, and where one would expect that level of stress. What the Minister has said about areas of poor management within the public sector is true, and the former Labour Minister, Mr Gregory, certainly tried to bring chief executive officers to brook in that area. However, the Minister is now in Government, and for the past three months he and all the other Ministers have loved to get up in Question Time and bag the former Labor Government.

Enjoy your good times. The honeymoon will probably last 12 months, but eventually members opposite will have to do something and, more importantly, take responsibility for some of their own actions. Members opposite have been in Government for three months. This Minister has not said whether he has dragged in the Directors-General of Education and other departments where there are heavy levels of stress and demanded to know what programs they have in place to ensure that stress claims are brought under control. No; there has been nothing of that sort. That is too hard, so he wants to pass laws that eliminate stress claims.

I note (and this should interest the member for Florey) that just under $1 million of the stress claims involved police officers. That will certainly diminish if the stress provisions of this Bill get through: they will be virtually nil. It will be very interesting when the Police Association trots up to the member for Florey and asks why he voted to take away the rights of members of the association that fed him for the past several years as secretary of that union. He got his wages out of their dues, and now that he is in a much more exalted position he has shot through and cacked on them from a great height. His former members will have a very close look at him at the next election.

The Hon. G.A. INGERSON: I rise on a point of order, Mr Deputy Speaker. I ask the honourable member to withdraw that statement. It is unparliamentary and not acceptable.

The DEPUTY SPEAKER: I ask the honourable member to withdraw. The term is not acceptable in parliamentary procedure. I ask the honourable member to withdraw the expression. It was inappropriate to the debate.

Mr CLARKE: I withdraw the word 'cacked' and insert in lieu 'dropped a bucket of the proverbial'.

The DEPUTY SPEAKER: The honourable member seems to be under a grave misapprehension. He is under the impression that he can qualify rulings of the Chair; to substitute one definition for another, when both are patently the same, is not acceptable. I therefore ask the honourable member to withdraw both expressions unconditionally or the Chair will have no alternative but to name him.

Mr CLARKE: Out of deference—

The DEPUTY SPEAKER: There is no qualification: the honourable member will withdraw.

Mr CLARKE: I withdraw, Mr Deputy Speaker. I am conscious that we have another matter still to debate and time is pressing. We need to deal with what is an important issue relating to occupational health and safety. I will not take up any further time of the House. However, in closing I point out that we all know that this is but a prelude to the Government's intentions in Autumn to gut WorkCover. We know that you want to get rid of the two year review; we know that you want to cut benefits substantially. At least be honest enough in this prelude to let everyone have sufficient and well advanced notice of how much you want to kick them in the guts so that we can respond appropriately.

Minister, you may well force this Bill through the House and you may get most of it through another House (time will tell with respect to that matter) but, as experience has shown in Victoria, if you keep pushing and pushing and taking away people's rights, you will incur the inevitable wrath of the work force and you and your Government will be responsible for it. By all means enjoy your majority of 37, revel in it after being 20 out of the past 25 years in the wilderness. I expect you to enjoy it—lap it up and get into it like a big brown dog for all it is worth for the time being—

The DEPUTY SPEAKER: Order! The honourable member is digressing from the subject matter. There is no scope for breadth of debate: it is strictly according to the subject in the third reading. No new extraneous matter whatsoever is permitted.

Mr CLARKE: Enjoy it while you can, because when we come back we will be bigger and stronger than ever before and your anti-worker attitudes are swelling our ranks every day. What were disaffected supporters are coming back to us all the time, and I thank you very much for it.

Mr LEWIS (Ridley): It had not been my intention to join the debate on this Bill—

The Hon. Frank Blevins: You always say that.

Mr LEWIS: —and, in keeping with the comments made by the member for Giles, they make good company with the remarks just made by the member for Ross Smith.

The DEPUTY SPEAKER: Order! The member can speak to the Bill only as it emerges from Committee: no extraneous new matter is to be introduced.

Mr LEWIS: I seek only to make plain and clear that, as the Minister has said (if I do not quote him accurately, I quote him precisely in terms of the meaning of this legislation), 'if it is work related, it is compensable'. It is as simple as that. The member for Ross Smith failed to understand that, if his contribution is to be taken as any indication of his insight. He has implored us to do something. The Bill does that: it restores the capacity to rejuvenate the State's economy through restoring confidence in business. I was reminded in his remarks of the expression: biting the hand that feeds them. Much of his debate was like the pit bull: it is a big pit full of a lot of bull.

The Hon. FRANK BLEVINS (Giles): I oppose the third reading, as I have opposed the Bill right through. The Bill was impossible to amend—to improve. The best suggestion that the Minister has made is that, whilst we are opposing the Bill, which alters the present provision, instead of voting 'No' to oppose and maintain the present provisions, we should do some convoluted thing such as inserting the present provisions and voting for that. That is plain silly. I congratulate the member for Ross Smith on the way the Bill has been handled. It has been a superb performance, in contrast with the childish behaviour of the Minister. One can always pick when the Minister is not on top of his subject, as he becomes childish and petulant. That is what happened here today.

If the third reading is carried, the Bill will go some substantial way to wrecking the best workers compensation scheme in Australia for the purposes of pay back to the insurance companies which gave a small fortune to the Liberal Party. Other reasons include from ideology to sheer blind spite. I have no intention of canvassing the entire debate but, when the Minister was asked questions about the stress provisions, he was clearly wrong in his answer to the members for Unley and Ridley. Any fair reading of the debates will show that.

He was absolutely correct in responding to my question on page 531 of *Hansard* when he stated, 'I agree with the member for Giles that that is the intent.' The intent is perfectly clear, namely, that police officers, firefighters, ambulance officers, prison officers, teachers and indeed all workers, are, for all intents and purposes, in the real world now unable to claim stress. There will be no more stress for police officers, ambulance officers or anybody. In effect, in the real world stress has been abolished as a compensable injury. That ought to be opposed.

It is also perfectly clear that, as this Bill comes out of Committee, there is significant unease amongst members opposite. They did not appreciate fully what the Minister was doing. It has been an excellent debate in that it has highlighted and made very clear to members opposite precisely what they are voting for: apart from a lot of other things, they are voting for the abolition of stress in the workplace. That is the effect for people in the workplace. That is worthy of opposition, not of amendment, right down the line. That is why I hope that the member for Ross Smith calls for a division on the third reading.

Another issue which took up a great deal of the Committee's time was journey accidents. The Minister was incapable of answering the most simple question. Numerous examples were given—not complex or airy fairy examples that would never happen but ordinary examples of things that could happen to an average worker travelling to work in a common situation—but the Minister could not say whether or not they were covered. Of course, we did not get those answers because the Minister, quite frankly, has not a clue how it is going to work. I do not believe that is good enough. I do not agree with the principle in the first place. That is fine: we can agree to differ on the principle, but it is unacceptable that the Minister was unable to answer the most simple questions—not to give legal opinions—about journey accidents.

I oppose the third reading and I am sure that there is a lot of debate left in this topic. I only ask, with all due respect, that the Minister attempt to get on top of the subject so that people are not wasting the time of the Parliament and becoming frustrated because the Minister is not at this stage capable of giving simple answers to simple questions. It would help the process enormously if the Minister would attempt to put his mind to it or perhaps get some better advisers.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): Mr Speaker—

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: I can close the debate; you know the rules.

The SPEAKER: Order! The Minister can speak when moving the third reading and he is now entitled to close the debate and respond to the debate. The Minister.

The Hon. G.A. INGERSON: One of the interesting things about the member for Giles is that he hates being spoken down: he always likes to have the last say. That was the history of the member for Giles when he was on this side of the House. He always sticks his chin up and has a go.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: I have always admired that from the member for Giles, but the reality is that in this instance the Government is going to put its point of view clearly to the other place and it is up to the Parliament to make the decision. A comment by the member for Giles needs to be answered. There is no evidence that insurance companies, or any group, have made up front donations to the Liberal Party. There is no evidence of that at all, and I am not aware of any involvement of insurance companies in the Liberal Party.

The Hon. Frank Blevins interjecting:

The Hon. G.A. INGERSON: The member for Giles has a simple method in this place: if he says something often enough and for long enough, sometimes people believe him. But if people take him on and front him up, sometimes he backs off, and in this instance I would advise him to back off.

The Hon. Frank Blevins interjecting:

The SPEAKER: Order! The member for Giles has been treated tolerantly by the Chair. He will cease interjecting.

The Hon. G.A. INGERSON: If we talk about money contributed to Parties, we ought to look at the money paid to the Labor Party by union members who did not want that money to go to the Labor Party. Some of those people were members of the Liberal Party or were independent of the Labor Party. We can talk about how particular moneys flow and spend a long time doing that, but I do not believe it ever achieves anything in the end.

In this area the Government is keen to bring all the compensation directly related to work and to the responsibility of employers under the workers compensation scheme. Anything outside that should be removed. That is the thrust of the Bill and it is the thrust that the Government will take to the other place. It gives me pleasure to move the third reading.

The House divided on the third reading:

AYES (27)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Bass, R. P.
Becker, H.	Brokenshire, R. L.
Buckby, M. R.	Caudell, C. J.
Condous, S. G.	Evans, I. F.
Greig, J. M.	Ingerson, G. A. (teller)
Kerin, R. G.	Kotz, D. C.
Leggett, S. R.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Tiernan, P. J.
Venning, I. H.	

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Hurley, A. K.	Quirke, J. A.

PAIRS

Brown, D. C.	Atkinson, M. J.
Olsen, J. W.	Foley, K. O.
Wotton, D. C.	Rann, M. D.

Majority of 21 for the Ayes.

The SPEAKER: Order! I want to advise the House that during the debate a number of suggestions were made that actions would flow to members if they voted in a particular way. I draw the attention of members to Standing Orders 127 and 141. The Chair will not permit, in any circumstances, threats to be made to members that may in any way prevent them from voting in the manner that they believe is their right.

Third reading thus carried.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 March. Page 312.)

Mr CLARKE (Ross Smith): This is an important Bill. Unfortunately, due to time constraints, because of the debates that have taken place over the past two days with respect to WorkCover, the Occupational Health and Safety Commission probably will not get the justice that it thoroughly deserves in terms of defence from the Opposition, simply because of the effluxion of time. However, the Opposition is opposed to this Bill because the Bill dismantles the Occupational Health and Safety Commission as an independent authority. It has done outstanding work for all workers in South Australia, particularly those many thousands of workers who have not been injured at work as a result of the preventive strategies and policies developed by that commission and its staff over the past several years.

It is also appropriate, given that I can count the numbers as well as anybody else, that this Bill will pass this House—how it will go in another place is another issue. But if the Occupational Health and Safety Commission is abolished as a separate authority, due regard should be paid to those who helped establish it. The first full-time executive chairman of that body was Mr Colin Miekle, who is a former President of the United Trades and Labor Council of South Australia and who was a former secretary of the then Association of Draftsmen, Scientists and Engineers. It is also a tribute to all the former and current staff of the commission and to the directors of that body, including the current director, Ms Jan Powning.

The establishment of the Occupational Health and Safety Commission arose out of the Mathews report, with which I will deal in a few moments. The Mathews report was commissioned from Mr John Mathews, who was well known in Australia for occupational health and safety as a preventive specialist. His report followed an earlier report by Lord Robens, who reported on a similar matter in Britain. He observed that excessive fragmentation of legislation and of its administration was a serious obstacle to the creation of a more modern code of law and to its effective implementation, together with the development of a clear and comprehensive strategy for the promotion of safety and health at work.

Lord Robens recommended that there should be a single coordinated law administered by a single, unified authority. He had two clear arguments: first, that it was impossible for Parliament itself to keep a body of statutory requirements up-

to-date with changing technology, let alone anticipate technological change; and, secondly, it was important to involve both sides of industry in actually detailing regulatory standards and requirements needed to protect workers' health and safety.

In South Australia, the Mathews report, which was known as the report of the Occupational Safety, Health and Welfare Steering Committee of 1984, recommended a number of things, but amongst them was the recommendation that the Occupational Health and Safety Commission should be independent of controls by existing Government departments; that is, it should be directly responsible to the Minister of Labour. It should be tripartite and be responsible for the development of all standards and regulations needed to protect the health and safety of workers and for the provision of codes of practice detailing how employers may comply with these standards and regulations.

Again it is important to note that the Occupational Health and Safety Commission was established on a tripartite basis, the same as the WorkCover Board. It was part of a package—a comprehensive package introduced by the then Labor Government in 1986—which revolutionised our workers compensation and our health and safety laws at the workplace. It had three very passionate Ministers in its time: former Deputy Premier Jack Wright, the member for Giles and the former member for Florey, Mr Gregory.

The former Deputy Premier, Mr Wright, was a passionate believer in a new, comprehensive workers compensation scheme as well as a health and safety body, but was not able, through ill health, to continue in Parliament to see his dreams come to fruition. It was left to the member for Giles to bring that legislation into the House. You could not have a more passionate supporter of the Occupational Health and Safety Commission than the former member for Florey, Mr Gregory. Their efforts, on behalf of the tens of thousands of South Australian workers who are not injured at work because of the creation of these bodies, are a tribute to those men.

The recommendation to establish the Occupational Health and Safety Commission was supported by all social partners: employer organisations and the trade unions. Being on the steering committee they all unanimously supported the establishment of that commission and its powers. The only objection at that time by the then Opposition Liberal Party, along with some employers, was to the establishment of a workers health centre. They also objected to providing statutory powers to occupational health and safety representatives to cease work. Hence, never in the history of this legislation have employers or the Liberal Party opposed the separate existence of an independent authority to administer occupational health and safety laws in South Australia—until today.

In its short life of only seven years, this tripartite commission, with the energy and commitment of its staff, has placed occupational health and safety firmly on the agenda in South Australia. Not the least of the commission's many achievements is the success of the tripartite commission in bringing together the different and often contrary interests of employers, unions, Government and experts to debate and determine the most effective strategies for improving occupational health and safety in South Australia. It is a tribute to the commission that there will be people in each of these groups who will sadly miss the responsive and accessible way in which the commission has provided an occupational health and safety service to the community of South Australia.

I have had the honour and pleasure to serve as a deputy member of the Occupational Health and Safety Commission for a period of three years. Prior to the formation of that body I was a member for three years, and a deputy member for three years before that, of the former Industrial Health, Safety and Welfare Board. Employers who served on that board with me included such people as Matt Tiddy from the Interunion Employers Association and Allan Beaton from the Master Builders Association. I remember serving on that particular organisation where there were no votes; it was done by consensus. During that time there were substantial reforms to the regulation of the handling of asbestos in this State, which I might say, under a Labor Government, led Australia in the handling of asbestos and the removal of asbestos from our buildings and other areas of work.

In regard to the Health and Safety Commission, I think it is regrettable that the Minister, in his second reading explanation, has paid virtually no regard to the work done by the people, both employer and employee representatives, and the scores of experts and assistants who have been called upon by the commission to develop comprehensive safety laws in this State that have been to the betterment of not only the individual worker but also employers if, for no other reason, than they have saved considerably in their workers compensation trusts.

The commission has made a significant contribution to injury prevention in this State. The commission's campaign in 1991 and 1992 to promote and explain new regulations to prevent manual handling injuries, the most prevalent and costly of workers compensation claims, is tangible evidence of this. The commission effectively raised awareness, informed and educated the employer community and work force of South Australia with the result that WorkCover claim statistics showed a significant downward trend in these injuries.

As a deputy member of that commission at the time, I attended some of those meetings, and the amount of work that went into that—not just by the paid staff of the commission but more particularly by employer and union representatives—was outstanding. Manual handling injuries, as I have already stated, form by far the largest number of claims under workers compensation and are by far the most expensive. They have done a terrific job in eliminating or at least reducing the level of claims in that area.

The burden of asbestos related death and disease experienced by Australian workers is a national shame. No occupational hazard has caused more fatalities, and the number of cases still continues to increase. This is a legacy of the widespread use of asbestos in Australia in past decades. In 1991 the Occupational Health and Safety Commission acted to ensure that an asbestos industry did not ever again develop in South Australia. New regulations restricted the use of asbestos and prevented the importation, mining or processing of asbestos and asbestos products.

The commission acted to protect workers from injury in other high risk industries, including forestry and construction. It also responded to employer concerns to bring the legislation into step with new technology and work practices for logging work and steelwork erection.

The commission prepared a rational and simplified legal framework for minimising and preventing the extent and severity of occupational injury and disease in all industries. This is still to be implemented through the uniform standards for health and safety for the whole country. The commission

recognised that all parties were important in the health and safety system. Its information advisory services were equally used by employers, health and safety representatives, workers and health and safety professionals.

The commission recognised that people who have to manage health and safety in the workplace are usually not experts. Simple English, straightforward information, was produced to increase the understanding of occupational health and safety in the South Australian work force. Information was also provided in community languages for the benefit of workers and employers from non-English speaking backgrounds. The commission provided practical assistance to people in the workplace involved in the day to day management of health and safety. The commission's workplace health and safety handbook reached an audience of at least 30 000 South Australians. The commission's specialised health and safety collection has been widely used by employers, workers and health and safety specialists alike, and commission staff have assisted some 20 000 callers annually with advice and information.

Now, the Minister will say, 'Well, it is all very well to say all that, but we are going to keep all those skills and all the gains that have been made through this commission with the establishment of a separate division within WorkCover.' Well, that is not a new idea: it was considered in the Matthews report and it was quite clearly believed—and the Minister has not yet given one scintilla of evidence to suggest otherwise—that it is still preferable to have two separate statutory authorities, because they handle two distinct areas of interest.

The Health and Safety Commission is a specialist body designed to establish policies and practices with respect to the prevention of injuries. It is always the danger—and unfortunately I fear (I hope I am wrong, and if I am I will be the first to admit it, if the Minister's view is correct; I have no problems whatsoever in admitting to being in error if in fact that is the case)—that that division very rapidly after its initial transition to the new corporation will be subsumed within that body and that its policy focus on developing new policies and preventative strategies will be diminished because of the sheer size of the corporation itself, which obviously specialises in compensation, rehabilitation and cost matters such as levy rates, etc.

The priority of the board will be directed to that matter, whereas the separate commission had a separate board with a separate charter, was directly responsible to the Minister and was able to manage and guide its own affairs as a management and policy direction organisation. That will be subsumed within the WorkCover Corporation. The Minister will say, 'But within WorkCover we will have two advisory committees, one dealing with occupational health and safety and the other with WorkCover matters, which will report directly to the Minister.'

However, because those committee members will not have the same status and standing as a separate board with all the powers and functions of managing and determining the policies of that body, their priorities will often be overlooked—nothing is more certain in human nature—by the board members of the newly reconstituted WorkCover board, which will concentrate on issues of compensation, rehabilitation and preventive strategies, and policies will be overlooked.

We are not reinventing the wheel. These matters have been looked at in detail by experts such as Lord Robens with respect to Britain and John Matthews in South Australia, and, indeed, John Matthews was also responsible for a number of reports on this matter in States such as Victoria.

I do not know whether members opposite have studied the Bill. It vests a considerable power in the Minister, whereas previously the power was vested in the commission, the commission being a separate body and truly tripartite with equal representation from the Government, employers and the trade unions. I will refer to one only because of the time and because members opposite may want to rethink their position. Clause 15 provides:

> Section 54 of the principal Act is amended—
> (a) by striking out subsection (1) and substituting the following subsection:
> (1) The Minister or a person authorised by the Minister may in writing require a person to furnish such information relating to occupational health, safety or welfare as is reasonably required in connection with the administration, operation or enforcement of this Act.

The occupational health and safety area has a significant number of wide ranging powers over employers. Whilst members opposite may feel comfortable with a Liberal Minister for Labour, or Industrial Affairs as it is now known, knowing that he will not require any information that will embarrass employers because he is of their ilk, they must remember that they are not permanently the Government. I trust that in the not too far distant future I shall be the Minister for a newly revamped Department of Labour.

Members opposite, through a series of amendments that they are putting forward, are vesting in the Minister considerable powers which can circumvent employers, trade unions or any other body to get information or to carry out certain actions. At the moment, because it can only come from the commission—a tripartite body—unions and employers are aware of what is going on and can raise objections and, indeed, perhaps even vote down a particular proposal.

Those powers are now vested directly in the hands of the Minister. It may be that in the not too distant future I shall enjoy exercising those powers. I am sure that when I do so many members opposite, if they are still in this House, may have cause to regret the passage of this Bill, which so much increases the powers of the Minister.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I doubt that very much. I think we have only a few more years of that to go. There are other powers in that area, again, to which I could draw the attention of the House, but because of the time I will not; it is just the general thrust of it. At this stage I shall conclude the Opposition debate on this matter by saying that we oppose the Bill. However, in Committee we will not be opposing every clause in the Bill, not because we agree with it but because generally we are opposed to it in principle, for the reasons that I have outlined.

In all fairness I think that in his second reading reply the Minister should pay a tribute to the work that has been done by the commission, in particular by the staff and by the representatives—employer, trade union and Government—who have served this State and this community exceptionally well for the seven years and they should be given due recognition by both the Government and the Opposition with respect to their work. Not to pay that tribute would be a most ungenerous act on the part of the Government.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I thank the member for Ross Smith for his contribu-

tion. The Government clearly recognises that occupational health and safety is a very important issue. During the election campaign we promised that an extra $2 million would be made available each year for work safety improvement. It is our intention to carry that out and to attempt to improve workplace safety management in both Government and private sectors.

I accept the comments made by the member for Ross Smith that the existing staff of the Occupational Health and Safety Commission have carried out their role under the Act and have made some very important and significant improvements to the management of occupational health and safety in this State. However, it is the Government's view that the structural change that we are proposing in this Bill will significantly improve the management of occupational health and safety in this State and will in no way diminish the involvement of the unions and the employers in an advisory capacity to the Minister. The Government believes that this new move will be very successful. Our counterparts in New South Wales introduced this general structure and have consolidated it over the past few years. We believe that it is very workable and that it will bring a significant improvement to occupational health and safety in South Australia. I commend the second reading to the House.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Mr CLARKE: In paragraph (d), page 2, reference is made to the definition of 'the designated person', and existing paragraph (c) of subsection (1) is substituted with:

(c) in any other case—a person authorised by the Minister to exercise the powers of the designated person under this Act;

I do not have my reference with me but I believe that possibly could be a contravention of an international convention with respect to who is a proper person to be able to exercise the powers, and that a Minister could in fact designate a dog walking past his street to be a designated person.

The Hon. G.A. INGERSON: The reason for this clause is that it is currently the director and because there will be no director in future that is the reason why this particular clause has been changed.

Mr CLARKE: The other point probably relates to 'inspector' in paragraph (f). Again, there is a reference to an inspector rather than a person who is qualified, as provided for in existing subsection (1). It allows the Minister to appoint anyone to exercise the powers of an inspector under this Act, without the necessity for them to be appropriately qualified. It again raises the concerns I have with respect to the International Labour Organisation's convention with respect to this matter.

The Hon. G.A. INGERSON: I am advised that it is a drafting change and we do not believe that there is any material difference between the existing Act and this amendment.

Clause passed.

Clauses 5 to 12 passed.

New clause 12a—'Constitution of review committees.'

The Hon. G.A. INGERSON: I move:

Page 6, after line 18—Insert new clause as follows:

12a. Section 47 of the principal Act is amended by inserting after subsection (5) the following subsection:

(6) Despite subsection (2), the President of the Industrial Court may, in a special case, constitute a review committee solely of a Judge of the Industrial Court or an Industrial Magistrate (and this Part will then apply with respect to the relevant proceedings with such modifications or variations as may be necessary or appropriate, or as may be prescribed).

The President of the Industrial Court has advised the Government that occasions may arise when the existing review committee members—consisting of a judge and two private people—might have to be absent, therefore delaying the case for anything up to a month. Because the two private persons are usually people of significance within the company and the employee sector he believes that there are occasions when it is unreasonable to expect them to be there. His suggestion to us was that in certain circumstances he should be allowed, as the sole judge of the court, to in fact either go himself or appoint a President of the Industrial Court to hear a matter as a single judge. The Committee ought to be aware that in the case of workers compensation we have a judge who heads up the tribunal. I believe that is a commonsense approach, and it would be in the best interests of the community if we went this way.

New clause inserted.

Remaining clauses (13 to 28) and title passed.

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I move:

That this Bill be now read a third time.

Mr CLARKE (Ross Smith): I simply call again on members not to support the Bill, for all the reasons I advanced during the second reading debate. It has done a magnificent job in South Australia as a separate statutory authority. I believe very much that its functions and powers will be considerably diluted as a result of its being swallowed up by a much larger corporation whose principal interests are in compensation and rehabilitation rather than in the development of long-term preventive strategies in the workplace.

The Committee divided on the third reading:

AYES (29)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Cummins, J. G.
Evans, I. F.	Greig, J. M.
Ingerson, G. A. (teller)	Kerin, R. G.
Kotz, D. C.	Leggett, S. R.
Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.
Such, R. B.	Tiernan, P. J.
Venning, I. H.	

NOES (6)

Arnold, L. M. F.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Hurley, A. K.	Quirke, J. A.

PAIRS

Brown, D. C.	Atkinson, M. J.
Olsen, J. W.	Foley, K. O.
Wotton, D. C.	Rann, M. D.

Majority of 23 for the Ayes.

Third reading thus carried.

ADJOURNMENT

At 5.52 p.m. the House adjourned until Tuesday 29 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 22 March 1994

QUESTIONS ON NOTICE

ENTERTAINMENT CENTRE

10. **Mr BECKER:** What is the answer to Question on Notice No. 156, asked of the former Minister of Labour Relations and Occupational Health and Safety on 13 October 1993?

The Hon. G.A. INGERSON: The replies are as follows:

1. Schedule of trade contractors and contract values is attached. This does not include fitout contracts. Contract prices are confidential.

2. All trade contractors are domiciled in South Australia. Subcontractors are engaged by the respective trade contractors and Government has no contractual relationship with subcontractors on this project.

3. Completion date for the refurbishment is September 1994.

SCHEDULE OF TRADE CONTRACTORS AND CONTRACT VALUES

WORK	CONTRACTOR	VALUE $
Upgrade passenger lifts	Boral elevators	1 259 163
Electrical upgrade	Mayfield Electrical & Mechanical Engineers	241 872
Replacement of water chillers	Watson Fitzgerald & Associates Pty Ltd	261 846
Building consultancy/construction management services	John Hindmarsh (South Australia) Pty Ltd	989 500
Structural package	A.E. Williams & Sons	262 867
Electrical services	Nilsen Electric (SA) Pty Ltd	2 415 659
Fire protection services	Wormald Fire Systems	1 306 690
Replace paving	Adelaide City Council	15 000
Doors, fire doors and frames	Wormald Fire Systems	258 036
Aluminium and glazing	Adelaide Aluminium Pty Ltd	425 831
Ceilings and partitions	Interior Projects Pty Ltd	1 015 152
Joinery package	Timbercraft Pty Ltd	113 960
Plastering	Reg Hall Nominees Pty Ltd	72 187
Stonework	Commercial Ceramics & Stone Pty Ltd	268 397
Hydraulics services	Western Plumbers	745 144
Painting	J & L Painting Services Pty Ltd	122 650
Terrazzo	Commercial Ceramics & Stone Pty Ltd	98 648
New diesel generator	Detroit Engine & Turbine Co	128 658
Demolition package 2	P T Building Services Pty Ltd	452 447
Tiling	H F Prinz Wall & Floor Tiling	112 700
Facade restoration	Southern Steeplejacks Pty Ltd	462 533
Mechanical services	Frigrite Contracting	6 000 000
Supply and install carpet	A C Carpet Wholesalers Pty Ltd	583 554

CORONER'S FINDING

15. **Mr BECKER:** What is the answer to Question on Notice No. 120, asked of the former Attorney-General on 8 September 1993?

The Hon. S.J. BAKER: The Attorney-General has provided the following response:

1. The Coroner's finding into the death of Elefterios Akritidis was handed down on 26 June 1990. Mr A. Akritidis wrote a letter (undated) which was received on 22 September 1990 to the then Attorney-General commenting on the Coroner's findings. This letter was also sent to numerous other members of Parliament and the Ombudsman. Mr Akritidis was informed of his right to appeal to the Supreme Court over the findings.

2. Mr Akritidis made an application to the Supreme Court under section 28 of the Coroner's Act seeking an order setting aside the findings and to direct that there be a further inquiry into the matter.

The Hon Justice Olsson, in giving his reasons for dismissing the application on 1 February 1991, said:

> I am compelled, when I read the reasons of the Coroner, to come to the conclusion that not only was there ample evidence upon which he could have come to those conclusions, but further, that the total weight of the evidence which was before him was such that it is extremely difficult to see how he could come to any other conclusion.

While the Attorney-General can direct the Coroner to reopen an Inquest, it is not considered appropriate in this case as this matter has been considered by the appropriate authorities and there is nothing to indicate that any further inquiries will achieve a different result.

GOVERNMENT VEHICLES

37. **Mr BECKER:**

1. What Government business was the driver of the vehicle registered VQO-037 attending to whilst driving along King William Street, Adelaide on Friday 24 December 1993 at approximately 9.35 am and who were the two adult passengers and the small child passenger?

2. To which Government department or agency is this vehicle attached?

3. Were the terms of Government Management Board Circular 90/30 being observed by the driver of this vehicle and, if not, why not and what action does the Government propose to take?

The Hon. W.A. MATTHEW: The replies are as follows:

1. On 24 December 1993 a correctional officer from the Department for Correctional Services was transporting prisoners into the city. The vehicle used was a Magna station wagon, registration No. VQO-037 with a child seat attached to the rear seat to be used in those instances where the department may be required to provide transport for prisoners' children.

On the day in question there were no children occupying the child seat.

2. The vehicle is attached to the Department for Correctional Services.

3. The terms of Government Management Board Circular 90/30 were being observed by the driver of this vehicle. Accordingly, the Government does not propose to take any action in this instance.

41. **Mr BECKER:**

1. What Government business was the driver of the vehicle registered VQF-598 attending to by replacing an electoral poster of Clare Scriven, ALP candidate for Adelaide on 29 November 1993

in Emilie Street, Nailsworth at approximately 6.30 pm, was the action of the driver approved and, if so, by whom, and what was the justification for approval?

2. Which Government department or agency had access to the vehicle on the day in question?

3. Were the terms of Government Management Board Circular 90/30 being observed by the driver of this vehicle and, if not why not, and what action does the Government propose to take?

The Hon. J.W. OLSEN: The Government motor vehicle registered VQF-598 is attached to the Douglas Mawson Institute of Vocational Education for use by institute staff. This vehicle is predominantly used by the institute Director who has been granted regular allocation of a motor vehicle for home to office use under the policy detailed in Commissioner's Circular #30.

The vehicle was parked at the residence of the Director—Douglas Mawson Institute in line with the abovementioned approval, which was given by the then Chief Executive Officer—DETAFE.

It would appear that there has been a coincidence of events that caused a member of the public to assume an unauthorised use of the vehicle was being made. No such unauthorised use has been made of this vehicle.

DRUGS

43. **Mr BECKER:**

1. Has consideration been given to a health warning label on packets of prescription and non-prescription medication where appropriate and, if not, why not?

2. Will a warning label be included on Sudafed tablets that they can in some instances increase blood pressure and, if not, why not?

The Hon. M.H. ARMITAGE: The replies are as follows:

1. The Standard for the Uniform Scheduling of Drugs and Poisons has been adopted by reference in South Australian legislation.

SA Poisons Regulations require that a warning relating to driving and operating machinery be included on the labels of poisons prescribed in Regulation 125A. These poisons have sedative properties which may cause drowsiness and potentiate the effects of alcohol.

In addition pharmacists in South Australia are expected to use their professional discretion concerning the use of other labels carrying instructions/warnings as specified by the Pharmaceutical Society of Australia in the Australian Pharmaceutical Formulary and Handbook.

Changes to the Commonwealth Therapeutic Goods Act which became effective from 1 January 1993 require that the sponsors of all new drugs approved for inclusion on the Australian Register of Therapeutic Goods [ARTG] from that date must provide Consumer Product Information (CPI) bearing relevant information for the patient including precautions and possible side effects. Sponsors have until 1 January 2002 to provide CPI for older drugs on the ARTG.

2. Sudafed is a brand name of the drug pseudoephedrine. Many preparations containing pseudoephedrine carry a warning statement to the effect that hypertensive patients should seek medical advice before using pseudoephedrine. Sudafed carries a similar warning to patients on antihypertensive therapy to consult their physician before taking.

VEHICLE ACCIDENTS

67. **Mr ROSSI:** How many motor vehicle accidents in the past 12 months can be attributed to negligent driving caused by the use of mobile phones while the vehicle was in motion?

The Hon. W.A. MATTHEW: No specific research has been undertaken into the number of vehicle collisions directly attributed to the use of mobile phones.

BURGLARIES

70. **Mr BECKER:** During 1993, what was the average time taken by the police to attend calls relating to burglaries in the metropolitan area and, in particular, between the hours of 10 pm and 10.30 pm each evening?

The Hon. W.A. MATTHEW: During 1993 the average time taken by the police to attend calls relating to burglaries in the metropolitan area was 11 minutes. Between 10 p.m. and 10.30 p.m. the average response time was 9.4 minutes.

TOTALIZATOR AGENCY BOARD

77. **Mr ATKINSON:**

1. How do the returns from the TAB's entry into the interstate pool compare with prior estimates?

2. Will the Minister reconsider the TAB's participation in the pool after Victoria privatises its tote?

The Hon. J.K.G OSWALD: The replies are as follows:

1. Amendments to the Racing Act, to enable the amalgamation of win and place totalisator pools with an interstate TAB, were passed in 1992.

The Statutory deduction applicable to amalgamated win and place investments was set to be within the range of 14 per cent to 15 per cent. This range was necessary because of the intended move by Victoria to reduce its deduction from 15 per cent. NSW introduced legislation which increased their rate from 14 per cent to 15 per cent, effectively equalising rates between the two largest turnover States.

As a result of extensive lobbying by the NSW racing industry, the Government in that State subsequently (on 1 July, 1992) reduced the win and place commission rate to 14.25 per cent.

The Victorian Government advised that as from 1 August 1993, commission rates on win and place investments would reduce from 15 per cent to 14.25 per cent. South Australia followed suit as of that date.

The amalgamation of our win and place pools with the Victorian consortium (including NT, ACT and Tas.) commenced with effect from Monday 21 September 1992. The Western Australian win and place pools were amalgamated with this group with effect from 17 November 1992.

For the twelve month period 23 September 1992, to 22 September 1993, comparative TAB turnover was:

23/9/92-22/9/93	Previous 12 months	Variance	
$m	$m	$m	%
503.572	493.680	+9.892	+2.00%

When the relevant Bill, to achieve an amalgamation of our win and place pools with the Victorian TAB consortium, was introduced, a table of estimated increases in turnover was provided. That table used percentage increases in turnover of 5 per cent, 7.5 per cent, 10.0 per cent and 12.5 per cent. These estimates were provided having regard to the experiences of both the ACT TAB and the Tasmanian TAB which achieved turnover increases of 25 per cent and 14 per cent respectively. Admittedly those TABs commenced from a very much lower turnover base than the SA TAB. Perhaps the major reason for the less-than-predicted increase in turnover was the depressed nature of the general economy during the period concerned. A further matter which will require some detailed investigation and analysis is the punting habits of large volume and high-value totalisator punters who may have reduced their overall investments following the amalgamation of the Victorian and South Australian win and place pools. These particular punters consistently look for 'value' and attempt to obtain that value from spreading their investments across a number of interstate TABs. As the number of these individual TAB pools decrease, it is claimed that the opportunity of obtaining 'value' diminishes. This situation will need to be monitored very closely.

2.With regard to the question of reconsidering the SA TABs continued participation in the Victorian consortium, I refer to an article in the *Advertiser* on 8 January 1994, in which the TAB Chairman was reported as saying, 'The SA TAB will consider pulling out of the existing SuperTAB conglomerate if proposed privatisation of TAB goes ahead'. The TAB General Manager was quoted as saying that 'the bigger win and place pools in SuperTAB have had the stabilising effect which many punters were seeking, but with increased costs and other factors, in hindsight we may have been better off not joining'.

'However, we are determined to give the SuperTAB idea at least a good trial period before any decision is made on any long-term plans'.

GRAND PRIX

81. **Mr ATKINSON:** When and from whom did the Minister first learn that the Victorian bid to stage the Formula One Grand Prix had been successful?

The Hon. G.A. INGERSON: The information was received from the Premier on 16 December 1993 after he had rung Mr Bernie Ecclestone in London on that evening to confirm an appointment for his visit to London in late January 1994.