HOUSE OF ASSEMBLY

Tuesday 14 February 1995

The SPEAKER (Hon. G.M. Gunn) took the Chair at 2 p.m. and read prayers.

SUPPLY BILL

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

DOGS AND CATS

A petition signed by 16 residents of South Australia requesting that the House urge the Government to consider methods other than killing in the control of dogs and cats was presented by the Hon. H. Allison.

Petition received.

EDUCATION AND CHILDREN'S SERVICES

A petition signed by 726 residents of South Australia requesting that the House urge the Government not to cut the education and children's services budget was presented by the Hon. M.D. Rann.

Petition received.

HOUSING TRUST RENTS

A petition signed by 81 residents of South Australia requesting that the House urge the Government not to increase Housing Trust rentals to market levels, to hold any increase in rentals for pensioners and welfare recipients to the CPI and to retain the Housing Trust as a provider of public housing was presented by the Hon. M.D. Rann.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 136 and 152.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Multicultural and Ethnic Affairs (Hon. Dean Brown)—

South Australian Multicultural and Ethnic Affairs Commission and the Office of Multicultural and Ethnic Affairs—Report, 1993-94.

By the Deputy Premier (Hon. S.J. Baker)—

Report to the Attorney-General—Claims Against the Legal Practitioners Guarantee Fund, 1992-94.
Land Agents, Brokers and Valuers Act 1973—Regulations—Fees.

By the Minister for Industrial Affairs (Hon G.A. Ingerson)—

WorkCover Corporation Act—Regulations—Various.

By the Minister for Industry, Manufacturing, Small Business and Regional Development (Hon. J.W. Olsen)—

Adelaide Festival Centre Trust—Report, 1993-94.
Erratum to ETSA Report, 1993-94.

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

Local Government Superannuation Board—Report, 1993-94.
Local Government Association—Report, 1993-94.
District Council By-laws—
Barmera—By-law No.37—Dogs.
Corporation By-laws—
Mount Gambier—
By-law No.2—Repeal of By-laws.
By-law No. 5—Council Land.
Unley—By-law—No. 2—Traffic.
Hindmarsh and Woodville—
By-law No. 1—Permits and Penalties.
By-law No. 2—Moveable Signs.
By-law No. 3—Council Land.
By-law No. 4—Caravans and Camping.
By-law No. 5—Inflammable Undergrowth.
By-law No. 6—Animals and Birds.
By-law No. 7—Dogs.
By-law No. 8—Bees.

By the Minister for Recreation, Sport and Racing (Hon. J.K.G. Oswald)—

Office for Recreation, Sport and Racing—Report, 1993-94.

By the Minister for Employment, Training and Further Education (Hon. R.B. Such)—

Flinders University of South Australia—Report, 1993.
Flinders University of South Australia—Amendment to Statutes.

ASSET SALES

The Hon. DEAN BROWN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: I wish to inform the House about specific progress being made with the Government's asset sales program. In doing so I emphasise to members at the outset that this is much more than a debt reduction program. It is, of course, important for the Government to reduce the unsustainable debt it inherited. This will cut the annual interest bill, reduce ongoing financial risk to taxpayers and free up more financial resources for education, health and other core community services that the Government must provide. I would much rather be using the taxpayers' taxes paid by South Australians to improve education and health services than to meet the interest bills of international bankers.

In the overall financial context I can report to the House that the Government's four year budget strategy is firmly on track. The plan to eliminate the underlying budget deficit by 1997-98 will be achieved, despite the determination of the Federal Government to make our task much harder by pushing up the interest rates. Nor will this additional pressure on our budget result in a fire sale of assets. We will not be forced into any sale. Our program is driven by the Government's determination to achieve the benefits of investment, growth and jobs, as well as a much lower public debt. For too long our State economy has been burdened by non-core assets owned by the Government which have become massive financial liabilities or which have failed to provide an adequate return on the taxpayers' capital invested in them. The Government is determined that these assets must become part of our economic recovery rather than an obstacle to recovery.

Our assets sales program is therefore not about philosophy or ideology. It is about economic recovery and economic growth. It is about maximising economic opportunities for South Australians. It is about encouraging economic competition and the better use of resources. It is about reducing the risks to taxpayers of failed Government businesses and rising interest rates. It is about taking non-core assets from behind the shield of Government and putting them into the wider economy, where competition drives down prices and improves standards of service to the benefit of all consumers. It is about ensuring that the Government is able to concentrate on its core role of improving the standard of services upon which the whole community relies.

The Government has set a target of achieving about $500 million of asset sales in 1995. These sales will represent about half the assets which the Government has earmarked for sale over the four year term, excluding BankSA. Under Cabinet's direction this program has been managed by the Asset Management Task Force appointed March 1994, answering directly to the Treasurer. Already sales of over $40 million have been achieved, including the sale of the Government's shareholding in AMDEL Ltd and the sale of Enterprise Investments.

A substantial amount of work has been undertaken to get a number of other major assets ready for sale. This has not been an easy task. A great deal of restructuring and repair work has been necessary because the former Government simply had no adequate asset management program. In the course of this work, processes have been developed which are completely transparent in their integrity to ensure that sales are conducted on a fully accountable, open and fair basis.

The foundations developed in recent months will allow the Government to finalise the following major asset sales during 1995: the Pipelines Authority of South Australia, Forwood Products and the State Government Insurance Commission. Other sales planned in the near future include the Ottoway workshops of the EWS Department, the *Island Seaway*, the Noarlunga Shopping Centre and State Clothing. In addition, the Asset Management Task Force has instituted action to identify surplus land-related assets and is reviewing measures to coordinate the release of these assets on to the market over an agreed period.

As the Treasurer indicated to the House last week, the Government is also proceeding with a carefully managed process to maximise the return to South Australia from the ultimate sale of the Bank of South Australia. Of the major asset sales planned for 1995, the sale of the Pipelines Authority is well under way. The Government will be introducing enabling legislation in the next few weeks. The PASA sale has attracted considerable national and international attention. The sale of Forwood Products has also progressed significantly in recent months.

The third major sale to be finalised during 1995 will be SGIC. The latest advice to Cabinet indicates that in the present climate a trade sale is likely to be the best way of maximising price and other benefits to the State and minimising the financial risks to the Government. The sale is to be structured in such a way as to encourage the retention of a head office and employment in South Australia. Potential loss of head office and the impact on employment have been important considerations by the Cabinet. Of course, a trade sale later this year would not rule out the possibility of a public float of the entity at some time in the future. Equally, it should be noted that a public float at this or any other time could not guarantee that the head office would be kept in Adelaide. The Australian Stock Exchange will allow a company to be takeover proof for only two years under its listing rules. A trade sale at this time could in many ways provide more control over the outcome and achieve substantially higher proceeds. In selling SGIC, the Government has decided to retain ownership of the CTP fund. The fund will be managed on behalf of the Government by the privatised SGIC until at least 30 June 1998.

In the sale of PASA, Forwood Products and SGIC, and in other major sales now being prepared, the Asset Management Task Force has adopted a very methodical and orderly approach to its work. The approach of the task force has been commended by the market and by many of the parties interested in the asset sales. I also commend the Treasurer and his officials for their vital input to that asset sales program. The brief of the task force is to maximise the economic benefits of each sale for South Australia and to produce competition and induce new economic growth, in addition to maximising the return to taxpayers. Bidders for all major assets are being required to detail the way in which they may propose to add value to the State's economy. The task force is working closely with the Economic Development Authority to ensure that economic advantages to South Australia are maximised. This approach, which the Government is also adopting in its contracting out program, is setting new national benchmarks for securing economic growth and job creation as a result of improved asset management by the Government.

The Parliament will soon debate legislation to facilitate specific major asset sales. Accordingly, I make clear to the House the Government's view that it has a very strong mandate for this asset sales program. Our proposals were put to the people before the last election in very clear terms. The people of South Australia elected us to reduce the crippling debt left to them by the former Labor Government. We are well on track to achieve the targets that we have set for our first term. In doing so, as I have indicated in this statement, we intend to ensure that South Australia obtains the maximum benefits from this vital program of lower debt, lower interest payments, lower taxes and more jobs.

HOUSING TRUST WATER RATES

The Hon. J.K.G. OSWALD (Minister for Housing, Urban Development and Local Government Relations): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.K.G. OSWALD: The State Government has reached a responsible position today on the provision of water to Housing Trust tenants. This follows recent changes to the EWS water charges for all consumers. The supply of water is not the core business of the Housing Trust and, as a landlord, its properties are liable to be charged for water by the EWS the same as any other property owner in the private sector. The trust has the option of absorbing the water consumption charges which its tenants incur and which will cost the trust approximately $5.84 million in 1995-96, or the trust can pass on a percentage of the cost of water to tenants. The Government has chosen to take the latter course.

Currently within the Housing Trust all tenants receive a 136 kilolitre allowance and, in addition, approximately 32 000 rent rebate tenants receive a further 64 kilolitres for which the trust meets the annual cost of $1.8 million. When compared with low income people renting in the private sector and who do not enjoy such generous arrangements

with landlords it is difficult to justify on equity grounds the continuation of this subsidy to only one sector of the community. Existing legal and contractual arrangements with Housing Trust tenants permit the trust to recover moneys from tenants only for 'excess water'.

Now that excess water charges have been eliminated under the new EWS charging system, the trust cannot charge for any water usage, let alone what currently is termed 'excess'. This would mean that public housing tenants would have free water, which would be contrary to the principles of water conservation. To correct this situation it will be necessary to amend the Housing Trust Act. As the trust is not in a position to carry the $5.84 million cost of water, it is intended to introduce amendments into Parliament without delay to recover water charges from 1 July 1995. This means all water consumed from 1 January 1995 will be under the new system as with the rest of the community under the EWS policy.

All tenants in separately metered properties will in future receive the same consideration in respect of their water consumption. The trust will pay the access charge of $113 relating to their property and the first 136 kilolitres consumed by the tenant. Above this level tenants, whether they are full rent payers or those on rebates, will be required to pay for the water they use. This action in fact removes a major inequity from the previous arrangement where rebated tenants received a higher allowance, the cost of which ($1.8 million) was met by the trust. All tenants in separately metered properties will now be treated equally and will have the same incentive to conserve water as their neighbours.

It is important to note that full rent payers will notice no change from the current arrangement if their water consumption does not increase; that is, they currently pay for water consumption above 136 kilolitres, and this will remain the case. Rebated rent payers will pay slightly more as they will in future be required to pay for their consumption above 136 kilolitres whereas currently they pay only for consumption in excess of 200 kilolitres. If a rebated tenant uses the full 200 kilolitres a year, they will pay an extra $56.32 or about $1 per week, provided they used they whole of the 200 kilolitres. If they use less than 200 kilolitres, they will pay less than $1 per week.

Within trust rental stock there are about 21 000 walk-up flats, cottage flats for aged pensioners and other units which are not separately metered. In 1993-94 the average consumption across all these dwellings was 116 kilolitres, which is well below the 136 kilolitre allowance provided to separately metered properties. These units have no private gardens but the estates have large common areas that are maintained for the benefit of all occupants by the trust. Given these facts, there is no justification for spending millions of dollars installing separate water meters to these units and flats, and consequently these tenants will not be charged for water consumption.

In summary, the change in policy for water usage by Housing Trust tenants provides for greater equity between individual trust tenants as well as between the public and private sectors as a whole. I commend the policy to the House.

QUESTION TIME

WORKCOVER

The Hon. M.D. RANN (Leader of the Opposition): What discussions has the Minister for Industrial Affairs had with individual insurance companies concerning the tendering of WorkCover claims administration, and in any of these discussions were donations to the Liberal Party mentioned? Tenders have now closed for WorkCover's multimillion dollar claims management contracts which are being privatised for the first time. The annual return of donations to the Liberal Party for 1993-94 shows that, just prior to the election, eight major insurance companies made substantial donations to the Liberal Party totalling $77 500. The Opposition has been informed that insurance companies that made donations to the Liberal Party are amongst the tenderers.

The Hon. G.A. INGERSON: I thank the Leader of the Opposition for his question. All members of the Liberal Party have no understanding and are not aware of any of the donations that take place from any of the companies.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I warn the Deputy Leader of the Opposition for the first time. If the honourable member starts advising the Chair, I will proceed further. The honourable Minister.

The Hon. G.A. INGERSON: It is very interesting when you talk about donations made to political Parties and you look at the advertisements in the paper in the past few days in relation to WorkCover and where all this money is coming from the trade union movement in terms of supporting the Labor Party.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: I think you got your desserts in terms of the *Advertiser*, and anybody silly enough to take them on deserves all they get. In relation to seeing private insurance companies, as the Leader of the Opposition would know, any Minister receives delegations from all groups of people, and I have seen representatives from, I think, about four different companies, the names of which I am very happy to give to the Leader of the Opposition in a private sense. However, it is not my intention to put any of my personal meetings with companies on the public record.

I also point out that I have had formal meetings with the Insurance Council, as have the Deputy Leader and the Leader of the Democrats. Every single member of Parliament who is interested in the WorkCover system has had delegations not only from individual insurance companies but also from unions, companies and individual employees. Anyone who is interested in the WorkCover system has been to talk not only to me, as Minister, but also to the Deputy Leader, and I know that because they tell me time and again that they have gone to see him and that they have never found anyone who is as glazed and blocked over, having no comprehension of the scheme, as the Deputy Leader. They tell me this every single time that I go to see them.

It is quite fascinating to see the Leader of the Opposition stand up in this place and make comments when, publicly, everyone knows that he and all the other members opposite bow to the trade union movement and do—not only in a financial sense but in every other sense—just what it says.

Mr BASS (Florey): Can the Premier advise the House whether the former Government promised to deliver a nationally competitive WorkCover scheme for South Australia and, if so, what has been the cost in monetary and job terms of the failure to honour this commitment?

The Hon. DEAN BROWN: Since March 1991, the then Labor Government had been promising South Australians that it would produce a nationally competitive WorkCover system. Yet, when the Liberal Government has given it that opportunity, the Labor Party has backed away from it. Let us look at some of the statements that were made: back in March 1991, then Premier Bannon said that by 1993-94 he would produce a nationally competitive WorkCover system. He said:

> WorkCover has been of considerable concern to industry. I recognise the need to shift levies to a level where they are nationally competitive. We will strive to achieve this by 1993-94.

An honourable member interjecting:

The Hon. DEAN BROWN: We did! We all know that the Leader of the Opposition lives in Fantasy Land and that interjection across the House highlights the extent to which he does. He claimed that the Labor Party did produce nationally competitive WorkCover premiums.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: It was even more interesting to see that just prior to the last election the Labor Party brought down its policy 'South Australia's New Direction', which referred to industrial relations policy and which included its policy on WorkCover. What did it say? Just before the last election, just over 12 months ago, the Labor Party said:

> . . . further reduce [WorkCover premiums] average employer levy rate to 1.8 per cent.

Let us look at the facts to see whether South Australia has achieved this nationally competitive WorkCover premium.

Members interjecting:

The SPEAKER: Order! The Minister for Tourism is out of order. I would suggest that the Deputy Leader of the Opposition heed the warnings he has received.

The Hon. DEAN BROWN: I challenge the Deputy Leader of the Opposition to go to the rally tomorrow and tell the workers what the Labor Party promised prior to the last election—that it would reduce rates to 1.8 per cent. I bet that the Leader of the Opposition does not have the fortitude to go out and do that. Let us look at the facts—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The current premium rate in Victoria is 2.25 per cent dropping to 1.8 per cent; New South Wales is already at 1.8 per cent; Queensland, under a Labor Government, is at 1.6 per cent, while South Australia is at 2.86 per cent and is expected to increase in the new financial year to 3.3 per cent because of the huge unfunded liability building up by $7 million a month. That is the problem that we have here in South Australia. Let us look at the cost of this uncompetitive WorkCover system that we have in South Australia at present. Since 1991, when Labor promised a nationally competitive scheme, South Australian employers have paid $335 million more than they would have paid if our scheme was nationally competitive. We are currently paying $90 million a year more because our scheme is not nationally competitive. On top of that, because of this unfunded liability building up, that will increase by a further $42 million, so that employers in this State will therefore be paying an extra $132 million.

Mrs Kotz interjecting:

The Hon. DEAN BROWN: The question has been asked, 'How many jobs in South Australia is that?' The answer is simple: based on the average salary paid in South Australia that means we could employ another 4 100 people in this State. Approximately half this crowd tomorrow (if they get their projected numbers) could find another job in South Australia if we had a nationally competitive WorkCover system. The real price for the Labor Party's blocking moves by the Liberal Government to reform WorkCover is the fact that we have 4 100 more unemployed people in this State than we should have.

For the first time in something like four years this Liberal Government has unemployment in South Australia below 10 per cent. It is a real credit to the Government that we have done so. I would like to see it substantially lower than 10 per cent, and the biggest single factor holding that up at present is the uncompetitive WorkCover system that we have in South Australia. I again challenge the Deputy Leader of the Opposition to go out and tell the people tomorrow that, if we had an internationally competitive WorkCover system, we could create a further 4 100 jobs in South Australia. I guarantee that the Leader does not have the gumption to tell them that tomorrow.

Members interjecting:

The SPEAKER: Order! If members want Question Time to continue I suggest that they comply with Standing Orders, or members who continue to interject will be taken off the list. The honourable Deputy Leader of the Opposition.

Mr CLARKE (Deputy Leader of the Opposition): Thank you, Mr Speaker.

Mr Lewis: Take him off.

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

Mr CLARKE: Throw him out, Sir.

The SPEAKER: I suggest to the Deputy Leader that he not make that suggestion.

Mr CLARKE: Will the Minister for Industrial Affairs table details of the 100 worst performing employers in South Australia with respect to the incidence of workplace injuries following his claims that high WorkCover costs are a result of rorts by employees, doctors and lawyers? This information is readily available at WorkCover and includes the liability of each of the 100 worst performing employers with respect to the number of claims, the incidence of workplace injuries, lost wages and the cost of medical and legal expenses and the total levies paid by each company in comparisons to these costs?

The Hon. G.A. INGERSON: This question again shows clearly that South Terrace is running North Terrace, because only yesterday morning I had a group of senior union members in my office asking, 'What will you do about the 100 worst performing employers?' They must have written the question for the Deputy Leader, because I was asked that question only yesterday morning. As I said yesterday morning, what they should also ask me to do is name the 100 worst claimants among employees as well. I cannot do that, and the member opposite knows that because there are confidentiality clauses which the former Government enacted.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: I will get to them in a minute, if you like.

The SPEAKER: The Chair has been most tolerant. The Chair's patience has now come to an end. Members do not want to provoke the Chair or else I will take stern action. I suggest that members ask a question and allow the Minister to answer it, that is, if they want to hear the answer. Otherwise they might not be here. The honourable Minister.

The Hon. G.A. INGERSON: Thank you, Mr Speaker. As I said earlier, it staggers me that such discussions should occur the day before questions are asked in this House. I will have a bet with anyone in this place that tomorrow Opposition speakers will not say that 95 per cent of claimants in tomorrow's audience will experience no change in their benefits under our scheme. I bet that is not said tomorrow—that 19 out of every 20 people on WorkCover in this State since the beginning of the scheme (not just now) have been off WorkCover in six months.

In fact, 19 out of 20 people in tomorrow's crowd will not experience any change to their benefits under our scheme. Further, I bet that Opposition members do not say tomorrow that the single biggest request to Government from employees is to provide better access to lump sums and that the Government's Bill will do that.

I bet that those two most fundamental issues in the argument will not be put forward tomorrow. The reason they will not be put forward is that the trade union movement is telling members opposite how to run the campaign. The Labor stooges in this House ought to admit that they are trade union, and not ALP, representatives in this place.

Mr ASHENDEN (Wright): Can the Minister for Industrial Affairs inform the House of steps taken by WorkCover to ensure that employers make full payment of their levy obligations to the WorkCover scheme and protect the occupational health, safety and welfare of their employees?

The Hon. G.A. INGERSON: This is another one of the furphies being run out by the trade union movement and supported by the 11 members opposite. Members opposite are saying we can collect a huge sum of money lost through employers' fraud. However, 32 500 of the 55 000 employers in South Australia have been audited, and last year, out of the $240 million levy collection, there was $2.6 million in levy mistakes.

An honourable member: Shame!

The Hon. G.A. INGERSON: It was $2.9 million the previous year under your Government and the figure is coming down. Of that $2.6 million it costs us $1.5 million to collect that sum. We have 14 auditors involved in this scheme and 11 officers who investigate fraud. We have more auditing and fraud people in South Australia for our small scheme than has any other scheme in the Commonwealth. Anyone who claims we are not after employers and that we do not want employers to toe the line is wrong. This year 35 per cent more employers were audited than under any previous Labor Government scheme.

The Hon. D.S. Baker: That's double the Opposition!

The Hon. G.A. INGERSON: Yes, it is double the Opposition. Since I became the Minister responsible, we have gone out to attack the total cost of the scheme. We will outsource to improve its administration, and we will discuss with doctors and lawyers how they can get their costs down to 85 per cent of their exact costs today. We will ensure the chiropractors, physios—every group—in this system pays.

Mr Becker: Pharmacists?

The Hon. G.A. INGERSON: Pharmacists included. However, in the final analysis 68 per cent of all WorkCover costs goes to the employees. If we do not do something about that side of it and just try to cut back the 32 per cent then, as the member for Giles would know, we will not be doing our proper job as regards managing this scheme. Every part of the scheme has to be examined and, as part of the whole program, we are putting in an extra $2 million this year. We are the first Government ever to put money into occupational health and safety, and we are targeting the very group of people in question. We are out there now looking at all the companies not performing. We are not naming them in this place, as has been done by members opposite—

Members interjecting:

The Hon. G.A. INGERSON: Not one single worker has been named by me. We are out there working with a difficult situation and making sure that we get the job done.

Members interjecting:

The SPEAKER: Order! The warning has been given. Obviously members want to have an early afternoon. The honourable Minister.

The Hon. G.A. INGERSON: Finally, as part of the analysis of what is going wrong in the workplace, we have worked with the Minister for Primary Industries and are currently working with the tuna industry to try to sort out why so many young divers are getting the bends. It is much better that we go out to the industries that have the problem and work with them. It is unacceptable that so many young divers in the tuna industry, which is expanding, should be experiencing this problem. The problem is not solved by grandstanding here: it involves going out to the industry in question and resolving the issues there.

HOUSING TRUST WATER RATES

Ms HURLEY (Napier): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. As the new Housing Trust water charges will cost low income trust tenants at least $56 extra per year—almost three times the increase in water bills faced by most householders—can he guarantee that no tenant will be evicted if they cannot pay the new water charges?

The Hon. J.K.G. OSWALD: I thank the honourable member for her question, and I appreciate that she received the ministerial statement only a few minutes ago and would like the opportunity to study it in more detail overnight. I inform the other honourable member who waves it around the House that they might also find that the additional charge that is likely to be incurred is $1 per week if they use the whole 200 kilolitres. Let us get that part of it sorted out: we are talking about the cost of the 64 kilolitres of water, and the vast majority of tenants would never get up to the 200 kilolitres. They normally use about 150 kilolitres, so we are really talking about a few cents per week for the vast majority of tenants. So, it is virtually a situation of no change.

I suggest that the majority of tenants who are in the subsidised category would not use the 200 kilolitres and therefore will not be paying up to $1 a week; they will be paying far less than $1 a week. In relation to evictions, the trust's policy as laid down by the trust board has not changed; that is, tenants who accrue accounts are expected to pay, but tenants who are in financial difficulties can approach their regional manager and discuss it with them. Every effort has been made in the past and will continue to be made to come

to an arrangement to assist those tenants in paying off those debts.

BUSHFIRES

Mr BROKENSHIRE (Mawson): Will the Minister for Emergency Services advise the House of the current status of bushfires at Kyeema Conservation Park and the resources being used to contain their spread?

The Hon. W.A. MATTHEW: I thank the honourable member for his question. I am aware of his intense interest in and support for the Country Fire Service in his area. I acknowledge that many volunteers from his area, supported by other volunteers from around the State, are presently fighting the fires that are burning mainly in the Premier's electorate. While extreme difficulty has been experienced by our firefighters in controlling the fire edge in the inaccessible scrubland between Woodgate Road and the southern edge of the Kuitpo forest plantation, the CFS advises me that the fire is essentially contained. Two water bombing aircraft and a helicopter were deployed on the eastern edge of the fire to lay a retardant as a back-up to back burning operations. However, variable winds have created problems for our fire crews in undertaking those tasks.

As of early this afternoon, some 150 emergency service personnel were at the scene of the fires. Additionally, there were 30 Country Fire Service appliances, 11 vehicles from the Departments of Environment and Natural Resources and Primary Industries, seven tankers, a bulldozer, a volunteer St John Ambulance unit and various pieces of private plant and equipment combating the fire. At one stage, at the height of the blaze, over 300 firefighting personnel and 50 appliances were involved.

Firefighters were organised into five strike teams from the district council areas of Mount Barker, Noarlunga, Yankalilla, Stirling and East Torrens. Each strike team comprised some 30 personnel. More than 35 Country Fire Service brigades have contributed personnel and equipment to fight the blaze. My latest advice is that the fire has been contained within fire breaks and, given the continued stable weather conditions, the CFS hopes that the fire will be fully controlled by later today.

The last report I have received indicates that, unfortunately, six volunteers have been injured, with injuries ranging from superficial burns to cuts and sprains. Thankfully, as yet, no firefighter has been admitted to hospital as a result of these most recent fires, although two volunteers remain in hospital, having been badly burnt in the Second Valley and Heathfield fires earlier this year. I am sure all members would join me in wishing the volunteers a speedy recovery and applauding the efforts of those firefighters who continue to risk their lives in the most trying conditions of yesterday and today.

TAFE STUDENTS

Ms WHITE (Taylor): Why did the Minister for Employment, Training and Further Education refuse to expel a TAFE student who admitted to serious sexual harassment offences and fraudulent behaviour, despite the key recommendation for expulsion by the relevant institute council and director and the Chief Executive Officer of the department of TAFE? Recently a TAFE student admitted to fraudulently using a computer to alter his and other students' records and to the vile sexual harassment of students. On 10 January this year, against the advice of his own department and the advice of the institute's equal opportunity unit, the Minister directed that the student be reinstated.

The Hon. R.B. SUCH: This is a very important question, and it raises a lot of serious issues. The student concerned is a juvenile—under the age of 18—and the matter was brought—

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: Most students of TAFE are not. This is a TAFE student; he is 17. The allegation put to me was that this student had entered the computer system and had altered the records of students. I immediately asked for further details and said that I would withhold the expulsion order until I was able to get the full details in relation to what damage he had done, if any. That was the first request. When those details came back, allegations were made of sexual harassment, allegations which were not made to me initially. I then asked for details of those and was told that he had put things on the screen, which included childish messages regarding people allegedly having herpes and so on—

Members interjecting:

The SPEAKER: Order!

The Hon. R.B. SUCH: It is obviously unacceptable, infantile behaviour, if the allegations are correct. The principles of natural justice which must be followed—and I have consulted Crown Law—are that the student must have the right to put his case, which he has not yet been able to put to me. I do not authorise an expulsion until the person accused can put their case. At this point he has still not responded to that request.

Crown Law has advised that on the grounds of natural justice he must have the right of response, with which I agree. These allegations remain allegations until the matter is dealt with properly and in accordance with the law and the principles of natural justice. I will not authorise the expulsion of someone—in this case the lad is from an ethnic background and I suspect he may have been subjected to some form of abuse—until all those matters are canvassed and he has the opportunity to put his case. In those circumstances I will not have someone of his age thrown out of a TAFE college and thereby wreck his career possibilities.

At the same time, and despite what some people within the institute implied about my being poorly advised, I took a particular interest in this matter and read all the case notes that were supplied to me. He must have the right of natural justice. If there are any grounds on which he has done the wrong thing in terms of sexual harassment or hacking into a system and altering the records, he will be dealt with accordingly. However, until such time as that is proved, he remains innocent under our system and the process must be followed through.

Ms White interjecting:

The Hon. R.B. SUCH: No. The matter came to me with incomplete information in respect of the allegations. The student has not supplied any material to me via the system. We do not accept the situation of a kangaroo court, whether in TAFE or anywhere else, in which someone alleges something without the person accused having the right of response. I am amazed that within TAFE or anywhere else anyone would condone such a process. I certainly do not, and I will not tolerate a situation where somebody is accused without the right of response.

ASSET SALES

Mrs KOTZ (Newland): Will the Treasurer inform the House of the process being undertaken by the Asset Management Task Force to ensure that the State receives the best possible benefits from these sales following the overview of the Government's asset sales plans for the coming year which were today provided by the Premier?

The Hon. S.J. BAKER: I think I should impart some knowledge to the House in terms of the process which has to be followed on all occasions. As the Premier rightly said, it has to be transparent so that all people participating believe that they are being treated appropriately. There are three stages to the process. At any stage we can say whether an asset should be sold or modified so that its benefit to the Government can be improved. At the end of the three processes, the asset will be sold.

Stage one is a strategic review of the asset that we have for sale or enhancement. That is followed by a feasibility study, a Cabinet submission follows that process and a Cabinet decision is then taken in principle to proceed to a sales process. Stage two is a most complex task in terms of the amount of work that needs to be done. That involves the selection of a project team, making the asset ready for sale and then getting the final go ahead from Cabinet. Of course, stage three is the public tender for sale, the short listing, due diligence, acceptance of offer and the final sale. At any stage the Government has the right to say 'No' and to re-evaluate the process but, importantly, it has a process in train.

On coming into Government, I was interested to see what work had been done by the previous Government. Members will remember that in April 1993 the then Government issued 'Meeting the Challenge.' In that statement there was a debt reduction strategy, and two of the assets listed on that register for sale were the areas of land on which the two shopping centres of Elizabeth and Noarlunga are now standing. It was quite clear that the former Government, as part of its strategy, intended to sell that land. Some months after coming into Government, I asked for the documentation in respect of the sale of the land, and I found it had been put away in the drawer. The former Government had no intention of selling the land and it had no process in place. In fact, it was another farce of the previous Government.

I should like to give comfort to the House and clearly explain that a very strict process is involved here so that we can maximise the benefit to South Australia, as has been pointed out by the Premier. The House and anybody who comes to bid in South Australia can have confidence that a very strict protocol will be followed and that they will receive as much attention as any other bidder and be kept well informed throughout the process.

TAFE STUDENTS

Ms WHITE (Taylor): My question is directed to the Minister for Employment, Training and Further Education representing the Minister for Education and Children's Services. Why has the Government not granted TAFE institute directors the power to expel students involved in unacceptable activities? Last weekend a newspaper report revealed that the Government will be giving school principals the power to expel students for up to 18 months. This is in stark contrast to the recent actions of the Minister, who rejected recommendations to expel a TAFE student.

The SPEAKER: Order! I ask the Minister to ignore the part of the question that was purely comment.

The Hon. R.B. SUCH: If anyone thinks that as Minister I automatically rubber stamp recommendations, they have to think again. When dealing with the lives of young people, we have to be careful to ensure that all due processes are followed. That view has been reinforced by Crown Law.

Members interjecting:

The Hon. R.B. SUCH: In relation to what happens in the schools, due process has to be followed as well. In relation to TAFE, institute directors and councils have considerable power but, ultimately, as the member may or may not know, in serious matters such as this, when one is, in effect, reviewing an expulsion order, it is appropriate that the Minister and Crown Law look at it. It applies also in relation to public servants when there is a recommendation for termination. Those matters ultimately are considered by the Governor in Executive Council, and it is appropriate that they are, to ensure that due process is followed.

We have a system which gives rights to the accused. Therefore, before we hang people, we should make sure that we have the facts and that those people have the right to put their case. I understand that in the school system the same principle would apply. I suggest that anyone who automatically passed a guilty verdict on a student without going through the due process would be very unwise. My understanding of the school system is that process is followed and that any school principal or other person who did not follow that process would leave themselves wide open to legal action.

DEFENCE CONTRACTS

Mr ROSSI (Lee): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development.

Mr Atkinson interjecting:

Mr ROSSI: Will the member for Spence please keep quiet? Following today's announcement that an Adelaide-based company has won an $18 million defence contract, can the Minister tell the House what economic benefits this will have for South Australia?

The Hon. J.W. OLSEN: The signing of the MRAD contract between the Federal Government and MRAD Pty Ltd, a component of SAGRIC International, is another important step forward in the establishment of South Australia as the defence capital of Australia. We have seen a number of companies, like AWA Defence Industries and British Aerospace, expand and consolidate their operations in South Australia, relocating the Parakeet project from Sydney to South Australia, all of which is consolidating some intellectual property in the defence-related industries.

Some $500 million worth of contracts will be available for defence-related industries over the next 18 months. South Australia, with its expanding base and with the establishment of the intellectual property related to projects such as MRAD, will position South Australia to ensure that it gets the lion's share of the market. Previous Industry Commission reports have indicated that over 40 per cent of defence procurement dollars are spent in South Australia. Given the current track record, that will increase over the next 18 months.

The H-REF contract is a facility for testing the RAAF FA-18 fighter. The company won that contract ahead of multinational and other Australian competitors. The H-REF will be the most advanced facility of its kind in the world, allowing

the Air Force to evaluate the upgrade to the Hornets' radar software by simulating real flight situations. It is a further indication and clarification that South Australia's economic base, in the key area of electronics and defence related industries, is positioning itself to carve out a niche market for industry development in South Australia and, at the end of the day, that equals more jobs for South Australians.

CASEMIX FUNDING

Ms STEVENS (Elizabeth): Does the Minister for Health deny that the implementation of the casemix funding system for public hospitals is in disarray, and what action has the Minister taken to ensure that problems with casemix administration are fixed? The Opposition has received disturbing advice from several hospitals that not only was vital financial information for the July quarter for 1994-95 supplied to hospitals 2½ months late but the information was found to be wrong and new data was not reissued until February. The Opposition understands some hospitals have now raised doubts about the accuracy of the reissued data. There has been no data available for the second quarter.

The Hon. S.J. Baker interjecting:

Ms STEVENS: Let's hear from your Minister.

Mr Atkinson interjecting:

The SPEAKER: Order! The honourable member for Spence has taken it upon himself to be the chief adviser to the Speaker. I advise him that next time I will not take his interjections kindly and the Standing Orders will be applied, and he may have plenty of time to read them.

The Hon. M.H. ARMITAGE: The obvious answer to the question is, 'Yes, I do deny that it is in disarray, because it simply is not.' The casemix funding situation is the most major change in hospital funding for 20 years and addresses many of the difficulties and dilemmas which were quite evident in the system and which the previous Government—under the stewardship of the members sitting opposite—simply ignored. We have addressed those problems. The system is, in fact, very supportive of casemix funding.

What I do not hide or walk away from is the fact that, as occurs in casemix funding situations around the world, some people attempt to make the most of that situation. It is called 'gaming', and there is no doubt that gaming has occurred in the South Australian situation. We have evidence to indicate that and we are dealing with it. The matter to which the member for Elizabeth alludes was discussed with me at a meeting with the council of the Hospitals and Health Services Association of South Australia late last week (Thursday or Friday) and, whilst it acknowledged, as did we according to the advice we provided, that there had been one error in the information provided and that had been re-addressed, the Hospitals and Health Services Association indicated that it is totally supportive of the casemix concept.

STUDENT-TEACHER RATIOS

Mr BRINDAL (Unley): My question is directed to the Premier. Do the latest figures on student-teacher ratios show an improvement in South Australia's position as compared with other States? The Highgate Primary School, which is in my electorate, is one of 206 schools that has recently lost a teacher because of enrolment decline. At a public meeting I was informed that neighbours of the Premier intended to ask him that question, so I will save them the trouble and ask it in this House.

The Hon. DEAN BROWN: The good news is that the latest ABS figures show that South Australia has the best, that is, the lowest, student to teacher ratio for the whole of Australia. Therefore, the sorts of claims we have been hearing from the leadership of SAIT and the Labor Party of South Australia about how this Liberal Government has torn down the education system and is dragging down the standards and everything else just do not stand up to scrutiny at all. We have not only the lowest overall ratio of students to teachers—

The Hon. Frank Blevins: For what year?

The Hon. DEAN BROWN: —for 1994—but also the lowest ratio for both primary and secondary schools. The figure for South Australia is 14.3 per cent. It is interesting—

An honourable member interjecting:

The Hon. DEAN BROWN: The ratio is 14.3 per cent. It is interesting that, cum the facts, the Labor Party cannot possibly stand up and take them, because the Labor Party has been trying to peddle something entirely different from the truth.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Premier will resume his seat. I suggest to the Leader of the Opposition that those comments he is continually making across the Chamber are unnecessary and unwise. The Premier.

The Hon. DEAN BROWN: In South Australia, this Liberal Government has put a very high priority on education. We have made sure that we have the best education standards of any State in Australia. It is interesting that, even with the most recent teacher cuts announced at the beginning of this year due to the decline in student numbers—and I might add, brought about because of an industrial agreement signed by the then Labor Government in this State; the people sitting opposite were the ones in 1991 who put in place that agreement to reduce teacher numbers if there was an actual drop in the number of students—we are expected to have the lowest ratio, in other words, the best ratio, of students to staff of any State in Australia. And so we have every opportunity—and this Government is committed to this—to make sure that we have the best education standards in the whole of Australia.

CASEMIX FUNDING

Ms STEVENS (Elizabeth): My question is directed to the Minister for Health.

Mr Becker interjecting:

The SPEAKER: The honourable member for Peake is out of order.

Ms STEVENS: Which country hospitals have been forced to close or limit the use of wards and operating theatres for extended periods to cope with reduced funding expectations? Revised data recently supplied to health units substantially reduced the payments that most country hospitals expected to receive under casemix for the first quarter of 1994-95 compared with the estimates supplied to the hospitals before Christmas. For example, under the revised figures, the payment for the South Coast Hospital at Victor Harbor was reduced by $47 000; Whyalla Hospital by $75 000; and Murray Bridge Hospital by $68 000 for the first quarter.

The Hon. M.H. ARMITAGE: As I indicated before, there was one mistake made with the notification of data. In the notification to the hospitals of that error—and unfortunately the member for Elizabeth has not notified this to the House—the commission, in recognising that error, indicated

that there would be absolutely no question but that we would make appropriate equilibrations during the rest of the year if there was any demonstrable financial difficulty.

Let me address the substance of the question. What hypocrisy coming from a member of the Labor Party to ask, 'What hospitals will close under a Liberal Government?' Clearly, the shadow Minister for Health—a term which I recognise is not acknowledged in Parliament, so I will say the member for Elizabeth—has not even bothered to read the incredibly important documentation in relation to casemix, because the casemix documentation states that no country hospital will close. And, indeed, in the documentation we make a specific commitment through the rural access grants that the small hospitals will not be forced to close. I remind the House that this question comes from a member of a Party which when in government closed hospitals left right and centre, and we have made a specific commitment to keep them open. What hypocrisy!

HEALTH SERVICES EXPORT

Ms GREIG (Reynell): My question is also directed to the Minister for Health. Does the Government consider that the export of health services will enhance the provision of health services to the South Australian community?

The Hon. M.H. ARMITAGE: Yes, and I thank the member for Reynell for her question and her continuing interest in this matter. It is to her credit that she is looking widely to the South Australian economy. Obviously, South Australia under the Brown Government is attempting to increase its exports, not only to help South Australians but also in the future to build a more prosperous economy. Traditionally, South Australians have thought of exports in the primary product area. The new wave in world trade is trade in services and, if we in South Australia wish to share this mood, clearly we have to be innovative. Obviously, health is a service and it is a service which in South Australia is provided well; it is provided in a world class product and clearly it is ideal for export if we are able to interest overseas countries.

There have been some shining examples of how the South Australian health services are able to export their expertise. Some examples involve the Flinders Medical Centre, which has been granted a clinical trial contract by a German drug company, and that will see $100 000 of funding being provided for staff and radiological tests. It is an international trial to test a new anti-coagulant which is a low molecular weight heparin and which should simplify treatment and permit earlier discharge from hospital of people with venous thrombosis and pulmonary embolism, which is a particularly important condition.

Flinders is also undertaking work on breast cancer for the US National Cancer Institute. The biochemistry department has been retained by a Swedish instrument maker to provide specific and detailed performance testing of the various instruments. So, there are clear benefits. First, the units are obviously in touch with their international communities in the health area and so are able through that to ensure that they in their academic senses are at the growing edge of health care.

Obviously, professionals are given opportunities to broaden professional experience by that contact. Hospitals clearly benefit from the injection of the sources of funding, but most importantly, as I have said in this House before, the South Australian patients are the prime beneficiaries, because nobody will come to South Australia in an attempt to export a health service unless it is the best in the world. So, clearly by our aiming at world quality best practice and preparing ourselves for the export market in health services, South Australian patients will be the long-term beneficiaries.

CASEMIX FUNDING

Ms STEVENS (Elizabeth): When will the Minister for Health take action to implement all the findings made in the Government commissioned report on the impact of casemix funding on older patients? The latest newsletter of the Council on the Ageing states:

> A full six months after receiving the casemix report, and having been given assurances by the Government that the report would not sit on a shelf gathering dust, COTA believes it is high time the Government acted.

The Hon. M.H. ARMITAGE: This is a very important matter and we are looking at a number of the recommendations in that report because they deal with a number of the things that the member for Elizabeth and I have discussed across the Chamber and in private on a number of occasions—things such as step down facilities. It is absolutely pointless our pouring money into an expensive hospital system when we are attempting to get step down facilities, and that is exactly what COTA addresses with me on numerous occasions. Clearly, older people do not wish to be in an intensive situation in hospital if they do not need to be. We are trying to address those matters. The member for Hart knows only too well that I am attempting creatively to look at step down facilities in all sorts of different hospitals throughout South Australia, and obviously that is a first step towards the implementation of the recommendations of the report. As soon as they are addressed, we will be taking action.

PORT ADELAIDE GIRLS HIGH SCHOOL

Mr De LAINE (Price): My question is directed to the Minister for Employment, Training and Further Education, representing the Minister for Education and Children's Services in another place. What plans have been made to ensure that students now attending the Port Adelaide Girls High School will be able to continue to access appropriate programs and attend a single sex school should they wish to do so? The Minister's announcement that the Port Adelaide Girls High School will close next year will mean an end to an important single sex school environment for girls and young women in the western districts, especially those groups mentioned in the social justice action plan.

The Hon. R.B. SUCH: I thank the honourable member for the question, because it is an important one. I will obtain some details in regard to the specifics of that school, but I can say in general terms that the Government, and certainly the Minister for Education and Children's Services, is very much committed to the education of girls and young women and to making sure that they have a full range of opportunities to access different career paths. We are committed to ensuring that happens, whether it is at Port Adelaide or elsewhere. It is a very important issue and it is vital that young women and girls have those opportunities. In regard to the specifics of the Port Adelaide Girls High School, I will come back with a detailed response for the honourable member.

TOKYO CITY CUP

Mr CAUDELL (Mitchell): Will the Minister for Recreation, Sport and Racing advise the House whether the inaugural Tokyo City Cup race meeting conducted last Saturday by the South Australian Jockey Club met the expectations of the club and the Government?

The Hon. J.K.G. OSWALD: I can report to the House that the whole carnival was an outstanding success not only from the point of view of the successful racing on the Saturday, when two group 3 races and a group 2 race were conducted in Adelaide, but also regarding the amount of investment, trade, business and tourism generated for the State. Members will be interested to know that quite a strong delegation came from Tokyo. In August this year we will reciprocate with the City of Adelaide race in Tokyo, and no doubt a delegation will be going to Tokyo on that occasion.

The on course totalisator was up 41 per cent; TAB turnover was up 20 per cent; bookmaker turnover was up 11 per cent against the budget; and attendance on course reached about 10 000. The significance to the State cannot be underscored. As an example, on the Sunday evening I accompanied two of the Japanese delegations to a float construction firm at Wingfield. Whilst it would not be prudent to divulge the size of the order, I can say that they received a very significant order to sell horse floats in Japan. The contacts which were set up in front of me that night and which I was able to witness will result in a doubling of the capacity of that float manufacturing company, which is already the biggest and most productive in Australia. That is just one example.

On course, an expo was set up involving 17 racing industry related companies; we had a trade fair marquee covering all aspects of the racing industry. So, it was a marvellous success, both on and off course. It is destined to become the second biggest weekend to the Adelaide Cup. The television coverage promoting Adelaide went into South-East Asia, through Hong Kong, into Japan and across the United States of America. So, once again, Adelaide was very much to the fore. To show its support for the weekend, because it was the first, my department was very pleased to put in $20 000 towards the SAJC's costs in ensuring that it was successful. It is now part of the racing calendar in this State, and I congratulate the SAJC and all those involved in achieving what was a very successful weekend for South Australia.

FAMILIES IN AGRICULTURE PROGRAM

Mrs PENFOLD (Flinders): Can the Minister for Primary Industries outline the Families in Agriculture program recently initiated by the Rural Affairs Unit of PISA, and explain how it will assist rural communities and farm families to cope with the information and adjustment needs of rural communities?

The Hon. D.S. BAKER: I thank the honourable member for her question and acknowledge the way she so strongly represents her constituents from that area, which happens to be among those most hit by the rural downturn in South Australia. Six months ago, when we carried out the rural debt audit, which was a factual record of the debt levels of the rural community in South Australia, it became obvious that some people, although not in the high debt category, were having extreme problems in carrying on their family business, and that was causing much hardship. The Department of Primary Industries decided to put some extra funds into running workshops and seminars and to start a Families in Agriculture program, which was not only for rural families but also for families and small business people in rural towns, to ensure that they were brought up to speed with what services were available and could be provided by the Department of Primary Industries and by services operating under other ministries in South Australia.

That covered a wide range of areas and, in particular, it was available for those people who wanted help in budgeting; rural finance issues; counselling, as many families were suffering; health issues; legal issues; and decision making, which is most decidedly an issue when you get into those sorts of problems. This has gone very well, and I urge all rural members to ensure that it comes from the grass roots level. The department will provide counsellors and funding, and it will help these farming families in making the decisions that are necessary.

There are also two areas in which members of the Opposition would be very interested: the first involves coping with change—and I do not think they have quite learnt that yet in this Parliament—and the other involves succession planning (I am told that the member for Playford has the numbers, so the Leader of the Opposition should get into that quite soon).

HIGHBURY DUMP

Mrs GERAGHTY (Torrens): Will the Minister for Housing, Urban Development and Local Government Relations advise the House when he will provide the comprehensive assessment of the Enviroguard proposal for the Highbury land fill dump? On 30 November, the Minister advised the House of his intention to conduct a comprehensive assessment of the Enviroguard proposal prior to an environmental impact statement.

Members interjecting:

Mrs GERAGHTY: I am quite entitled to ask the question if people come to me.

Members interjecting:

The SPEAKER: Order! There are too many interjections.

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. When I came into this Parliament, I understood that we were paid to be here during Question Time and I would like to draw—

The SPEAKER: Order! That is not a point of order. The honourable member will resume his seat. I suggest to the member for Mawson that it is not the responsibility of the Chair—

Mr Brokenshire interjecting:

The SPEAKER: Order! The Chair is at the stage where it is appropriate to inform members that, if they continue to behave as they have today, a number of members will get an early minute this week. I point out to the member for Mawson that attendance in the House is entirely at the discretion of the honourable member concerned. Therefore he does not have a point of order.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. J.K.G. OSWALD: I am certainly well aware of the situation involving the Highbury dump through the representation that we are continually receiving from the member for Newland, who has contacted my office on many occasions. Indeed, I visited the site with the member for Newland and am now very familiar with the circumstances.

As members know, we have called for an environmental impact statement. As I told the House on the last occasion that this question came up, the purpose of that was to allow community input—

Members interjecting:

The Hon. J.K.G. OSWALD: This is significant to the answer. Every submission we receive will be analysed and assessed by my department's assessment division. The terms of reference have to be determined, advertised and commented on, which takes some time. Then we have the public exhibition and the calling for public submissions and, following that, the assessment process that takes place within the department, and that is a lengthy process. I will endeavour to expedite this EIS as much as possible within the department's resources, but I suspect that it could take up to six months. However, in the interests of the community, I will ensure that this matter is resolved as quickly as possible.

FAMILY AND COMMUNITY SERVICES GLENELG OFFICE

Mr LEGGETT (Hanson): My question is directed to the Minister for Family and Community Services. Is the Glenelg office of FACS being closed and, if so, what are the plans to provide alternative services in this area?

The Hon. D.C. WOTTON: The Glenelg office of the Department for Family and Community Services is a visiting service only, with its base being the Marion FACS district office. As members would be aware—particularly those in that area—it is the largest metropolitan office, serving a population of some 163 000 people in an area stretching from Hallett Cove in the south to Grange in the north. I have been examining the best use of resources in the area so that services can be readily accessed by as many people as needed. A limited number of families have been using the Glenelg visiting office. I have been having discussions with four of the community centres in the area—Glenelg/Brighton, Grange, Camden Park and Glandore—and I am pleased to be able to inform the House that agreement has been reached for the FACS service to be provided at these centres in the future.

This has been an excellent example of the benefits of local area planning, and also it involves the ongoing commitment of local government. Financial counselling will be provided at these centres, making the service much more accessible to a broader range of people in the community. Funding for community service centres is provided both by FACS and by local government. However, I repeat for the benefit of the member for Hanson and of the other members whose areas will be affected by this work that this is in fact—

Members interjecting:

The Hon. D.C. WOTTON: It might be your electorate. The Minister reminds me that it is his electorate; I understand that about four members on this side of the House will be affected by this move which, I repeat, is an excellent example of Government, the community and local government getting together to solve a problem.

GRIEVANCE DEBATE

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

Ms GREIG (Reynell): Before I begin my grievance speech, I would like to put on record my disgust at the question asked by the member for Taylor. To attempt to gain political advantage at the expense of a student not yet found guilty is pathetic and outrageous. I suggest that the honourable member do her homework and, more particularly, not slander any youth or person until all the facts are known. This is a blatant misuse of parliamentary privilege.

Members interjecting:

The SPEAKER: Order!

Ms GREIG: Today I would like to congratulate the Southern Business Network on its successful business expo held on 11 and 12 February at Knox Park, Morphett Vale. This is the second business expo held in the City of Noarlunga, and the reason for staging such an event is to highlight to the people of the southern suburbs what industries and services are available locally.

The event was jointly opened by the Mayor of the City of Noarlunga, Mr Ray Gilbert, and the Hon. John Olsen, Minister for Industry, Manufacturing, Small Business and Regional Development. An event such as this takes a lot of planning and coordination, and with this in mind I would like to acknowledge the individual efforts of Mr Rod Prime, Mr Andrew Worral, and Mr Alan Amezdroz, who voluntarily gave a lot of time and effort to make the weekend's event the success that it was. I also acknowledge the time, patience and perseverance given by the Prime, Worrall and Amezdroz families who assisted in the background and gave full support in making the event a success. I do not think any of us appreciate the work that goes on behind the scenes in putting any form of event together.

As I mentioned earlier, this is the second expo of its kind staged in Noarlunga by the Southern Business Network. The network came together 2½ years ago as a result of initiatives by the Noarlunga council to encourage people to buy locally and create employment. Some 40 businesses and interested Government and non-Government sector staff attended a Sunday morning meeting at Noarlunga council to put together ideas on how we as a community could work together to achieve some positive outcomes for the local economy. From this original meeting a committee was formed to build on the council's philosophy and form a strong network of local businesses. The first of the goals has been reached: a network of small business and industries are meeting monthly for breakfast. These breakfasts encourage networking and provide the ideal venues for topics of interest to be addressed. For instance, this past year saw guest speakers address the breakfast meetings on issues such as taxation, advertising, export, economic recovery, health and safety, and the use of industrial chemicals. It was from this network that the idea of the business expo arose.

With the business expo I believe the Southern Business Network is meeting the first of its objectives—encouraging people to buy locally—and by meeting this objective the Southern Business Network will have an impact on the employment situation in Noarlunga, therefore, attaining the goals initiated by the Noarlunga council. Again, I congratulate all involved in the Southern Business Expo, and I congratulate the sponsors, BankSA and the Corporation of the City of Noarlunga, for their generous contributions to the event.

Ms WHITE (Taylor): I begin by directing my comments to the member for Reynell, who is very ill advised to comment on something of which she has no factual know-

ledge. In Question Time today I brought to the attention of this House the issue of the Minister for Employment and Further Education's handling of the expulsion of a student from an institute of TAFE. The Minister has handled this issue extremely badly. At the weekend, the Government announced that high school principals will be given the power to expel their students, yet the Minister has clearly overridden the decision of not only one of his institute directors, that institute council and its equal opportunity unit, but also the decision of his own department. School principals will be given the power to expel their students for behavioural reasons. This Minister has refused initially and now is undecided about expelling a TAFE student who has been caught and who has admitted to criminal activity. Why is this matter now going to Crown Law for advice? What does this say about the Minister's regard for the competence of the institute Director, the institute council and his own CEO? I understand that the student involved and his parents prefer the less severe option of expulsion to the alternative of criminal action.

Let me acquaint members with the course of events in this Ministerial bungle. At the December meeting of the council for the institute in question a decision was taken on the basis of information provided by the institute management and following an investigation by the institute's equal opportunity people to begin procedures to expel the student. The student in question was caught and admitted to hacking into the institute's computer system and changing his as well as other students' records. The damage done cannot be rectified by the college. In addition, the student found his way into the lecturer's file area and sent sexually harassing messages of a most vile kind to female students in such a way that the impression left was that the messages had come from lecturing staff. This is the allegation that comes from the Minister's department all the way through to the council, the Minister's equal opportunity people and the equal opportunity person the Minister sent in.

The recommendation by all those people was supported by the acting CEO of DETAFE. However, in the Minister's memo of 10 January 1995, he repealed this recommendation and stated that, if the student agreed to cooperate with the institute, he would then reinstate that student. Of course, there was an appeal from the institute. The Minister, not prepared to act on the evidence presented to him by his department, the institute director, the council and the institute's equal opportunity people, sent his own equal opportunity person to provide an additional report. That report reaffirmed for the Minister the institute's position; namely, that the seriousness of the two offences committed by the student warranted expulsion. The Minister still hesitated; this time he called for Crown Law advice. Members should bear in mind that this involves expulsion of a student who was not only caught but confessed to having committed criminal acts. So, we have gone from a situation where the Minister acts without giving justification for his decision—

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker. I believe the honourable member is alleging criminality. Is it in order to make such an allegation in this place? The honourable member definitely said 'criminal action'.

The DEPUTY SPEAKER: The Chair has listened to the member for Taylor with some concern as she has referred to criminal actions and the possibility that criminal charges could be laid. The Chair has been on the verge of cautioning the honourable member, because the question is close to being *sub judice*.

Members interjecting:

Mr BECKER: I rise on a point of order, Mr Deputy Speaker. I understand that members on the other side have been warned several times, and I am asking when the warning will be—

Mr Foley: Sit down you goose.

Mr BECKER: Grow up. At least I have been here 25 years. That is something you may never achieve; you have no hope.

The DEPUTY SPEAKER: Order! The honourable member for Peake will resume his seat.

Mr BECKER: Mr Deputy Speaker, I ask whether those warnings will be carried out.

The DEPUTY SPEAKER: The honourable member for Peake will resume his seat. The honourable member is as much in breach of parliamentary privilege in asking when the Chair will exercise a ruling. The honourable member is implying that either the present or previous incumbent of the Chair was derelict.

Mr Leggett interjecting:

The DEPUTY SPEAKER: The honourable member for Hanson will be seated while a point of order is being adjudicated on. It is not appropriate for any member of the House to reflect upon the Chair. The Chair was calling the House to order when the honourable member rose. The Chair is well aware that the member for Ross Smith has been warned several times today, and I certainly do not want to make him a martyr for tomorrow. I tell the honourable member for Ross Smith now if that is his intention. I ask members to err on the side of caution. If members wish to leave the Chamber they will be assisted. The question whether the member for Taylor was gagged was irrelevant. It is the privilege of any member in this House to take a point of order. The point of order was taken with very few seconds left on the clock and the member was certainly not gagged; the Chair had not yet completed its ruling. The member for Hanson.

An honourable member interjecting:

The DEPUTY SPEAKER: The Minister can make a personal explanation but at the completion of the debate, when I call the question. The honourable member for Hanson.

Mr LEGGETT (Hanson): Thank you, Sir. I support the policy about to be introduced by the Minister for Education and Children's Services to give principals in public schools the power to expel unruly and disruptive students for periods up to 18 months. I refer to last Saturday's *Advertiser* article (11 February) headed 'Unruly students face axe' by Nicole Lloyd. The article outlines the Minister's proposal, which will be widely applauded by the majority of South Australian teachers, parents and students. It is a bold move by the Government and the Minister to outlaw hooliganism and undisciplined, loutish behaviour in State schools in South Australia. I was a teacher for the past 25 years, and suspension, when I was a teacher, was seen as a joke and nothing short of a holiday by most of the students, particularly those students involved in unruly and larrikin behaviour.

Whether they be in a private school or a State school, students generally are responsive and committed and deserve the right to be taught in an uninterrupted manner. Teachers, too, deserve the right to be able to stand before a class and teach without interruption and without fear of reprisal, without fear of being physically damaged themselves and

without fear of being verbally attacked. I applaud this new crackdown. It makes sense that a principal can protect his or her staff in schools as they so wish by refusing to enrol students who have been expelled—

Mr Foley interjecting:

Mr LEGGETT: The fact that you were in grade 3 for eight years has nothing to do with this. Students demand rights, and they expect rights from our society. They have been taught that way. That is fine, but with rights must come—

Mr Lewis: Responsibility.

Mr LEGGETT: —changes in behaviour and, as the member for Ridley says, responsibility. The *Advertiser* article states that no student has been expelled from a State school for over three years, even though there are thousands of suspensions each and every year. Quite rightly under the new policy principals will be instructed to reserve expulsion for extreme behaviour—

Mr Foley interjecting:

Mr LEGGETT: If the member for Hart listens, he might even learn something today. The article refers, first, to violence against students and teachers alike; secondly, it refers to sexual abuse offences—and we take for granted that should never occur and should be dealt with; and, thirdly, it refers to drug dealing and other drug related offences. These proposed changes to discipline will incorporate encouraging behaviour contracts for year 8 students in particular.

Mr Foley interjecting:

Mr LEGGETT: No. This is already undertaken by many schools in South Australia. I feel rather sorry for year 8 students. I cannot remember my time in year 8 because it was a few years ago, but I have taught over 1 000 year 8 students in the past 25 years. These students are kingpins in year 7 at primary school and then within the space of two months they come to senior school and are simply juniors again, and they find it very difficult. Year 8 is a strategic year, the year when good study habits are developed. Certainly, the discipline received in year 8 is an excellent foundation for years 11 and 12 studies which are so important and strategic.

Plympton High School in my electorate has 104 year eight students this year, and already the school has briefed all of them on matters of behaviour, sexual harassment and racial harassment, and it has also informed them about their rights as students. This is a positive move by Plympton High School. I support the Minister for Education and Children's Services fully in this move, which has been long overdue. Principals will be far more in touch with what is going on in their schools and will have far more confidence in expelling those students who are disruptive. I believe it is a step in the right direction, and I believe that this proposed Government policy will be widely acclaimed throughout South Australia.

Mr QUIRKE (Playford): I rise to place on the record a few remarks about Montague Road in my electorate. First, I want to thank the Minister for Transport for coming out quickly toward the end of last year when a problem arose that I had prophesied to the House for a considerable time. The tragedy involved two persons being killed at the intersection of Montague and Henderson Roads, Pooraka. It is with a heavy presence that I relay the events to the House this afternoon.

On about seven or eight occasions I have raised the issue of Montague Road in the House. I have pointed out that we cannot have a dual carriageway that comes all the way from the north eastern suburbs down to Pooraka and then, at the far end of the western side of Main North Road, have a dual carriageway with three lanes leading to Port Wakefield Road with a thin cart strip in between. Over the years many people, including me, have predicted that there would be a problem, and sadly at the end of last year that prediction became reality.

When I contacted the Minister's office she came out to look at the problem. The Minister was quick to look at the problem, but unfortunately we are still awaiting a response about what will happen. It has been more than eight weeks since the Minister inspected the area and still there is no long-term plan in respect of that 800 metres of roadway. Therefore, this afternoon I am calling on the Minister and the department to provide those plans as quickly as possible and let us know what is being done about this lethal situation in Pooraka.

It is fair to say that 800 metre strip of road is an absolute death trap, and I hope we do not see any more deaths on that road. Sadly, that is not the only problem with the road—a couple of other issues are involved as well. When the new dual carriageway was built to the west of Main North Road some realignment was necessary on the eastern side of Montague Road. Unfortunately, the realignment work has not been properly marked out. It is very dangerous, and what appears to be a straight track is not a straight track at all.

Another issue involves those families living in houses facing that road. They all experience extreme difficulty getting in and out of their driveways, particularly during peak hour when it is almost impossible to do so. Some people living opposite Henderson Avenue, the road leading into Montague Farm, find navigation in and out of their driveway absolutely impossible and they definitely place themselves, their family and friends at risk when driving onto that roadway. This situation is totally unacceptable. Funds were found to build a three-lane dual carriageway to the west of Main North Road, and a three-lane dual carriageway exists at the other end. However, the 800 metre strip in the middle unfortunately does not even have proper footpaths or kerbing and the usual devices that make a road safe. I would like to see the Department of Transport's plans to rectify the problem as quickly as possible. The previous Administration promised to have this problem sorted out by the middle of 1996. It is my hope and expectation that the present Government will meet that deadline.

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

Mr BRINDAL (Unley): I rise to speak in this grievance debate today to deplore an increasing tendency both in our Parliament and in the media to engage in trial by witch-hunt and innuendo and to look behind everything for a sinister reason. The honourable member opposite today raised just that point. Sexual harassment is not something that any of us should condone, but—and this is most important—the tendency in our community to believe that because somebody is accused of something they are automatically guilty and to leave them in a position where they have virtually no defence is not only wrong but abhorrent to the type of society of which we should be proud to be members. Members of this House would be aware that in the last Parliament the member for Gilles alleged that I had once been accused of sexual harassment. That accusation was entirely without foundation, but it was made in this House under privilege, and it was carried all around South Australia; and it was wrong.

The processes of this House are not to try people. There are courts and other processes for doing that. If this Opposition wants to turn this Chamber into some sort of Star Chamber inquisition to make cheap points for the daily news services, let it do so, but I for one do not wish to be part of it, and I want to be on the record as supporting the Minister in his very reasonable and considered actions. As somebody who is interested in education I have discussed this privately with the Minister previously, and I was aware well before today that the Minister has an abiding sense of fairness and justice which he is bringing to his portfolio. If that is wrong, some of us will stand condemned with the Minister.

Mr Atkinson interjecting:

Mr BRINDAL: The member for Spence comes in to make his usual puerile semantic criticism. He may do that, but I will not be distracted today. I would like to move from there to something that I see as the same sort of thing. A long and detailed article by Alex Kennedy which appeared today attempts to attribute motive, and I want to develop that theme. In this House we consider various issues and debate Bills. It is very difficult to play Dr Spock and go behind everything everybody does, analyse the motive and then judge the situation, not on what is presented but on an analysis of the motive. There may be many motives for any action we take in our life, but if as members of Parliament we are constrained to come in here and explain our motives before we introduce a Bill, I would put to the member for Spence that many Bills may never have been introduced and that his Government would stand even more condemned for many of its actions than it does today. If we start questioning the actions of previous Governments, we would find that some of them were far less than pure.

I would suggest to all members of this House that, if we are going to start crawling around in the woodwork looking for bugs in the bedding, we will turn this place into something that it is not. This Chamber should be a forum for debating the best interests of South Australia, not analysing everybody's reputed motives. That is a tendency I deplore. I do not pretend to be perfect: on occasion I have had traffic and speeding fines and all sorts of things. If the member for Spence wants a complete list of them, I will give them to him. If he wants to bring them up in this House, let him; if he wants to know what sort of toilet paper I use I will tell him. However, I would appreciate it if he and members opposite would stick to the issues in this Chamber, rather than trying to sensationalise things and using parliamentary privilege to impugn people, and rather than using this, as the Leader of the Opposition has said, as some type of coward's castle.

Mr BROKENSHIRE (Mawson): In September last year the current Leader of the Opposition came out and projected that he had changed all his spots and that he was a new hybrid leopard of this parliamentary system. He claimed that he would be bipartisan and that he wanted to see proper conduct in the House, and it went on and on. We all know that the media gave him a pretty good run for some time. I have sat in this Chamber ever since the honourable member became the Leader of the Opposition, and there has been hardly a day when he has spent more than 45 per cent to 50 per cent of Question Time in this House. If one looks at the general rule for the conduct of business—Standing Order 1—and looks back to the practices referred to with respect to the House of Commons in Westminster, one would say that the Leader of the Opposition is certainly far from adopting those practices. He is preaching one thing and clearly practising another.

This Government has come in determined not only to clean up this State but also to give a fairer go to a bipartisan Opposition that is supposed to be here to help govern in the best interests of this State. We extend Question Time by up to 10 minutes to give it plenty of time to get up its 10 questions, yet the Leader of the Opposition, with the spots that have not changed, is out of this House more times during Question Time than he is in. Perhaps he has been talking to Paul Keating and is trying to adopt his tactics. I look forward to exploring this more over the coming weeks during private members time.

In this grievance debate I particularly want to talk about the fact that I am sick to death of a few large capitalist companies that want to kick this State about: I refer now to gas prices. There has been a fair bit in the media about gas prices and fuel prices in general. Down south we have been kicked from pillar to post by some of those large oil companies that do not seem to care about giving people in the south or in South Australia a fair go. Let me quote the prices currently in other States: Melbourne, 26.9¢ for gas; Sydney, 29.9¢ for gas; and Perth, 29.9¢ for gas going to a high of 32.9¢ a few days ago.

What happened in South Australia? Yesterday in my electorate gas prices were at 35.9¢. Coming back through the electorate only last Wednesday evening, I noticed 28.9¢ per litre for gas. By 8.30 the next morning driving through the electorate I saw that gas had risen from 28.9¢ per litre to between 38.9¢ per litre and 41.9¢ per litre. Of course, the Federal Government needs a rap over the knuckles for its part in this, and we all know that. We know what Hawke and Keating did in 1991 when they deregulated the LPG industry with respect to pricing and export controls, and that since that time prices paid to the producers are no longer set by the Prices Surveillance Authority, and the industry is free to negotiate market prices for LPG. That is fair enough if it is free trade, but I ask once again why South Australia is getting belted around in the pocket area over gas prices.

Mr Foley: The Queensland Government.

Mr BROKENSHIRE: It has nothing to do with the State Government. Of course, the Opposition will try to run a furphy like that, but the State Government does not get a single cent out of gas taxes. What happens is that people who have tried to do the best they can to save a dollar—and a lot of them down my way are not over-flush with funds, thanks to Labor in the past—have put in these gas tanks, and now what do we see? Because they have had a go at trying to save a few dollars, we have a few multinationals in this State who want to have a bigger crack at the purchasers of gas in South Australia than they do in any other State. It is not on. I intend to follow the matter through; I intend to write to those companies and seek a personal explanation as to why we pay 9¢ to 11¢ per litre more than in any other State. If I do not get a satisfactory answer and get the message across that the people of South Australia deserve a fair go, I will continue to exploit these multinational capitalistic creatures who are hitting our State too hard with respect to gas prices.

TAFE STUDENTS

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.B. SUCH: Unfortunately, this afternoon we have seen an exercise by the Opposition which constitutes a kangaroo court attack on a young student within the TAFE system. I should like to acquaint members with some of the facts. First, I point out that allegations of a criminal nature should not be made in this House. This is not a court, and it is unfair and inappropriate to suggest that a criminal matter is involved. At the Torrens Valley Institute, Tea Tree Gully Campus, we have a series of accusations against a young boy. Most of our students are adults, but in this case he is a 17-year-old from an Italian background, and I believe that is significant.

I should like to read the response that I made to the initial request to expel this student, which is the authority I have under the TAFE Act which provides that the Minister shall expel a student, and so on. That has been a very rare occurrence within the TAFE system. In fact, during my time as Minister I am not aware of any other situation or request. It is not parallel to the Education Department as we are dealing with adults in the main. I am told by officers that it is extremely rare. If the Opposition was concerned about it, having introduced the Act in 1976, it could have done something about it in the interim. On 10 January, in response to allegations from the Torrens Valley Institute, I wrote:

> I have considered the recommendation that this student be expelled from Torrens Valley Institute. Wishing justice to be seen to be done in this and all such cases, I ask that Mr X be told that he is to be expelled for his misdemeanour but that this expulsion order be stayed providing that he agrees to work with institute staff, showing them how he managed to corrupt the Smart system—

that is, the computer system—

> and enter its programs and then assisting institute staff to restore the student records he altered. Should he refuse, I agree to his expulsion. Should he agree to cooperate and institute staff are satisfied that he has made reasonable efforts to restore the damage he has done, I ask that he be reinstated. In either case, I presume that existing safeguards against hacking will be strengthened at the institute.

Subsequently, the institute responded saying that it wanted to pursue sexual harassment allegations against this student—allegations which were not elaborated in any detail in the first contact with my office. On 8 February I responded as follows:

> I have considered the further information now supplied to me in support of action to expel Mr X in response to his alleged hacking and sexually harassing behaviour. With respect to this and the previous briefing forwarded for my consideration, I wish to make the following points:
>
> 1. Allegations concerning Mr X's alleged sexual harassment of female students were not supported by evidence in the first ministerial on this subject. I expect that all the facts relevant to a recommendation will be contained in the first briefing.
> 2. Both categories of alleged behaviour cannot and will not be tolerated, but must be proved.
> 3. Before this matter can be finalised, the allegations should best be put in writing to the student, who should be given adequate time to give a written response to those allegations. This accords with the established principles of natural justice.
> 4. Failure to provide an opportunity for this student to defend himself against such charges would expose DETAFE and the Torrens Valley Institute to accusations of unjust treatment. It would be wise to obtain legal advice for guidance from the Crown Solicitor's office as this matter unfolds.
> 5. I remain concerned that there appears to be no response to my suggested course of action, from the point of view of seeking Mr X's cooperation in identifying the path by which he was able to 'hack' into the institute's computer installation and to restore the damage which he allegedly did to students' records.
>
> Would you please provide me with complete details of exactly which records he is thought to have corrupted?
>
> While the delay in finalising this issue might be viewed as being unfortunate, it is my conviction that proper procedures must be followed in cases as serious as this.

We must give the student the opportunity to respond. He has not yet had the opportunity to respond to me with regard to these accusations. I have consulted Crown Law, which has totally supported my actions and pointed out that failure to follow that course of action would leave TAFE, the institute and possibly the staff liable to action in court by that lad or his parents.

The Hon. M.D. Rann: What about the other students?

The Hon. R.B. SUCH: Again, I point out that this lad is 17. That in itself is no defence if those allegations are correct, but it is a significant factor. He is also of Italian background and I want to establish that he was not subject to any harassment on the basis of his ethnic background. The allegations about sexual harassment are serious. We will not tolerate in TAFE any such behaviour or people hacking into the computer system, but we must follow the proper processes involving justice. We will not have kangaroo court procedures in TAFE, certainly not while I am Minister.

The Hon. M.D. Rann interjecting:

The Hon. R.B. SUCH: Here we have within TAFE—

Members interjecting:

The Hon. R.B. SUCH: Here is Mr Ethical saying that a young lad should be crushed by the system without having the chance of putting his case.

Members interjecting:

The Hon. R.B. SUCH: They are allegations that have not been proved.

The Hon. M.D. Rann: He has admitted them.

The Hon. R.B. SUCH: He has not admitted to them. There has been a suggestion that he admitted some things, but he has not even put his case yet. I have not seen his case at all. He has not put his case to me, and that is the first basic principle when I am the person with the authority to expel him.

The Hon. M.D. Rann: What about the young women?

The Hon. R.B. SUCH: If the allegations are correct, that behaviour is unacceptable. However, I am not going to hang someone simply because someone says that he has been responsible for behaviour X or Y.

Members interjecting:

The Hon. R.B. SUCH: With respect, they have not followed due process and the principles of justice. I am happy to give you the Crown Law opinion, if you want it, which absolutely validates my action. I believe in fair play. I am amazed that Opposition members could support a system which means that we could hang someone on the basis of an allegation.

Members interjecting:

The Hon. R.B. SUCH: There is no point in debating it with Opposition members, because they have a closed mind. God help us if they ever get into power again and have any say in the running of the justice system.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. R.B. SUCH: It is a totally different system. As I said, there is no point in my amplifying it because members opposite have a closed mind. They have the sort of closed mind that would hang someone—the old posse days when

they would chase some kid out of town, string him up and find out later that he was innocent.

The Hon. M.D. Rann: You'll do it to primary school kids but not to TAFE kids.

The DEPUTY SPEAKER: Order!

Mr QUIRKE: I rise on a point of order, Mr Deputy Speaker. I think that this has transgressed the personal explanation. I have sat patiently waiting for the Minister to address the issue properly.

The DEPUTY SPEAKER: The Minister is making a ministerial statement, not a personal explanation, and the bounds are wider. I understand that the Minister has concluded his ministerial statement.

NATIONAL ENVIRONMENT PROTECTION COUNCIL (SOUTH AUSTRALIA) BILL

Returned from the Legislative Council without amendment.

SUPPLY BILL

The Hon. S.J. BAKER (Treasurer) obtained leave and introduced a Bill for an Act for the appropriation of money from the Consolidated Account for the financial year ending 30 June 1995. Read a first time.

The Hon. S.J. BAKER: 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.

In South Australia, the Budget has been traditionally tabled towards the end of August each year. After allowing for deliberations by Estimates Committees and debate by Parliament the Appropriation Act is usually not passed until about November.

This year the Government has decided to table the 1995-96 Budget on 1 June 1995. The tabling in Parliament of the Budget at an earlier date offers a number of advantages, foremost among them is the greater certainty which it offers the Government and its agencies at the beginning of each financial year and which should in turn assist planning.

Other jurisdictions have already begun to introduce their budgets into Parliaments prior to the end of the financial year. For example, the Commonwealth Budget for 1994-95 was introduced into Parliament during May 1994.

A Supply Bill will still be necessary for the early months of the 1995-96 year until the Budget has passed through the parliamentary stages and received assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this Bill is $600 million. This is considerably less than the $1.8 billion provided by the Supply Act in 1994. The difference is due primarily to the shorter Supply period which means that the normal operating expenses of Government which need to be financed until the passing of the Budget are lower than in the past.

The shorter Supply period also means that interest payments due at the end of the first quarter of the 1995-96 year and which were formerly included as part of the Supply Bill will now be included in the Budget which will be introduced in June.

The Bill provides for the appropriation of $600 million to enable the Government to continue to provide public services for the early part of 1995-96.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $600 million.

Mr QUIRKE secured the adjournment of the debate.

THOMAS HUTCHINSON TRUST AND RELATED TRUSTS (WINDING UP) 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.

The Hutchinson Hospital at Gawler East was established as the result of a testamentary disposition under the will made in 1896 by Thomas Hutchinson. The testator died in 1901 and his will was admitted to probate in that year.

The direction in the will to establish and maintain a hospital were to come into effect on the determination of the testator's widow's life interest under the will.

Thomas Hutchinson directed that from and after the decease of his wife, his real and personal estate not otherwise disposed of was to be held by his trustees on trust and that certain allotments should be used as a hospital for the accommodation of persons requiring medical and surgical aid. That hospital was then designated as 'the said hospital'.

Notwithstanding the contemplated use of the land 'earmarked' by the testator for hospital use, the will also adverted to the possibility either that another public hospital might be established at Gawler, or that the other premises might be provided for 'the said Hospital'.

In the event, it seems that the 'earmarked' land (which was in High Street, Gawler) was never used for the hospital. The testator's widow died in 1911, and in the same year the Board of Management of the proposed hospital and the trustees decided to sell that property, and to seek another site. Shortly afterwards two acres of land in East Terrace, Gawler were purchased, and this remained the site of the Hutchinson Hospital.

The trustees continued to hold other land owned by the testator, and also purchased further land in Gawler East, some of which was used as accommodation for nurses and the Director of Nursing.

The South Australian Health Commission have built a new hospital complex at Gawler which is now completed and was officially opened on 30 October 1994. The patients of the Hutchinson Hospital have now been transferred to the new hospital. The site for the new hospital is owned by the Commission and will remain vested in the Commission.

When it became evident that there was to be a new public hospital built at Gawler, but not on the site of the Hutchinson Hospital, the trustees of the Thomas Hutchinson Trust took their own legal advice as to their options. They were advised that the terms of the will do contemplate benefiting any other public hospital which might be established in or near Gawler and would enable the trustees to apply income from the proceeds of sale of the old Hutchinson Hospital towards the new hospital, but not the proceeds themselves. The application the proceeds of sale of the old hospital buildings, once and for all, towards the cost of the new hospital could only be done pursuant to the authority of the Court; either under section 59b of the *Trustee Act*, or in exercise of the Court's jurisdiction in respect of charitable trusts. The result can also be achieved by an Act of Parliament.

The Crown Solicitor has confirmed the advice given to the trustees. The terms of the will generally suggest that income, and not capital, is to be used for the benefit of a public hospital (whether the 'original' hospital or a 'substituted' one) and that the trusts of the will would clearly enable and would require the trustees to apply income derived from the proceeds of sale of the existing hospital for the benefit of the new hospital.

The trustees have requested the passage of an Act of Parliament to wind up the trust, sell the trust real estate (with the exception of the residence of the Director of Nursing), realise the investments, and permit the payment of the proceeds (after payment of debts and liabilities) to the South Australian Health Commission to be applied towards the cost of the building and commissioning of the new public Gawler Health Service. The Gawler Health Service wishes to retain the residence of the Director of Nursing.

In addition, five other trusts have income bequeathed in perpetuity to the Hutchinson Hospital (solely in 3 cases) and to the Hutchinson Hospital and the Children's Hospital jointly in 2 cases. It is proposed that these trusts also be wound up.

This Bill therefore provides that the Thomas Hutchinson Trust be wound up. The trust property which was a residence for the Director of Nursing will be transferred to the Gawler Health Service, the remaining trust property will be realised and the net proceeds after clearing of debts be paid to the South Australian Health Commission for the purpose of offsetting the cost of building and commissioning the Gawler Health Service. Provision is made for the James Commons Trust, John Alfred Dingle Trust, Lydia Helps Trust to be wound up and their proceeds to be paid to the Gawler Health Service.

Provision is made for the Ann Magarey Trust and the John Potts Trust to be wound up and the net proceeds of the trusts to be paid in equal shares to the Gawler Health Service and to the Women's and Children's Hospital.

Provision is also made for testamentary dispositions which may have been made to the Hutchinson Hospital to be taken to be a disposition in favour of the Gawler Health Service.

As required by Standing Orders this hybrid Bill was examined by a Select Committee of the Legislative Council.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Winding up of the Hutchinson Trust

This clause empowers the trustees of the Thomas Hutchinson Trust to transfer the former Director of Nursing's residence to the Gawler Health Service Incorporated for no consideration, to sell the remainder of the Hutchinson Hospital premises, realise all other assets, pay all outstanding debts and expenses and pay the net balance to the South Australian Health Commission. Subclause (2) provides that the Trust will be taken to have been revoked when the transfer referred to above has been registered and the final payment of the net Trust proceeds has been made to the Commission. Subclause (3) directs the Commission to apply all money received under subclause (2) towards the cost of building and equipping the new public hospital in Gawler.

Clause 3: Winding up of the other related Trusts

This clause empowers the trustees of the trusts established under the wills of John Potts, James Commons, John Alfred Dingle, Lydia Helps and Ann Magarey to wind up those trusts and pay the net proceeds (after clearing all debts and liabilities) to the Gawler Health Service Incorporated (in the case of those trusts in favour of the Hutchinson Hospital) or to the Women's and Children's Hospital (in the case of those trusts in favour of the Adelaide Children's Hospital). The trusts are revoked on that payment.

Clause 4: Certain testamentary dispositions are to benefit the Gawler Health Service

This clause provides that bequests (whether in existence now or in the future) in favour of the Hutchinson Hospital are to be taken to be in favour of the Gawler Health Service Incorporated unless the testator expressly provided otherwise in the event of the Hutchinson Hospital ceasing to exist.

Mr ATKINSON secured the adjournment of the debate.

GAMING SUPERVISORY AUTHORITY BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 1232.)

Mr QUIRKE (Playford): This Bill is one of two which we will be debating this afternoon and which seek to make significant amendments to gaming in South Australia. The Opposition supports the thrust and intent of the legislation. I will be asking a few questions of the Deputy Premier and, if I receive satisfactory answers to those questions, we will proceed effectively to a third reading without a Committee stage. My understanding of this legislation, and the Bill that will follow, is that we are to expand the role of the Casino Supervisory Authority. That newly expanded role will take over some of the functions that are currently vested in the Liquor Licensing Commissioner in South Australia.

Members who debated video gaming machines, indeed all aspects of gaming machines, would well remember that the concerns about the models put up for the control of gaming machines in South Australia, of whatever type—at least outside the Casino—revolved around whether or not they should be under the purview of the Lotteries Commission.

The issue of gaming machines was the basis of an interesting debate; it was also a very emotive debate. The House gave certain powers to the Casino Supervisory Authority, namely, that, when a dispute occurs within the system, the final arbiter is the Casino Supervisory Authority, and that was a sensible decision. This legislation seeks to expand the role of that body and we on this side of politics support those measures. There has been considerable debate in this House about a number of aspects of gaming machine legislation in South Australia. To my mind, this legislation will streamline the administration of gaming machines in South Australia and, as a consequence, the Opposition supports it.

I take this opportunity to ask the Deputy Premier a question I have raised with him on a number of occasions: what is happening about down licensing the service and, in his view, will it have some impact on the proposals before the House? If the Deputy Premier gives us an adequate report, I think we can go to the third reading stage.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Playford for his support in principle for this measure. As has been said in the House on a number of occasions, the introduction of gaming machines was made more difficult by the lack of centralised control. I pay tribute to the work done by the Liquor Licensing Commission, the Department of State Supply and various other people who made it possible from a State Government viewpoint. The issues were quite profound, and the Liquor Licensing Commissioner used all his powers in order to get some sanity back into the system when we were simply not progressing quickly.

We had inordinate problems with gaming machine manufacturers. There were debates on the IGC—the centralised monitoring authority. Some difficulties were coming from the hoteliers, and a whole range of problems were besetting the industry which we managed to accommodate and deal with, albeit at times by management, and which would not pass the greatest amount of public scrutiny if we mentioned some of the discussions that took place behind closed doors. Simply said, we got on with the job.

There were difficulties with machine manufactures to a large part which had the capacity to make the introduction of the machines occur later rather than sooner. Largely we stuck to the timetable that was laid down when we first came to government, accommodating the needs of the various people in the system. It was not quick enough for the hoteliers and too quick for the gaming manufacturers, but at the end of the day we succeeded, despite the various problems that arose. Parliament has heard all about those problems, but they are worthy of reflection, simply to put the point strongly that, if we were devising a system of adequate control, the one that was put in place by the Bill was simply not up to scratch.

This Bill is now being put in place in order to address a number of the issues. In principle, many of the challenges that we see now will be different from those which will arise in the not too distant future. It is important that we have an authority which can give adequate lead in this industry because we must bring all the groups together. Originally we found that we could not bring everybody together. The Liquor Licensing Commissioner could issue instructions under his brief, and the Parliament has been provided with a list of the Commissioner's responsibilities. As Minister responsible for

State services, I could make orders of the Department of State Supply and, in terms of the IGC, there were grey areas with which we managed to cope.

It is my belief, as mentioned by the member for Playford, that we needed to clean it up and not create another authority. We decided to combine the control on the industry with the control on the Casino and rename it the Gaming Supervisory Authority.

Members will read with some interest the extent of the changes that we envisage in that process. We are leaving the Liquor Licensing Commissioner with a number of important powers of scrutiny. Again, we are providing some overall control of gaming, particularly in relation to gaming machines and Casino operations. We are not creating another authority but strengthening the one that is there and renaming it in the fond belief that the changes that are being implemented will have a profound influence on the industry in future and that we will not have these disparate control mechanisms which could not necessarily be used to our best advantage when we were introducing poker machines in South Australia. The industry has cooperated to a very large extent and we certainly have had assistance from the hotels and clubs in relation to the changes that have occurred.

I relate to the House that we struck a more recent problem with gaming machines and the Aristocrat again failed the test. We had a number of gaming machines that had to have some of their software replaced, simply because the payout gave a different reading from the credits shown on the machines. This was a problem that related to when sums were less than $1 on the smaller denomination machines.

Again, there have to be some changes to about 2 000 machines to ensure that they do the job of informing the customers exactly how much money they are due and not having two separate figures showing on the screens. We keep coming across these small problems, but they keep getting answered and resolved due to the good offices of the Liquor Licensing Commission.

There is a lot of sense to this proposal. We have set in train a clear differentiation of powers. The Liquor Licensing Commissioner retains very much the same powers as he previously had. However, if a direction is given, it can now be reviewed by the Gaming Supervisory Authority. So, balance is maintained in the system without clogging it up.

In relation to down licensing, the member for Playford has raised this issue previously with me, and I said during the last debate on this issue that if I had my way we would throw the system open to competitive forces and allow other participants into the system. Since that time, two things have happened. One of the companies that complained about the monopoly situation has actually bought the company that obtained the monopoly, and I understand that they are not quite as willing to see the industry opened up to competition. So, it is one of the great ironies, as the member for Playford could well recognise.

My advice is that we have a contractual arrangement that was put in place during the time of his Government which gave Bull exclusive right until September 1996, so a virtual three year contract was put in place. It would be my belief, as a Minister who cannot actively interfere in the conduct of the industry, given that we are setting up this Gaming Supervisory Authority, that the gaming authority would perhaps issue some broad guidelines which were consistent with the Government's determination to make South Australia the most competitive State in all fields of endeavour, and that includes gaming machines. I happen to agree with the sentiments expressed by the member for Playford.

I will not reflect on what may or may not have been a better result had we not imparted monopoly status on maintenance to Bull but, on reflection, Bull did a superb job of actually getting those machines installed, on line, with a minimum of fuss. They really did themselves proud, and the Liquor Licensing Commission would reflect that that was one part of the system which worked exceptionally well. Bull was professional in the way it provided the service on time and assisted in the process of getting the machines installed. In fact, the feedback we got from Bull was probably better than that which we got from other parts of the industry. They were actually able to direct us to some of the faults that were arising, and in fact we could take action as a result of their knowledge. So, my reflection on Bull's performance would be that I am glad we had them for that very vital period of introduction.

However, in the future the system must be subject to the market forces and to active competition so that we get, if you like, the best result at the right price for those who will be beneficiaries from the system, and we know that there are a number.

So, from the Government's point of view, we have been more than impressed with the extent to which people have adapted and met the challenges. I still have some reservations when I think of some of the gaming machine manufacturers and the fact that problems are still arising that should not be arising at this stage.

We should all note that gaming will change over a period and that the machines will become less and less static. I have not played any machines here in South Australia, but I understand that some of them are getting more interactive devices that are appealing to the users. From a situation where New South Wales was the only State that had gaming machines and it had very few suppliers, a number of States are now involved and will all be looking for some marginal advantage. Therefore, I expect we will find that the machinery, games and technology will change quite dramatically over the next few years.

It is important that we keep abreast of those changes and that the Gaming Authority acts as a coordinating body on issues important to the industry. Some challenges will be faced by those who have ordered machines in good faith and found that they are not paying. I think that a few are already finding that it is not a win-win scenario for everyone. Some will find that they do not have the customers supporting them. As we know, the gaming machine business requires a very significant investment. Some of the money spent on the machines is only a small part of the total investment. We have heard stories of sums of $500 000 and $800 000 being spent simply to get the—

Mr Quirke: $1.5 million.

The Hon. S.J. BAKER: Yes, as the honourable member points out, as much as $1.5 million has been spent on altering buildings to a standard that the operator, hotelier or club owner believes is appropriate for the sort of venue that he or she would wish to be patronised. We have seen some very large investments and the investors have not necessarily been rewarded by their perception of the demands. A number of establishments will face some difficult circumstances and the industry will work its way through those difficulties. There will be a more extensive trade in secondhand machines than is happening today, as well as a very significant change in the machinery itself.

It is on that issue that I think the Gaming Supervisory Authority can be of considerable assistance in ensuring that when machines are updated or new games are placed on the machines the hoteliers in South Australia get the service at the right price rather than being captive to the sort of left-over supply situation that we had when the gaming machines were first introduced into South Australia.

There will be challenges facing the Gaming Supervisory Authority. It will continue to carry out its tasks with the Casino, but it will take on the added responsibility of pulling all these things together inasmuch as players associated with gaming machines are concerned. We believe, as the member for Playford has endorsed, that this is an appropriate change and that it will be to the benefit of all people who are either players or operators in this area. I thank the member for Playford for his support.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (GAMING SUPERVISION) BILL

Adjourned debate on second reading.

(Continued from 24 November. Page 1233.)

Mr QUIRKE (Playford): I will not delay the House on this issue for any length of time. In essence, this legislation is consequential upon the passage of the previous Bill and, although this is not a cognate debate as the member for Ridley has pointed out, the fact is that these two Bills are interrelated, the success of one quite clearly being predicated on the success of the other. The Opposition supports the Bill, and therefore we need not delay the House further.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Playford for his response. As he quite rightly points out, the changes in this Bill are consequential upon those involved in the Gaming Supervisory Authority Bill. So, we have to amend the Casino, licensing and gaming machines legislation to accommodate those changes, and this Bill does exactly that.

Bill read a second time and taken through its remaining stages.

STATE GOVERNMENT INSURANCE COMMISSION (PREPARATION FOR RESTRUCTURING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 1315.)

Mr QUIRKE (Playford): The Opposition gives qualified support for this measure. However, we will be raising a number of issues on which we require information, and I would imagine that the response in this House may well be different to the response in the Legislative Council should these issues not be addressed adequately. If we go back to the 1970s and to the creation of SGIC in South Australia we see, in essence, a body that performed a duty, and I suspect that it performed that duty much better then than it has done in the 1990s. In simple terms, I think that in many ways SGIC lost its way, particularly in the 1980s, and there is much anecdotal evidence to which I think members on both sides of this Chamber could refer in relation to the changed role of SGIC.

In essence, the Government is putting up for sale a number of State assets, the proceeds from which are to be applied to debt reduction. As a broad principle, the Opposition does not have any disagreement with that course, because it was the approach that the previous Government took with respect to the State Bank, now BankSA. However, the Opposition does not and will not necessarily support every asset sale that comes before this House. We will view each asset on its own merits, and we will investigate the role that that particular asset plays and will need to play in South Australia in the future.

Our attitude to SGIC will not necessarily be the same as it will be to other assets, which the Premier mentioned in his statement today would be up for sale as part of the asset reduction strategy either this year or indeed throughout the whole of this Parliament. The Opposition will give qualified support to this proposal before the House today. We will give conditional support on certain issues being examined and satisfactory explanations being received. The SGIC's dream in the 1970s was that it would build some competition into some pretty uncompetitive insurance practices existing at the time.

At that time, State insurance offices in several States were deemed absolutely essential. I well remember a large rally, which I believe took place on North Terrace, against the establishment of a national insurance office, which was being set up for pretty much the same sorts of reasons that SGIC and the GIO and other organisations were being set up in the 1970s, that is, because a large number of uncompetitive practices had developed in the insurance industry in Australia over many years.

In many respects, I think the whole thing is summed up in an experience that I had in 1979. I had received my renewal for comprehensive cover, and the premium had not changed for some years: from memory, I think it was somewhere between $145 and $150 at that time. Suddenly, the insurance company changed hands, there was an amalgamation of a couple of motor insurers, whose names I will not mention, and the premium increased to $207. I rang the company and asked why there was such a big increase. The company said it was because of inflation of about 12 per cent or 14 per cent, and that the real cost of any repair work to my car would now be about 30 per cent dearer. I said, 'I have been a rating one driver for a number of years, and I have never made a claim. It seems to me to be a bit rich that, instead of my premiums going down, which is what one would expect even in these inflationary times, the amount should actually go up.' I was told that, unfortunately, that was industry practice.

I then rang another insurance company in Adelaide. I informed that company of the type of vehicle I had, a small four cylinder vehicle. That company asked me to say over the telephone what I had been quoted by the other company and, stupidly, I did so. I said that I had been quoted $207. I was then told that this company's policy would cost $254. It was a very well known insurance company, which I am sure would cover the insurance needs of many members present. The company said that its premiums were dearer because it would provide better insurance, it would look after me better, settle my claims much more quickly and make sure that I was given brass handles where there had been plastic ones, but that it would cost $254.

I rang the SGIC and informed it of the type of car I had, and I said what I wanted in terms of excess and all the rest of it. The SGIC did not bother to ask me what other companies had quoted, but said that it would cost me $94. I was impressed by the role that SGIC played in the 1970s not only

with respect to motor insurance but other types of insurance in South Australia. Sadly, I can relate another story against SGIC which happened eight or nine years later when I made the only claim that I have ever made. I found that the SGIC with which I had initially contracted some seven or eight years earlier definitely had different practices in the 1980s. One of the reasons for that is that I think it was in the process of straying away from much of its core business.

As I said earlier, there is a lot of anecdotal evidence about the role of SGIC. I am sure that a number of members present could provide personal stories and those of a number of their constituents, but the point I want to make is that the role of that particular insurance company in engendering competition in the insurance industry in South Australia is not as relevant now as it was in the 1970s. To my mind, the anti-competitive practices that existed in the insurance industry in the 1970s in large part have changed, mainly because of deregulation in the Federal sphere, the growth of competition and the education of the customer or client.

The customer, the client, is now pretty choosy about what insurance options are available to him or her. I am sure that the telephonic contact with insurance companies is now infinitely greater per policy in Australia than 20 or so years ago. In terms of the role of SGIC as being one of the ways in which we can deal with some of the key issues out there; namely, the provision of decent and adequate insurance in a whole range of different ways and anti-competitive practices, that role is now largely redundant. It is my view that SGIC lost its way and was much more intent in the 1980s in proceeding to a whole range of business arrangements around the place which were much less than satisfactory and which exposed South Australia to a number of risks that were the sorts of risks we should not as a society have taken on.

In the 1990s, I do not believe that we have a problem with general competition in the insurance industry. I think there is clear cut evidence of a range of options out there that were not there before. However, if someone said, 'We need to deal with the problems of pricing and competitiveness in insurance products and we are thinking of setting up an insurance company,' I would suggest that the legislative role of Chambers such as this and the Parliament in Canberra is such that we need to use our regulatory measures, in much the same way that I hope the Federal Government deals with the problem of banks and account charges by the proper and effective means of parliamentary resolution. If these practices were to creep into the insurance industry, then the legislative and regulatory frameworks, which are what we are supposed to be about in Chambers such as this, should be invoked.

There are a number of issues in respect of SGIC. The first question concerns parliamentary scrutiny. One of the problems that we see in this measure is that this legislation is an enabling Bill effectively to corporatise SGIC and prepare it for sale. I am not sure that I have any control over when this item will be sold, and it may well be outside the control of the Deputy Premier and Treasurer. The Deputy Premier and Treasurer no doubt may have a few contacts in the pipeline who are prepared to make an offer for SGIC—which may be an adequate offer, I do not know.

Indeed, though, it may be some time before SGIC is sold. One of the first questions that emerges in this aspect is this: in this intervaling period, what parliamentary scrutiny will exist in respect of SGIC, some of the dealings it will have and some of the other things in which Parliament has taken an interest? In fact, the Deputy Premier moved a resolution in this House three or so years ago to investigate the salaries of certain executive officers in South Australia. The Economic and Finance Committee, which I chaired at that time, went quite ruthlessly through a number of these organisations, and in particular SGIC.

In fact, executives of SGIC were called back before the committee on several occasions. They were called back before the committee because of the adequacy of the information that we were given and because we were told that as soon as they had dealt with the committee they had called in the external consultant and given themselves all a pay rise. What we found when we investigated that was that some had given themselves a pay rise and others unfortunately had not been so lucky. But, indeed, the remuneration practices of the SGIC were investigated by the Economic and Finance Committee.

A report was made to Parliament on those remuneration practices. SGIC was also under parliamentary scrutiny regarding the whole question of the 333 Collins Street transaction and, in particular, the role of consultants. Of course, what we found was that SGIC, through its various organs, had feathered the nest of quite a few lawyers in Adelaide, and one firm in particular employed a large number of solicitors to deal with SGIC's business. When I opened the files I expected to find that a certain legal firm, involving a very prominent person who was very prominent in the State Bank of South Australia, had received a great deal of work out of it.

In fact, that was not the case at all. I found that a more established firm in South Australia had received millions of dollars worth of work out of SGIC. I am not saying that that is wrong, but the committee did raise its eyebrows at the time and certainly commented in the report about the way SGIC had allowed uncompetitive practices to come in to the selection of consultants, and that consultant fees had eaten up large amounts of profits in certain transactions. Of course, the only money paid to SGIC as a result of 333 Collins Street was 90 per cent consumed by consultancies here in South Australia—all of which were provided without tender.

When looking at organisations such as this, the Parliament has a statutory duty—through the committee system and the questioning procedures—to ensure the taxpayers' money is not wasted and that proper practices are followed. The Opposition is very concerned about the parliamentary scrutiny of the transitional phase of SGIC. One would presume that the Government is going about this business seriously, and from what the Premier said today the intention is to sell SGIC probably before the end of 1995. There is some considerable time between now and then, and it is possible that it will take even longer if a sale is not procured within that time frame and, therefore, we on this side of politics want to know about the level of parliamentary scrutiny.

Indeed, when this measure goes through, will it eliminate the role of the Statutory Review Committee, which was set up by this Government in the Legislative Council? Will it restrict the role of the Economic and Finance Committee to look at various measures or reports that may come to its attention as a result of some SGIC deal either past, present or, indeed, in the future, prior to the sale of that agency? The Opposition is very concerned about parliamentary scrutiny. The Opposition sees the various committees as fulfilling a very effective role in terms of parliamentary scrutiny, and we want to ensure that that is very much the case in the future.

The Opposition would also like to know where the Government is going with SGIC in terms of its head office.

We understand from the Premier's statement earlier today, and other statements that have been made by the Government, that there will be an attempt to keep the head office in South Australia. The Opposition fully supports that. Members on both sides of politics are well aware that the number of head offices here in South Australia is somewhat diminishing. Indeed, it would be a tragedy if SGIC were to be totally consumed and transferred to some other State. SGIC has a network out there and a large number of South Australian clients. At least part of SGIC's success is because people know that its head office is here in Adelaide, South Australia, that it is a South Australian entity. When the Government examines the various options for the sale of SGIC I hope that that is one of the key issues considered. We not only want the employment in South Australia but we want this agency to remain largely in South Australia, to have a South Australian identity and, above all, to make sure that we have a South Australian head office.

Another key issue relates to staffing and issues that flow from that. The successful sale of SGIC will have an impact on employment in South Australia. We want that to be a minimal impact. Certainly, the Opposition would like to see a new and invigorated SGIC (or whatever it will be called) go forth and employ more people and provide a greater service to South Australia. We want to ensure that the sale process takes these issues on board. In the same way that we are talking about a South Australian head office, we want to ensure that there are maximum employment opportunities for South Australians.

The Opposition is somewhat concerned about superannuation obligations, and I take this opportunity to raise these issues. At about this time last year, when the Bank of South Australia was on the drawing board, the superannuation issue affected about 597 State Bank employees. Negotiations occurred between the Government and the union, and eventually superannuation arrangements were made for those people who were all members of the old State Government superannuation scheme that was closed in 1986. At that time I asked how many employees in SGIC were affected, that is, how many employees had superannuation with that scheme when SGIC was created. About 12 people at that time last year had obligations under the old superannuation defined benefits scheme. A few more employees would have taken out superannuation after the closure of the defined benefits scheme and contributed to State Government superannuation prior to Parliament's closure of the next scheme in 1994.

What arrangements are being made for those employees? What is happening with respect to the general question of superannuation? The Opposition is extending an offer to the Government—and this can be done through existing parliamentary committees on which the Opposition is represented and on which the Government has a majority, or through the Industries Development Committee—to have some input into the sale of SGIC and the contractual arrangements.

I have been a member of the IDC since the last State election, and I believe that the committee performs a useful role. A number of the Opposition's concerns in respect of the sale of this asset would be eliminated if the Government used the IDC or another mechanism to consult the Opposition on the fine print relative to the sale of this asset. It is obviously the Government's right not to do this, as it is not the Opposition's role to scrutinise matters such as this. However, I would suggest that in South Australia we have a good mechanism—the IDC mechanism—to scrutinise that sale procedure. In fact, the IDC could have a close look at contracts and arrangements, and that could be a satisfactory way to involve the Parliament in the sale of this asset.

No doubt the sale of this asset will influence the attitude of the Opposition in this place and in the other place about the sale of other assets. The Government needs to develop a parliamentary procedure to deal with these issues as they emerge. The Premier has indicated that there will be a number of these measures. In fact, this afternoon the suggestion was made that within a couple of weeks we in this Chamber will be debating the matter of the Pipelines Authority of South Australia. In many respects, the way we deal with SGIC could be a precursor to how the Opposition will view the sale of some other assets.

With those remarks, we have detailed our areas of concern. We wish to have satisfactory answers to these questions. When this measure has passed through this House, the Opposition will determine its attitude in light of the answers to the questions raised before we take a final position in the other Chamber. In general we have no problem with the sale of SGIC, because we see that the role of that organisation, as it was in the 1970s, is no longer relevant to South Australia today. Hopefully, the Government will see fit to give the Opposition adequate answers to these questions so that we can ensure our constituencies that SGIC is not being removed just on the basis of some blind ideological move to restrict the role of Government in the private sector.

Mr LEWIS (Ridley): In this constructive spirit of conciliation, I will not make too much fuss about what I now see as a dramatic change in attitude of the ALP to Government enterprises and corporations from what it was at the beginning of the 1980s, as outlined by the member for Playford. It is because of the sobering consequences which Labor Governments around this country and elsewhere in the world have had to endure when they have seen their Government corporations collapse around them, ridden with corruption. Indeed, the Governments themselves have been part of that corruption. One has to look only at what happened in Western Australia, Victoria, indeed almost anywhere, including South Australia, to understand that point. WA Inc. was pretty much duplicated in South Australia. Of course, the ALP set out to get profit in the mistaken and greedy belief that, if the private sector could run a corporate enterprise, then so could the Government, and the Government would do it eminently better, because it would not have to pay taxes. It would simply have that competitive edge in all aspects of its operations in these Government owned enterprises.

On several occasions throughout the 1980s, often to the consternation of my colleagues, I warned of those sorts of risks and was either ignored or condemned. I tried to explain at the time, when I spoke about the necessity for sunset legislation on Government departments and corporations and the benefits that that would bring in compulsory review on a regular basis, that it was a waste of the time of members of Parliament to be engaged in the scrutiny of departments and Government corporate agencies in that manner. My attitude was, 'If you couldn't trust them, you shouldn't appoint them to the post in the first place, or have the enterprise there.' Well, frankly, unless you put temptations out of the reach of human beings, sooner or later someone somewhere will say, 'It is not outside the limits of what we can do and perhaps get away with; we will do it,' and they did, the State Bank and SGIC included.

What the member for Playford had to say about the competition which SGIC engendered in the insurance market

was not entirely incorrect, but the same effect could have been obtained had the Government set about establishing an insurance ombudsman. It would have been at a hell of a lot less risk to the public purse and it would have been a far more effective, efficient way of ensuring that cartels and collusion in the marketplace could not arise or, if they did, they would be exposed and the offenders prosecuted. That was the stated object of the establishment of socialist Government enterprises. One of the other benefits they did not speak about in the course of arguing for Government enterprises as part of their socialist order was the profit they thought they could get from them that would enable them, through unfair competition—they thought they would be sure of that profit—to reduce the necessity to increase taxes. What the foolish dopes did not understand in formulating that policy was that if you gave that additional latitude to people who were not accountable and guaranteed the risks they took with taxpayers' money they would become administratively irresponsible and profligate, and they did.

Indeed, SGIC did lose its way. The member for Playford is quite correct to draw attention to that fact. There is no kidding about that. They engaged in false advertising at the time they were already heading in the wrong direction in their annual returns of their balance sheet and profit and loss statement, trying to con the people of South Australia into believing that they had never been dependent on the taxpayers of South Australia for anything, when in fact they already knew that they would be asking not just for $100 000 or $200 000 or $1 million or $2 million or $3 million but tens, indeed, hundreds of millions of dollars to come out of the taxpayers' pockets through the coffers of our State Treasury to prop up and cover them for their incompetence. For whatever reasons they chose to ignore the profession of actuaries and good actuarial advice and trust their own gut feeling about these matters I will never know. It has not been properly documented anywhere, but in my judgment what they did was terrible, and the people involved certainly deserve the condemnation of us in this Parliament.

There is no joy in having a witch-hunt. It will not retrieve any of the money; we have already examined ways of getting that back. Our purpose today is to put that behind us, but not ignore it, and get on with the job of recouping what has now been put together by the people who have remained and those who have joined the corporation since that time to put it back on track in the short run, making it fit for sale. To those people I would say, as I am sure all members of this place would say, they have done an excellent job and they have done it more especially under the guidance of this Government and this Treasurer than in my judgment would otherwise have been the case and was otherwise the case under the previous Treasurer.

If we want illustrations of the concern that I am expressing, as the member for Playford pointed out, we have only to look at the debacle of 333 Collins Street and the way in which the Premier of the day denied that there was any cause for concern when questions were asked of him by the member for Waite, as lead speaker for the Liberal Party on such matters in those days in Opposition, drawing attention to the concern that had been uncovered by the Opposition at that time.

Equally, there is the Myer-Remm Centre and a number of ill-advised excursions that do not deserve to be referred to as the escapades of merchant adventurers in the corporate marketplace. The risks were a darned sight greater than any merchant adventurer would ever contemplate. They did not take account of historical fact in cyclical fluctuations in markets or the likely consequences of the necessity for the Federal Government to intervene to stop the way that things were raving on and raging on at that time, by using either fiscal policy or some other tool in its policy kitbag to damp down what was happening in the economy. Just because time had passed, prices for everything were rising and valuers were saying that the valuations of real property were rising, and so on. Nothing could have been further from the truth. There were no more people in this country doing any more work to create the additional store of value which foolish valuers and other corporate decision makers were ascribing to their assets and reporting in their financial documents.

It appalled me; it kept me awake at night worrying about the consequences, because I knew that the end result would be much higher levels of unemployment in this economy regardless of the way in which the Government of the day, either State or Federal, set out finally to address the problem. We now find ourselves in the position of having to fix it. What that will be does not bear contemplation in the course of this debate, because this debate is not about economic policy: it is about properly disposing of assets which no Government anywhere on earth ever needed to own to ensure the good government of the people who elected it.

The last point to which I wish to draw attention is the Third Party Insurance Fund. Whilst we have assurances from the Minister that that is not to be part of the sale, in some measure I am disappointed because that monopoly, too, is not well administered. Indeed, as somebody who has had a recent interest in that aspect—and I place that on record—I think it is very poorly administered.

I go further and criticise the present practice of allowing clerical officers to make assessments of the likely pay out which the SGIC's TPIF ought to make to injured parties. They are outside the level of their competence. Their understanding of the subject arises only as a consequence of their experience of paper shuffling in the narrow area in which they have worked over the years. They do not give a fig for the feelings of or consequences for the victims and their families who have suffered injuries on this State's roads. Whether they are pedestrians or motorists, innocent victims all, the folk in SGIC who are dealing with those claims do not reduce the overall cost of settling their claims by using the approach which has been defined by their corporate masters. I think the sooner we are done with them, the better. I do not find them in any way edifying for the injured people or competent to represent the public interest. I know I share with other members in this place, and probably you, Sir, the view that the Government has no business in business. The politics of business is not the business of politics.

The Hon. M.D. RANN (Leader of the Opposition): This Bill prepares the ground for sale of all or part of the State Government Insurance Commission, although, I must say, I am delighted to hear from the Premier's statement today that the CTP—the best CTP scheme in this country—will not be affected. I remember that the Hon. Diana Laidlaw in opposition used to constantly threaten that, and it is good to hear that some good sense has prevailed in the Liberal Party Cabinet and Party room. This Bill does not authorise the sale of any part of the SGIC, but it does allow work to proceed efficiently towards privatisation. The member for Playford has already indicated that the Opposition will not be voting against the passage of this Bill.

However, in not opposing the passage of this legislation, I certainly put the Government on notice that the Opposition will be scrutinising extremely closely each and every sale of significant public assets and each and every scheme for outsourcing of various public services. The Premier today claimed a full and unqualified mandate for the asset sale program, and certainly the Government was elected promising not just the sale of SGIC and the Central Linen Service but also some other State assets: certainly it mentioned the Entertainment Centre. But, the new Government, the former Opposition, was also elected promising greater accountability. The Liberal policy statement on Parliament in November 1993 stressed:

> The role of State Parliament should be enhanced to improve representation of the people and to make the Government more accountable to the people through Parliament.

We heard a lot from the Liberals in opposition complaining about the alleged lack of accountability concerning statutory authorities, so let us make sure, as we consider it from an Opposition point of view on a case-by-case basis, that there is absolute scrutiny of the sale process at the committee level.

The member for Playford has already indicated that perhaps the IDC, or other existing committees of this Parliament, should be empowered to ensure proper scrutiny and accountability of the process. That is why today I mention the tender process in terms of another insurance matter—the outsourcing of WorkCover claims to insurance companies. We must ensure that there is absolutely no suspicion of favouritism towards mates or to those who donate money to political Parties. The most rigorous standards must be applied. There must be no interference with the tender process.

A number of insurance companies—such as AAMI, C.E. Heath, CIC Insurance, Commercial Union, Manufacturers' Mutual, Mercantile Mutual, QBE and Sun Alliance—have each given substantial donations to the Liberal Party, and one could only presume that insurance companies do not make donations just for the sake of it. There must be absolutely no suspicion of any meddling in the tender process. That has never been the case in this State; it must never be allowed to be the case. That is why it is important that, first, there is Federal legislation that lays down those sorts of donations, because they must be seen and put in place, and, secondly, when we hear—and I understand very reliably—that a number of those insurance companies are currently in the tender process, that that tender process be absolutely above board. There can be absolutely no suspicion of any favouritism concerning that process.

In terms of the preparation for restructuring the SGIC, we are saying that there must be a genuine, accountable, proper scrutiny of the process of both tendering and the sale of State assets and outsourcing. That is certainly how we will be proceeding. We want to ensure that this Government is genuinely committed to what it said before the last election: to parliamentary accountability in this area. The EDS deal on outsourcing of data processing—the largest such deal in Australia—was certainly a litany of unaccountable practices by this Government; it was an arrangement which was agreed almost privately between the Premier and EDS from which the Treasury was excluded and which, the Centre for SA Economic Studies says in a suppressed document, can only save at best one fifth of the savings claimed by the Premier and possibly costing the taxpayer more than the current arrangements.

The Auditor-General had to advise the Government to observe due diligence and pointed out the acute dangers of the Premier's approach in his, the Auditor-General's, latest annual report. Let us remember that the Premier, in that deal between him and the EDS, is the same Premier who, in Opposition, made and announced a deal with IBM. Recently the Premier advised the House that the EDS deal would not be brought forward in the form of legislation for decision by Parliament. Again, we stress the need for proper accountability and proper scrutiny.

To take just one more example, the Health Minister's original proposal for outsourcing of the Modbury Hospital to Healthscope would have cost taxpayers about twice the amount than had the upgrade been carried out by the public sector, borrowing at SAFA's lower interest rates.

The ownership and sale of this State's public assets is too important an issue to be handled as if it were of concern only to consenting adults. These are not assets to be disposed of at the whim of the Premier: they are public assets, voters' assets, taxpayers' assets, the State's assets. Certainly they are not the prerogative, without proper scrutiny, of the Premier, the Treasurer or a narrow coterie of ideologues.

There will be no support from the Opposition for asset sales or contracting out of public services that are not the subject of proper scrutiny. That is the bottom line. We are prepared to listen on a case by case basis, but there must be proper scrutiny by Parliament. That is what this Premier promised at the last election. That is not what we have seen this Premier do over EDS and IBM. That is what he promised at the last election and what we will be insisting upon.

We are offering support in a bipartisan way, as I know the Deputy Premier is keen to acknowledge when he speaks. I know that he will also be interested in spelling out which committees of this Parliament can be used to ensure proper scrutiny of the sale of public assets. The public cannot be assured of the integrity and benefit of large decisions of public assets that have not passed the test of parliamentary scrutiny, and only by doing this can the public be confident that they will not be the losers from some great South Australian fire sale.

We will be seeking an assurance from the Premier and his Treasurer that procedures will be put in place to allow the proper scrutiny by Parliament of asset sales and outsourcing proposals, whilst of course ensuring proper commercial confidentiality, because that is something the IDC has done magnificently. There were a couple of exceptions seven or eight years ago, but largely the IDC has performed its role rigorously and with integrity. Members of Parliament are entrusted by the electors of South Australia to decide these issues in the public interest, and to do so both sides of Parliament need to have access to the information that will allow them to understand the costs and benefits of each proposal. Nothing less will do if the Parliament is to keep faith with the people of South Australia in the operation and sale of their assets. I know that you, Mr Speaker, have a personal view of the importance of Parliament in this type of process.

In conclusion, we are raising issues demanding proper scrutiny and accountability. We would like to see the Deputy Premier coming to see us, and we will talk to him about how we can lay down in future a process for ensuring the scrutiny of this Parliament on the sale of major public assets.

Mr FOLEY (Hart): I rise in support of this Bill. In doing so, I am quite free to lend what support and advice I can to

the Deputy Premier and Treasurer who already has had to acknowledge—

The Hon. S.J. Baker: The weight is getting heavier!

Mr FOLEY: I think it was many months ago that my colleague the member for Playford and I suggested that the SGIC and the State Bank of South Australia would not be sold via a public float. The Treasurer—and I do not mean this by direct criticism—was about 18 months behind the time prior to the last election when he was advocating a public float. Perhaps in the excitement before the election the Treasurer did not think that process through properly. A float was never going to work for the State Bank, and I do not believe it would work for the SGIC.

Mr Quirke: In fact, it was buy one, get one free!

Mr FOLEY: I must say that my lack of affection for the SGIC is well known, so I will temper my comments to make sure that this is a constructive contribution, not simply an exercise in venting one's spleen. It is important for this State that we continue the process of tidying up what has been a very unfortunate period of time with both the State Bank and SGIC, in respect of both of which the work that was done by the former Labor Government in its final years to clean up what had become a mess needs to be acknowledged. Indeed, I think acknowledgment should be given to the role of the former Premier, the Hon. Lynn Arnold, and the present member for Giles, as they went about cleaning up the mess and turning around both institutions so that they would be in a position that this Government could sell and sell at some value.

I do not mean to labour that point. Obviously members opposite would perhaps have other views, but it is important to acknowledge that quite a lot of work was done in the 12 months leading up to the last State election to get SGIC into some shape and form and trading profitability that made it a worthwhile entity to sell. This Government has simply carried that on.

It is interesting to note that, in the pre-election hype and sometime shortly thereafter, the Premier and Treasurer were talking figures of $250 million. I even remember the learned scholar and economic commentator in this State, Professor Cliff Walsh, also stating that the SGIC had a value of $250 million. I know the member for Playford shares my views. I am not too sure where Cliff gets some of his figures—well, I do know where he gets them from—but to think the SGIC was worth some $250 million was in the extreme end of hopeful. I suspect that at the end of the day the State Government will get well under $100 million from the sale of the SGIC. Indeed, perhaps it may get half of that. Then again, at the end of the day, is this necessarily an exercise in wanting to raise revenue or is it an exercise in simply wanting to take off—

Mr Quirke: We'll be happy to give them advice on the sale price.

Mr FOLEY: As the Deputy Premier knows—he seeks my counsel quite often. I still find myself in the old role of having to advise Government Ministers. I should not say that publicly. My colleagues may frown upon my—

Mr Clarke interjecting:

Mr FOLEY: I will ignore that comment from the member for Ross Smith. I have lost my train of thought.

The SPEAKER: Order! Interjections are out of order.

Mr Quirke: We were offering to help them—

Mr FOLEY: That is right.

Members interjecting:

Mr FOLEY: I need some defence from members opposite, Sir. The Opposition has been constructive in relation to the State Bank and the SGIC. In fact, if anything, we have been critical of the Government for not moving quickly enough in bringing about the sale of the State Bank. Clearly, it is on the agenda, and the Opposition will support that. As we have always said, a trade sale would be the best option; a float simply would not work. At the end of the day, the value will not be what I believe the Government has factored into its $500 million asset sales program. It needs to be acknowledged and noted that that $500 million asset sales program will fall well short of that. I think that the Treasurer has factored in some figures upwards of the $200 million mark and I simply do not believe that that will be achieved. I look forward to seeing how the Treasurer works his way through that.

However, whatever value the Government gets for the sale of the SGIC, it is about a debt reduction strategy, and that sale value should not go to funding the Government's recurrent budget. The Government has been very strong on advice to former Governments about that.

The Hon. S.J. Baker interjecting:

Mr FOLEY: I come—

The Hon. J.W. Olsen: After 10 years in Government you have the absolute hide to stand up in this Parliament and say that.

Mr FOLEY: Mr Speaker, I am shocked.

The Hon. S.J. Baker interjecting:

Mr FOLEY: I was elected to this Parliament only 14 months ago, and it is a bit rich for members opposite and the former Leader of the Opposition to accuse me of anything I did in Government—I have never served in a Government. I am simply saying—

Mr Quirke interjecting:

Mr FOLEY: As I have said repeatedly: 'Had they listened. . . ' The problem was that no-one listened to me. Frivolity to one side—and members opposite can get in their cheap kicks—I impress on the Treasurer that the Government should take the money off the debt and not put it towards recurrent expenditure or use it to plug holes in the budget.

The issue of accountability is very important. The Leader of the Opposition made a very important point about accountability. This Government was elected with a mandate of accountability and it has demonstrated little of it. The EDS deal is a good example to bring into this House. Clearly, the work of the Minister for Infrastructure and how he handles the outsourcing of the EWS will be another example. We are simply saying that these are big decisions and they require accountability to the Parliament. There are examples of issues that were not brought to this Parliament, and we have seen the outcome of that.

Of course, once the SGIC is corporatised it is important that between the period of corporatisation and the period of sale a committee of this Parliament—be it the Statutory Authorities Review Committee, the Economic and Finance Committee or whatever—has a role in ensuring that that corporation continues to provide accountability to this Parliament. I support the Bill.

Mr Clarke interjecting:

The Hon. S.J. BAKER (Deputy Premier): The Deputy Leader can voice his thoughts any time he likes, but I am not sure that they would be edifying to the Parliament. I was impressed with the comments of the member for Playford, who outlined the Opposition's case quite clearly. He listed the

areas in which the Opposition wants to be convinced that the Government is in fact being accountable, looking after staff properly and approaching the sales process in an appropriate fashion. I was quite impressed with the debate to that stage. However, the Leader of the Opposition then came in and it all fell apart. I got lectured by the Leader on what we should be doing. We have set standards and we are pursuing those standards very diligently. I do not believe that there has been any case to date where the Opposition can find great fault.

The Opposition might not like outcomes; it might wish that we not do certain things in the way we are doing them, but there has never been greater accountability than that which we have exercised. I point out the sheer arrogance of the Leader of the Opposition: he was part of the former Labor Government; he was the confidante of and the person closest to former Premier John Bannon. If anyone could have stopped the slippery slide with the former State Bank and SGIC, he could have, but he was more interested in hiding the truth. Not only when the bank was going down the tube and SGIC was making very flawed decisions, but also through the whole period from 1982 onwards, the now Leader of the Opposition had an indelible effect on the processes of Government, and the outcomes are there for everyone to see—and everyone on the other side understands that.

The Leader of the Opposition is the last remaining vestige of the former Government in the front ranks of the Opposition, and he played a major role not only in the destruction of his own Party in parliamentary terms but also in the demise of this State. If he is going to lecture me on how accountable I should be, I suggest that he go back through the record, which is there for everyone to see. The maintenance of power was the only proposition that the now Leader of the Opposition was willing to countenance. He did not care about accountability or responsibility: he was more interested in enjoying the fruits of power and retaining power than he was in exercising it in a responsible fashion. So, I hope it is the last lecture I get from the Leader of the Opposition, because I get pretty angry when I hear that tripe coming out of his mouth. His statement 'Come and see us to see how it is done' defies description. When the member for Playford, who is a very constructive member of this House, outlined his response to the Bill—

Mr Clarke interjecting:

The Hon. S.J. BAKER: Actually, the member for Playford would do a better job as Deputy Leader, and I am sure that most members opposite would recognise that he displays a particular talent inasmuch as he does a deal and sticks to it, and in fact has the carriage of something that is sensible rather than involving himself in the sort of carry-on we see at the level of Leader and Deputy Leader. I believe that that is the mark of effective members of this Parliament: their capacity to carry the sentiment of their own Party as well as to understand that there are responsibilities in assisting the processes of Government.

I will go through a number of items that were raised by the member for Playford. I was fascinated by his contribution, in which he said, 'We want the sales proceeds to come off the debt.' The budget documents were there for every person in this Parliament to scrutinise—and the whole of South Australia, Australia and the Federal Parliament could scrutinise them—and they indicated that we were the only Government in the whole of Australia that was dedicated to taking sales proceeds off the debt rather than making them part of the budget process. It is in the budget documents; it is part of our forward estimates, and we have stuck to that religiously. For the honourable member opposite to talk about our taking the sales proceeds off the debt, I can only say that we are dedicated to the course I have mentioned.

An honourable member interjecting:

The Hon. S.J. BAKER: We have actually written it into the documents. That is different from the sort of carry-on we have in Canberra where the proceeds from large asset sales are simply being shovelled into the budget. We can look at New South Wales and Victoria and see the same sort of processes.

Mr Foley interjecting:

The Hon. S.J. BAKER: The Feds do have debt, but they are shovelling it into the budget process rather than separating it. I think that debt is about $13 billion directly, and the country owes about $180 billion on its own behalf. So there is an opportunity to separate the budget process from the asset sales process. The issue of how we were to use the money was satisfied when we laid down the budget. There was no equivocation. We said, 'We are not going to affect our recurrent revenue situation.' I believe that that goes against the grain of absolute accountability: by putting asset sales in with recurrent revenue you create a surplus that is not sustainable—and we are all about having a sustainable surplus over the four year period. I have made that quite clear: we are not interested in the deficit at any one particular time; we are interested in the underlying deficit. That means that you have to take off the abnormals, see the position and say truthfully to the people of South Australia what that underlying position is.

That is the way we are handling this. The budget papers reflect our dedication to revealing to South Australians exactly what deficit is being incurred and what the underlying deficit is. The underlying deficit is coming down. By 1997-98 we will have a budget—in the non-commercial sector not just the budget sector—that will break even and, in fact, make a small surplus. Depending on our other agencies in the commercial sector, if there are any borrowings—and there are not a lot at the moment—and the needs of our Government trading enterprises, we should have a zero borrowing situation. That is important because we will not then add to the debt through either deficits or borrowings.

I hope that everyone is clear on the fact that the Government has said, 'We will separate asset sales from the budget process. We will account for them separately. They will affect the debt; they will not affect the budget position.' That is the first point. The second issue concerns the relevance of asset sales. I understand the Opposition's saying that there is sense in selling the SGIC as there is in selling the Bank of South Australia, and as I presume there is in selling the Pipelines Authority, but that we should not treat this as a complete acceptance of asset sales. I would be the last one to accept that the Opposition had taken this issue that far.

There has been reflection about the SGIC and its unfortunate past. It has had an indelible impact on the budget as well as on the people of South Australia. If we look at the cost of not only 333 Collins Street but the way in which the CTP fund was handled, which required a State Government bail-out, and at the continuing costs of holding 333 Collins Street, we see that we have a bill for assistance by the Government of over $400 million. That is a huge cost when it is recognised that the current net assets of the organisation are about $95 million. As the honourable member points out, the SGIC did stray from its core business and some terrible decisions were taken. Unfortunately, those decisions were endorsed by

the Government of the day and signed by the then Premier and Treasurer.

In terms of parliamentary scrutiny of SGIC, the process that we are following is laid down. I mentioned today during Question Time the three stages of the process. Clearly we are telling everyone exactly what are our intentions at each stage of the process, so that people are aware of all the ingredients. I can provide further information to the Opposition, if it needs it, on all the subsets associated with those three stages, and I am sure I can get a briefing from the Asset Management Task Force.

When a point is reached in the process, I as a Minister walk away from the process so that there is no ministerial influence at all, to the point where the Asset Management Task Force has evaluated the bids and then a recommendation is made to Government. It is up to the Government to either accept or reject. Again, there will not be anything called mateship. The Treasurer does not have any mates—none at all.

Members interjecting:

The Hon. S.J. BAKER: I do not know whether there is anything less than zero, but if there is I think I inherited that negative factor since coming to Government. Let us be clear: it is a straightforward process. If anybody wishes to criticise or question it I am more than happy to answer those questions. I am more than happy to give briefings if there is any concern about any parts of the process. It is up to the Government to stay away from the process. We have seen what happened in New South Wales and Victoria through political interference. It is my intention to let the professionals do the job, to ensure that the rules are clearly set before that job starts and to make sure that, on the way through, the check list of all things that have to be answered is satisfied so that, by the time that sale takes place, everybody but everybody is aware that it has been fair. What we have seen in this State are a number of elements of unfairness that have arisen as a result of political interference. I will not get involved in the processes; I will simply ensure that the processes are followed and followed strictly, and we have a professional team to do that.

The issue of salaries was mentioned, and I agree: how can you pay salaries like they were paying when their underlying liabilities were increasing massively—and, of course, the people were not earning the money they were getting? It was not as though the salaries were high in national terms for an operation of this size. It is a fact that there were people there who were being paid to make losses, and that is something that I have some difficulty accepting. As we have been told previously, the salaries have been positioned in the lower quartile and that means that the people in those positions have to perform to the requirements of the board, and I have received information about those. One would also understand that, during this sales process, in order to keep the organisation together some consideration has to be given to employees to ensure that we do not have a departure of talent from SGIC which could reduce its capacity to perform in the marketplace in its new form.

With regard to the suggestion of statutory review by the Economic and Finance Committee, I am not aware of what part it would play in the process. As far as the CTP Fund is concerned there will be a continuing regulatory process in place for the setting of premiums, as there has been in the past. That will not change. The Government will own the CTP Fund and allow the buyer to manage it. Beyond that point I do not believe, given the processes we are following, that there should be intervention. In fact, any intervention during this process could be to the detriment of everybody concerned; we do not need extra players. I as Minister of the day will not play an active part in the process. Therefore, introducing other people who have to be satisfied in the process could lead to great detriment to the ultimate outcome. I cannot see that there is a part to be played there, but if there is some information which is required on any part of the process then I am more than happy to brief the member for Playford on such matters at any time he wishes.

Questions have been raised about the head office and the staffing. The Government has said that the sale of SGIC has to be accompanied by economic development in South Australia. We would all wish that we keep some decision making capacity in the State, of which we have lost so much in the past 20 years. We would also wish that we can retain the staff that we have there at the moment, and those matters are obviously part of the tapestry, if you like, of SGIC and will play a part in negotiations on the sale.

The member for Playford will be pleased to know, in relation to the superannuation obligations, that the case in relation to SGIC is similar to the State Bank. Quite frankly, I was appalled that employees could have access to two sets of redundancy arrangements. That matter has been satisfied by enterprise bargaining without my involvement, apart from raising the matter initially. The Finance Services Union (FSU) has done a deal with SGIC. It has some broad consistencies with the Bank of South Australia, and it seems to have gone exceptionally smoothly. It has been satisfied now, and everybody seems to be happy with the outcome. I have not had any feedback from any employees to say that they are dissatisfied. If the member for Playford wishes further information on that matter, I will be only too pleased to provide a briefing.

The Leader of the Opposition alluded to the EDS deal and the fact that the lack of accountability was his suggestion. On all these so-called deals—they are not deals; they are simply professionally contracted—we would hope that we get it 100 per cent right on all occasions. The Auditor-General has been involved with the EDS deal from the very beginning. The Auditor-General is receiving regular briefings on all matters handled by the Asset Management Task Force. We are keeping the Auditor-General fully conversant with what we are doing and answering any questions.

If the Auditor-General has a difficulty with any of the processes, they will be communicated to the organisation and, obviously, to the Minister in the process. At this stage, I believe nothing has been raised by the Auditor-General which has meant a change in the way we are doing things. Certainly, the Auditor-General's greater concern is the volume of paper that is coming across his desk and his capacity to handle it, rather than any concern about the process whatsoever. I believe that is the most accountable we can be in what everybody would recognise is a very sensitive process.

I assure the Parliament that it will be as clean and as transparent as is humanly possible, to the point that I will be an absolute stickler in ensuring that, at the end of the day, nothing occurs that I cannot be proud of. If it comes within my decision-making power, I assure the Parliament that the decisions taken will be in the best interests of this State and the whole process will be continually subject to the scrutiny of the Auditor-General. If any members opposite wish to have briefings at any time, I will be more than happy to accommodate them. The comment was made that I suggested that SGIC was worth $250 million. I have never said that—

Mr Foley interjecting:

The Hon. S.J. BAKER: If the honourable member looks at the record, he will see that I never said that. One or two journalists have made some deductions—

Mr Foley interjecting:

The Hon. S.J. BAKER: I have papers that I wrote before the 1993 election. I put on it a sum between $100 million and $150 million before the 1993 election. It is hardly—

Mr Foley interjecting:

The Hon. S.J. BAKER: No, I do not think that the honourable member understood all of the component parts, because I was the only one who had the component parts. As the honourable member would recognise, there was a lot of speculation in respect of its worth. Before the 1993 election, in my assets sales program, I gave it a value of about $125 million, because I thought that was all we could manage to receive for SGIC at the time. People have to be sensible about these things. In fact, according to the last report the net value is $90 million to $100 million. That is the asset value put down there. Then you have to look at goodwill and SGIC's other attractions to potential buyers in terms of market positioning. You have to put a huge weighting on that value to get up to $250 million, and I can assure members that I never suggested that SGIC is worth—

Mr Foley interjecting:

The Hon. S.J. BAKER: I am forever amazed that people who have standing in the financial community make assessments which are inconsistent with reality. The issue of staff is an important one. We would wish to compliment the staff who have had difficulties being involved in an organisation which, as the member for Playford suggested, had a great deal of relevance during the 1970s. However, in terms of being a Government authority, the need for that authority has diminished dramatically.

It would have been appropriate if we could have quit SGIC in more constructive circumstances, say, where it was a large profit-making concern with market power and market share behind it to withstand the vagaries of the changing fortunes in the marketplace and to enable it to stand on its own two feet. We are not faced with that situation and so the number of options for the sale of SGIC is diminished dramatically.

In terms of working through SGIC, some of the decisions are coming back to haunt us. We are still working them out, because it takes time to get rid of the past. We are cleansing SGIC to make sure that it is appropriate for sale. One question not raised is the issue of what happens to the Government guarantee. That is being handled, and the member for Playford might want a briefing on that. We are working up a protocol that will give people comfort to continue their patronage of SGIC, particularly in the life area and where they have long-standing debentures. We are working through an arrangement to give them comfort. That covers that issue.

On all fronts we hope that, if we have not found the answers already, we are addressing all the issues that we think are appropriate. I can assure members that we are doing everything in our power to ensure the successful sale of SGIC so that it is to the benefit of South Australians and all SGIC employees. I commend this transitionary Bill to the Parliament.

Bill read a second time and taken through its remaining stages.

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 1398.)

Mr WADE (Elder): I support the Bill. I am of the view that questions, clarifications and modifications are best addressed in the Committee stage, and I will leave most of my comments until then. I will make some general comments about the Bill and why it is necessary, even though we already have in force the Natural Death Act 1983. Let us be clear about one fact: it is the right of any competent person over the age of 18 years to refuse any medical or surgical treatment proffered to them. No Act of Parliament does or should interfere with this right. The Natural Death Act states that a person above the age of 18 may give a direction before two witnesses, on a prescribed form, not to be subjected to extraordinary measures in the event of his or her suffering from a terminal illness. However, the Natural Death Act has a couple of major problems that the Bill seeks to address.

The current Act is virtually unknown to both the public and medical professionals. An education program may fix this little problem, but it does leave some other major flaws with the Natural Death Act that must be addressed. This Act addresses refusal of life prolonging treatment when death is imminent and unavoidable. It does not preclude a dying or seriously ill person being subjected to harmful or useless treatment because death is not seen as imminent, and death is seen as avoidable, or at least delayed, due to the provision of such treatment. The practical problems of there being no central register of people's directions and the difficulty of finding such a document amongst personal possessions make the application of this Act unworkable.

The palliative care Bill seeks to address these and other issues. The Bill is in three parts. The first part deals with the definitions and objects of the Act. I refer members to clause 3(a)(ii). With regard to this clause, the member for Elizabeth stated that she is at odds with the Bill, that she believes a 16 year old should be able to make anticipatory decisions about medical treatment. Of course, to anticipate is to foresee and take care of in advance. I am surprised that the member for Elizabeth—a high school principal in another life—should suggest that the average 16 year old is capable of foreseeing future events in a mature adult manner and of taking action to take care of such possible eventualities.

I have dealt with hundreds of girls and boys of that age group. I can assure the member for Elizabeth that they understand the eventuality of death, but none I have met really believes that it will ever happen to them. They believe that anyone over 25 is over the hill and should be put out to pasture. Their future stretches out before them in a long road, and their immediate concerns centre around what they will do today and what they will do tomorrow. Most do not even know what careers they should be planning for themselves. For the honourable member to suggest that these children are capable of making anticipatory decisions regarding future medical treatment to be applied in a terminal phase of a possible future injury or disease of a terminal nature is inherently absurd.

There is a very real distinction between consenting to immediate medical treatment and giving a direction in advance. An emotional and cognitive maturity is required in the latter situation that is not required in the consent for immediate medical treatment. I agree that such maturity can

be evident in many of the teenagers under 18 who suffer a terminal illness. I have also found that the support and compassion of family members has always been towards the alleviation of the pain and suffering of their sibling. The clause takes in a wider net than this small group, and we must address the whole.

The second part of the Bill deals with the appointment of a medical agent with the power to make decisions on behalf of another person. Of note is division 6, which requires a register of directions and medical powers of attorney to be established by the Minister, an activity sadly lacking in the present Act. Clause 10(4)(a) specifically restricts a decision of a medical agent to fulfil the wishes of a person only when the person or grantor is in the terminal phase of a terminal illness. I must say that I harbour some concerns about the phase 'of a terminal phase of a terminal illness'; it is one that may come back to haunt us. However, the judgment of whether a person is in such a phase cannot be legislated, regulated or restricted by this Parliament. We must place our faith with the medical profession in determining when someone is in this phase. It is a profession that will need to draw upon its many decades of experience to apply this phrase humanely to a very real person. Part 3, division 2 of the Bill covers the care of people who are dying. This part would be of most concern to the majority of the population who are following this Bill's passage through both Houses.

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

Mr WADE: Before the dinner adjournment I was discussing part 3, division 2 of the Bill, which covers the care of people who are dying. This part will be of most concern to the majority of the population who are following this Bill's passage through both Houses. Of all the social security regions of this State, my area of Edwardstown has the most citizens receiving aged pensions. There are over 11 400 of them in the electorate; perhaps it is Elder by name and elder by nature. The Bill before this House lays the foundation for those who would desire the terminal phase of a terminal illness to be a pain-free and dignified period of one's life, when nature can take its course without intrusive medical treatment that would merely prolong life in a moribund state without any real prospect of recovery. Palliative care is more than just legislation; it is compassionate people caring for those who are dying, and fewer of these people are dying at home. People are living longer and more are outliving their families and friends.

Many of the 'old old' have no money and no homes. Two-thirds of nursing home admissions come straight from hospitals. Three quarters of these people are females with no partner alive and most of these are between 80 and 90 years old. One nursing home estimated that 14 per cent of these admissions die within four weeks and 40 cent die within four months. These people are viewed by the nursing staff home quite naturally as being in the terminal phase of a terminal illness. Nursing homes are not geared to provide anything above the minimum standards of care. They have limited nursing hours available for those 'old old' people who are terminally ill. For example, the State funded hospices allocate 6.5 hours per resident per day in nursing care. Our Federal Government, which funds nursing homes, supplies only 2.32 hours per resident per day.

Nursing homes are not fully aware of available resources, because the accepted network is the home, the hospital and hospice. Nursing homes do not fit into this triangle.

Hospices are only now penetrating into nursing homes to give them much needed resources and equipment for effective palliative care. More and more people are going into nursing homes which do not have the trained staff, the resources or the backing of the Federal Government to cater for the increasing numbers of people who require palliative care.

The Bill is the result of an immense amount of effort and good will by persons dedicated to the relief of pain and suffering. The Bill maintains the rights of individuals to make decisions about their immediate and future medical treatment. This is a commonsense and caring Bill that touches at the heart of our innermost desire for the sunset of our lives to be dignified and pain free. It is vital that we never lose sight of the increasing needs of palliative care agencies, and we must be forever vigilant to ensure that such agencies are not devalued. I conclude with a quotation from Sheila Cassidy's book *Sharing the Darkness*, in which she said:

> Everyone is afraid of pain, and well they may be, because it saps the strength and crowds the consciousness until the person is overwhelmed and wishes simply for death.

Let us in this Parliament take the first steps to end that pain.

Mr BUCKBY (Light): I agree with the member for Elder that a number of issues are highlighted in this Bill. When we face the prospect of death, I am sure that many of us consider and hope that we will go quickly, quietly and painlessly, but that does not always happen. It is a matter of planning for that in advance that this Bill is trying to do, and not only that but in the treatment of children as well.

A friend of mine has been diagnosed as having a terminal cancer—tumour of the brain and also lung cancer, all in one hit. I know that he is going through the thought process, 'What will happen to me when I get to the stage when I am no longer in control of my faculties and abilities, and what will happen to my standard of life when the body degenerates to such a stage that decisions have to be made whether life support systems are continued?' I feel very sorry for him. I imagine that it is a particularly disturbing process to go through, having been given a time limit on his life and at that stage having to try to plan for what will happen when the evil day comes and prior to that when he loses his faculties.

This Bill looks at planning for that by giving consent to another member of the family, or a person over the age of 16 years, with whom you would be comfortable and have confidence in to carry out your desires when you reach the stage of being unable to make those decisions for yourself. That is why it is particularly important that this Bill be passed. A number of issues have now come to light about which we must make decisions. They have been around for a number of years and decisions on them have been put off. Many arguments have been presented and the majority of people who have lobbied us, as parliamentarians, have now come to agreement on most issues contained in this Bill. To my knowledge, agreement has been reached in all but a few areas but, of course, you will never please all of the people all of the time.

As I said earlier, this Bill also addresses the treatment of persons under the age of 18 years—whether they can go to a doctor on their own behalf, without their parents' knowledge, and receive treatment for whatever ailment or area of medical health they wish to discuss, and that is important. Many teenagers under 18 years of age live away from home by themselves in units. They have their own jobs and, as a

result, they do not have a great deal of contact with their parents and make their own decisions day-by-day. So, it is unrealistic, in many cases, to expect them to say to their parents, 'I want to talk about contraception', or whatever, and then to ask for their parents' consent to discuss that with their doctor. Young people these days are far more mature and far more aware of the issues. As prescribed in this Bill, a person over the age of 16 should be able to make that decision of their own volition.

The Bill also covers emergency treatment and exactly what will be done should an emergency arise. I can see the need for representation of a person who may be in a life or death situation. I can think of situations, such as road accidents, where people are concussed and decisions have to be made. Someone has to take the responsibility; this Bill covers that situation and allows that person to take responsibility without any recourse afterwards. For instance, with respect to the issue of organ donation, it may be that responsibility for that decision could be given to a family member or a friend if the patient had not made it beforehand.

As the member for Elder said, a large number of people are now in nursing homes, and that is increasing as our population becomes more independent. Years ago parents were either looked after at home or cared for by other family members, whereas now the movement is toward nursing homes and elderly centre villages. As we know, predictions are that we will have an increasing number of elderly people in our community, so this issue will arise more often in the future. As medical research continues and life is prolonged, as the faculties are lost, increasingly harder decisions will have to be made as to what stage someone else takes over to make the decisions that need to be made. That is something that will continue to occur in future. With those few words, I support the Bill, which fills a gap that has existed in our community for some time, and the Minister should be commended on introducing it.

Mr BASS (Florey): This Bill has created quite a bit of debate from both sides of the House. Having listened intently to most of the debate and reading the Bill, I had some concerns about 16 years being the age at which a person can make his or her own decision. However, after conducting some research I found that it is the age at present and that it has created no problems. When we look at legislation such as this, we see that it is very good if we can refer to something that has happened in our lives that would have made a change to the way in which things were handled. I hark back to a happening in my life that resulted in my losing one of my best friends. I do not intend to give any names, but I will go through what happened in this case.

My friend was a businessman and, some 15 years ago, we became acquainted through his profession and mine. Over the years he became a very good friend of my family and I of his. Back in the early 1980s he was diagnosed as having a brain tumour, and for some years he continued to work in his profession, notwithstanding that gradually the brain tumour affected him not mentally but physically. It caused him to suffer from periodic fits that came on at any time. Originally it was sometimes months between each fit, but gradually, as the tumour got worse, the fits became more prevalent. My friend had good medical advice in relation to this tumour and was informed that he could have an operation, but that there would be no guarantee that the tumour would be totally removed and, even if it was, there was no guarantee that the part of the brain in which the tumour was located might be damaged in the operation. My friend might have come out of the operation with all his faculties but virtually unable to move his arms and legs. He could have come out of the operation with a normal physical body but be unable to speak or think.

My friend and I discussed this on many occasions and he decided that he was not prepared to take that risk. He believed that he had a certain amount of life left and that he would live it to the fullest, until the tumour overtook him and eventually killed him. Over the years while I was with my friend, I could see how the tumor slowly affected him more and more. Eventually, his fits became so bad that he had to give up his profession. He then stayed at home and became, I suppose, a house dad. However, his condition deteriorated until he spent more time in the hospital, and eventually he never left the hospital. But he did not die immediately.

I visited the hospital regularly and we walked around and talked. Sometimes when I went to the hospital he was in intensive care, having taken another fit. After about five months, he could no longer talk. He was fed with a drip and he did not recognise his wife, his children or me when we went to visit him. For some four months he lay in the hospital like this, and to have a friend as he was to me and not be able to do anything for him was heart breaking.

The end result was that my friend died, and thereafter I found that, from the time that he gave up work until he was admitted to hospital, he had arranged his own funeral and had put his affairs in order so that when he did finally lapse into an unconscious state he knew, I suppose, that everything was in place. He did not leave anything for his wife, his children or me to do.

I know how close my friend and I were, and I have no doubt that if this Bill had passed four years ago I would have been given his medical power of attorney. When I think back, I think how wonderful it would have been for me to be able to end the suffering and to give advice or tell the doctors exactly what my friend wanted. I know it would have shortened his life, but he had no quality of life in his last four months. He lay there with no reaction. He did not know his family, and we knew there was no hope for him. I would have had no hesitation to act with the medical power of attorney had it been given to me. It would not have given me pleasure, but I have would have been glad to help my friend finish his suffering. There was no chance that he would ever survive, so it was not a matter of making a decision or being scared of making the wrong decision, but I know it would have been the correct decision to help my friend leave this world.

It is funny how things come again to haunt one. On 5 November last year, I was at my brother's house and we received a phone call that my 74 year old father had fallen through the skylight of his garage. I do not know why a 74 year old man would be on the garage roof but, knowing my father, I should understand why. He had fallen through the roof and split open his skull from the left eye socket to the base of his skull. He had broken his back in three places and had also broken his cheekbone.

They live in the country and he was going to be brought to Adelaide by ambulance. My brother and I went to the Royal Adelaide Hospital, and at about 4.30 p.m. or perhaps earlier—3.30—the ambulance arrived. There was my father, still conscious, sitting up in the back of the ambulance. His eyes were nearly closed, but he was talking to my sister and he also spoke to us. He entered the Royal Adelaide Hospital and the specialists came to the family and told us that there

was no chance that my father would live through the night. In fact, they said that he had no right to survive the fall.

My father went through the operation and was then taken to the intensive care ward of the hospital, where he lay for 10 days, and on several occasions we were told quite openly by the doctors that my father would not survive. My five brothers and I, my two sisters and my mother openly discussed the concerns we had for my father. He was 74, active, a former motorcycle rider, an engineer—he was everything. The fact that at 74 he was on the roof of his shed cleaning the skylight showed how active he was. We openly discussed our concern that my father might have suffered real mental injury as a result of that fall. All of us agreed that there was no way that we wanted him to go on if he were going to be in an unconscious state, supported by machines with no quality of life.

At this stage I digress a little and compliment not only the Meningie Hospital, which first looked after my father, but also the St John Ambulance people who transported him, the emergency people in the Royal Adelaide Hospital, the staff in the intensive care and high dependency wards and, finally, those in the neurology ward for the superb effort they made. I cannot speak highly enough of those professionals in that hospital.

However, my father defeated all the odds and is now at the Julia Farr Centre. He is walking, talking and has no long-term problems. He has lost a bit of weight (about 30 kilograms—and I can think of better ways to lose weight) and is having trouble getting his strength back, but he is now starting to complain that he does not want to be in the centre; he wants to be at home. I am very lucky that my father went through that trauma and has recovered his mental faculties and his health. I have no doubt that in another four or five weeks he will be sent home and, provided he does not climb on the roof again, he will have quite a long life.

There was no way that my family or I could have done anything if my father had been in a mental state, with no hope for his future, no quality of life and nothing we could do. When this Bill is passed I am sure that my family and I will seriously consider ensuring that we leave a medical power of attorney so that none of us will be left in that physical state of just lying there and being nothing.

We have all had wonderful lives and no-one wants to see a loved one finish up lying in a hospital bed and being supported by machines. I believe that this Bill is a good measure that will go a long way towards resolving those problems. It has been a long time getting here, but it will solve many of the problems faced by members of families and people who have close friends. I did not know whether I would have the courage to make a decision if I ever had to discuss with medical people the fact that someone I loved may not want to go on in their current state. However, after losing my friend I knew that, if that situation were ever to arise again and I had the opportunity to make a decision, I would always be able to make it. Also, after the unfortunate accident in which my roof-climbing father was involved, I know that I could always make that decision if it were in the interests of someone whom I loved. I support the Bill.

Mr BROKENSHIRE (Mawson): With the member for Florey, I support this Bill, which I am delighted to see we finally have before the House after many years of debate and deliberation. It is obviously not easy for any member of Parliament to consider this Bill, but the fact is that from time to time we must bite the bullet and make decisions which many people in the wider community would like to see made but in which they personally do not want to be involved for obvious reasons. I do not wish to go into the technicalities of the Bill, because there is already plenty of information on that aspect in *Hansard* from both this House and the Legislative Council.

One of the things that I found to be of great benefit to me in relation to this Bill was the opportunity to talk openly to my constituents right across my electorate about their feelings regarding the general thrust of the legislation. Also, I was delighted to be able to talk with the Minister for Health, Michael Armitage, who was prepared to give us plenty of time in discussing issues arising from the Bill. The fact that the Hon. Michael Armitage has been a doctor helps people like me to form an opinion, as he has experience in these situations. I also spoke to other people in the medical fraternity, including nurses. It was interesting to note that, of the people to whom I spoke, it was mainly nurses who were very keen to see this Bill passed. In fact, some of them said that the Bill should go further, but I will not enter into that debate tonight. I spoke to quite a number of nurses and nearly all of them said that the quicker we could get this Bill through Parliament the better, and that if we did not believe in this Bill we should work with them and experience first hand what they see.

Living in a country community, you get pretty close to people. I had the experience of two of my friends having terminal cancer, and I spent a considerable amount of time with one of those friends in particular in the last few months of his life. It was very sad to see the sort of agony he was in and to see the pressures that his family was under, and the only real reaction he could give me when I visited him was a glint in the eye.

Luckily, I knew him well enough to be able still to receive the message that he put forward by virtue of that glint but, if that person were alive today and we were discussing this Bill, I know that, with his lateral thinking, he would be a great supporter of it, because he was an energetic person, one who had a lot of time for his community, who believed in life and certainly did not want to have to go through what he encountered during the last three months of a terminal illness.

It is of interest also in this debate to look at all the information across the board. There has been good solid argument on both sides from those who oppose the Bill and the many who are in favour of it. If you read the information from SACOSS, the Action for Children, the Palliative Care Council, the Council on the Ageing, etc., you will see that a lot of information was contributed and thought and interest put into the Bill by a great number of people. In fact, one of the frustrations that many of them put forward to me was the fact that it has taken four years to get this Bill to the point in the Parliament where it will probably become a reality.

They asked me why it was that an issue such as this, whilst it is sensitive, should have to go on for four years before someone finally completes what, by and large, those people and I believe the community has been asking for for some time. The other thing we must remember is that doctors are very responsible people. None of us would want to see catastrophic decisions made concerning someone who may be able to return to reasonable health or to any form of health, but on the other hand we must have confidence in our medical practitioners. I believe that that issue is also covered in this Bill.

I am interested to put on record some of the discussions that I have had with young people. We all know what the Bill

contains regarding people aged 16 and over, but young people have said to me that they believe that, by the time they get to about the age of 16, they will know enough about life and their own self-interest to be able to make decisions about consent, etc. and about what they would like to happen to them if something unforeseen occurred. I think those matters have been addressed responsibly in the Bill. Most importantly, if we put ourselves in the position of friends who have had a terminal illness, of which most of us have probably had experience from time to time, in the clear light of day most of us would agree that an opportunity such as this gives us the chance to save our family from an unnecessary burden. I, for one, would not want to put any extra pressure on my wife or children than was absolutely necessary when they were already going through enough difficulty with a spouse in a terminal situation.

So, in essence, as I said at the beginning, I support the Bill. I do not want to go into the technicalities of it, because it will only drag on the issue. I look forward to the vote, and I commend all people who have had input, particularly those on both sides of the equation who have spent time on research, putting pen to paper and writing to members to put forward their point of view in order to help us to make this legislation the best we can taking all argument into consideration. I therefore support the Bill.

Ms GREIG (Reynell): I also want to give my support to this Bill. Like many others I want to see the speedy passage through this Parliament of this Bill, which has enjoyed four years of very careful consideration. I have read many submissions and debates on this issue, and I note that some of the more recent correspondence has placed a strong emphasis on the earlier parliamentary select committee's Report on the Law and Practice Relating to Death and Dying. A lot of work went into consultation on this Bill and, even though it has been claimed that particular issues have not been addressed, I believe that what we have is a Bill that gives consumers some power to choose how they wish to be cared for as they approach death.

I know a number of nursing staff who are anxiously awaiting this Bill to be passed to assist them in their role as support for people facing death, and the families and friends who also suffer in the process. I think it is important to acknowledge the role of our nursing staff and to ensure that they have the protection and support that a Consent to Medical Treatment and Palliative Care Act could give for their day-to-day duties. I also take the opportunity to compliment the select committee members on the hours of work put into the Report on the Law and Practice Relating to Death and Dying. This report opened up communication lines throughout our community and created much debate, but most importantly it brought together the many health workers and other disciplines, including the clergy, anaesthetists, people involved in caring for those who are dying and the growing numbers of the public who seek opportunities to know more about palliative care. The Bill presents a broad approach in addressing the interests of the community.

The Select Committee of the House of Assembly on the Law and Practice Relating to Death and Dying was established on 13 December 1991. The terms of reference of the committee were to examine the extent to which both the health services and the present law provided adequate options for dying with dignity; whether there is sufficient public and professional awareness of pain relief and palliative care available to patients facing severe, prolonged pain in a terminal illness; whether there is adequate provision of such services; whether there is sufficient public and professional awareness of the Natural Death Act and, if not, what measures should be taken to overcome any deficiency; to what extent, if any, community attitudes towards death and dying may be changing and to what extent, if any, the law relating to dying needs to be drafted or amended.

The second interim report and a draft Bill were tabled, and then three months were allowed for formal responses to the Bill to be received. Thirty-one responses were received and they were overwhelmingly supportive of the Bill. In all, the select committee met 38 times. It received 300 written and 31 oral submissions. As well, community meetings and surveys were undertaken. Then, on 10 November 1992, the Bill and the final report incorporating the responses were tabled. I also acknowledge an excerpt from the second interim report of the select committee. It reads:

> In 1988 South Australia became the first State in the Commonwealth to set up a chair in palliative care at Flinders University. The appointment of Professor Ian Maddocks was a recognition of how mature the discipline has become and how important the development of these services are as a part of the general delivery of health care services in a growing and compassionate community.

I believe without doubt that it is this commitment to palliative care and our teachings in the area that provided the basic fundamentals for the select committee in 1991. Since then, now four years later, we will finally bring to fruition the carefully engineered endeavours of a great many people learned in this field—people who have worked with, lived with and/or supported the many patients in need of palliative care.

I also pay a tribute to a man of great courage, the late Hon. Gordon Bruce, who in a media interview of 29 October stressed his desire to be able to die with dignity. The Hon. Gordon Bruce was diagnosed in March last year with motor neurone disease. He told his doctors that he did not want holes cut in his throat to help him breath or to be kept permanently on a life support machine. Gordon Bruce, who retired at the December 1993 election, thought at the time that he had a pleasant retirement ahead but less than a year after he retired he had to come to terms with the fact that he was dying. Prior to his death, when he spoke to the *Advertiser*, he spoke not only so that more people would become aware of his disease but so that more people would talk about the issues relating to death and dying. In the interview he said:

> I do not want to hang on. I have had a really good life and it is finished now.

The Hon. Gordon Bruce passed away on 9 January 1995. For him, death was a relief, releasing him from many months of pain. For a family, the loss of a husband, a father, and in Gordon's case, a grandfather, is a sad loss and a loss that is never easy to cope with. Gordon Bruce also said:

> When I am ready to go I want to die. I do not want doctors to prolong it and save me.

This is a very strong and very true statement from a man coming to terms with his illness. I believe we all have an obligation to help people who are terminally ill to die with dignity and with the least possible pain and distress. Legislative reform to support palliative care will help to achieve this, and in doing so will also help those who are bereaved to deal more positively with their grief. The practice of palliative care should be encouraged and supported by law. People who are dying have a right to be protected.

Mr ANDREW (Chaffey): This is the first Bill that has come to me as a member of this House as a matter of conscience. Because of this, it is undoubtedly an important and significant Bill, and I have attempted to give it some special attention and time. I am very pleased that it has forced me to think through the whole range of both moral and Christian beliefs, and it has undoubtedly forced me to do some greater soul-searching. While one never intends to take any Bill in this place lightly, the more I read the deeper I would have to say I became in trying to understand the ramifications and the implications of the different aspects of this legislation.

While I have not, as part of this assessment and evaluation, gone through the personal experience of having to directly make some of the decisions that currently can be or are taken by family members in relation to a family member who is in a dying state, I have attempted over the past few months to read the background to this Bill, including the select committee reports. Although I cannot say I have read all the contributions made in another place, particularly during the last Parliament, as members would appreciate our mailboxes, particularly towards the end of last year, were certainly not short on contributions from many community groups and individuals in terms of their very deep concerns, views and feelings in respect of this Bill.

Over and above this, I have attempted to consult widely in the electorate and have had some very deep and personal conversations with a number of electors who have been interested to talk about the issues in this Bill. I have also spoken with my family and friends, who have imparted a number of personal experiences in relation to death and dying, and particularly caring for the dying. In addition, family and friends in the medical and nursing fraternity have been pleased to offer their comments and input with respect to the ramifications of the Bill.

I must admit I have found this evaluation process interesting, and it was rewarding to rationalise my conscience with the different aspects of the Bill. I admit I have learnt much more about the care of the dying and hospice care than historically I have had any personal experience with. My conclusion at this second reading stage of the Bill is that I support the general thrust and principle of the Bill. I conditionally support the Bill's second reading as I do have some general concerns. I will reserve my final decision on the Bill until after the Committee stage, when I expect a number of amendments to be moved.

I accept, in principle, the widely held public and community view that was reflected in the reports by the select committee into the law and practice relating to death and dying, which is the provision of good palliative care measures aimed at maintaining and improving the comfort and dignity of a dying patient, rather than extraordinary measures, such as medical treatment, which the patient would find intrusive, burdensome or futile. I agree that we, as a community and as a society, do need to show a greater responsibility and obligation to those who are terminally ill and allow them to die with what they believe, wish or hope is both dignity and a minimum of pain and distress.

As adequately and appropriately outlined by many of my colleagues in this place already, this Bill formally addresses a number of areas. For example, medical directives in advance, consent to treatment, medical power of attorney, treatment of children, emergency treatment, duty to explain and care of the dying. In the time available this evening I will attempt to touch briefly on some of those. Accepting the general principle of patient autonomy and the fact that since 1983 we have had the Natural Death Act in South Australia, which gives us the right at common law to refuse medical treatment, we also have the right to make decisions about such treatment. I believe that it is a reasonable and logical consequence that we be able to register treatment directions; that is, that we be able to make a clear statement of our wishes in advance in the event of not being able to do so in the future.

This can be done by a person completing the prescribed form as set out in schedule 2. As to other circumstances that are specifically defined in the final phase of terminal illness, possibly a vegetative state or incapacity, a person will have the right to express their wish as to the medical treatment they do or do not receive. I believe the act of completing and registering the form is unlikely to be done lightly. I would expect it to be a conscious choice by individuals, particularly those with a Christian outlook who specifically would not take up that right. I am comfortable with that choice. I respect their option and right because some people have indicated to me that that would be their personal choice and interpretation of their Christian belief in that they would not want to make a positive or active determination on their final future.

Certainly, I do not believe that these powers should be available to people under the age of 18 years, as that age is consistent with the age of majority and those adult rights currently bestowed on people who at that age we formally recognise as adult. I refer to clause 8(11) and the medical power of attorney. After considering the issues involved in respect of advance directives, and again supporting the principle of patient autonomy, I support the concept of medical power of attorney. If a person decides to make that choice, that person will inherently and seriously consider their own values and beliefs and be aware of the responsibilities they are conferring in that power of medical attorney.

I am aware that there has been significant debate on how the powers conferred must be exercised, and I refer to clause 8(8) and the idea that the powers conferred must be exercised in the best interests of the patient. I support the argument that it should not be an objective standard, that is, clause 8(8) should not be amended because the subclause includes the words '. . . in what the agent genuinely believes to be the best interests of the guarantor'. If this is not allowed to happen in this manner, it opens the door for third parties to have undue influence on the decision. That could create a dilemma for medical practitioners and other professionals and ultimately could be detrimental to the patient's rights in respect of treatment. The agent's decision could be under greater pressure in the knowledge that the decision could ultimately be challenged, and undoubtedly the patient would not be questioned if the patient had given the direction personally. I see this as being consistent with the transferring of the patient's discretion in the same way to other parties and other interests. In other words, other parties and other interests should not measure or question the discretion that has been conveyed.

With respect to medical treatment for children, that is also appropriate. In a personal sense, and as a parent, I would always expect to be directly involved in such application of medical treatment to my children, although I understand and acknowledge that there are different circumstances that in practice may need to be considered. For example, there are parents who are not physically able to be present or available in the case of an emergency and perhaps in other cases; and I acknowledge that parents may not be directly involved or

perhaps they may have abdicated some parental responsibility. I acknowledge that all aspects of society need to be encompassed in the Bill if possible. I am concerned that parents' natural rights could be overridden, and I believe that the consent of parents or guardians should be the first consent in all cases. However, I assume that it would be most unusual and most unlikely that a parent's decision in the best interests of the child would not be consistent with the best ethical or medical practice. Nevertheless, we should not generally condone a reduction of parental rights over children.

Regarding medical practice, I believe the Bill incorporates community attitudes towards consent to medical treatment with respect to medical procedures requiring a duty to explain and a right to inform consent. They are complex issues, and values, beliefs and religious practices must be acknowledged on part of both the patient and the doctor. With respect to care of the dying, when a patient's life enters that phase as described in clause 17 of the Bill as a terminal phase of a terminal illness, with no real prospect of recovery, as the Bill provides, I accept that, in the absence of an expression to the contrary, there is no duty to use life sustaining measures if they would only prolong that dying state and, importantly, from this, such action is not a cause of death under current State law. That is an important issue that members need to be reminded of. Although the period of a terminal phase of a terminal illness is likely to be elastic, it is definite enough for me to be used in conjunction with the confidence I have in medical practitioners supervising palliative care to put the needs of the patient first, in terms of their dignity, comfort and minimising their pain and distress.

I support the inclusion of the saving provision under clause 18. This is very important. I support its necessity to flag strongly and signal to all, as I believe it should, that the Bill does not support, condone, allow or authorise euthanasia. I also believe firmly that the two issues of the care of the dying and the associated mechanisms that are proposed in the Bill must be seen as mutually exclusive from the distinct proactive intent of euthanasia. I know some argue differently. However, I believe that the two must not be allowed to formally mesh nor must the Bill either be seen to provide, or by default to imply, that euthanasia is some natural or logical alternative or an option to progress to from what is offered in this Bill.

My main concern with this Bill rests with clauses 17(2) and 8(7)(b), which refer to the ability to remove either hydration or nutrition from a person in a persistent vegetative and non-persistent vegetative state, even though in some interpretations that may be a non-dying state, and the authorisation of an agent to have that power. I will look with interest in terms of how this progresses in Committee. I note that there is no definition in the Bill with respect to persistent vegetative state, but I acknowledge from the Bland case of 1992, in the determination from Sir Thomas Bingham, that there was an accepted precedent that effectively gave a useful and appropriate definition that can be interpreted and is likely to be used by future courts if necessary. I will quote from that as follows:

> The medical witness in this case includes some of the outstanding authorities in the country on this condition. All are agreed on the diagnosis. All are agreed on the prognosis, also, that there is no hope of any improvement or recovery.

With that determination, on the understanding that there is absolutely no ability to recover, even though as I indicated it can be argued that the individual is in a non-dying state, at this stage I feel reasonably comfortable that that definition by precedent will be adequate and suitable.

I acknowledge the tremendous amount of work on this Bill that has been put in by the select committees over some time. I acknowledge and recognise the input that has been made by all members in this Chamber, and particularly at length and in significantly more detail, because of the time allowed and the time available, by members in another House. In recognising and acknowledging that input, I am confident and comfortable that, as this Bill progresses through Committee, a fair and reasonable outcome will be achieved. I am pleased to support the second reading of this Bill.

Mr LEWIS (Ridley): To my mind, what we have just heard from the member for Chaffey has been a well reasoned, well researched and well argued proposition from which most of us would have difficulty walking away. He has pointed out where the difficulties arise in the existing practice, where the ambiguities arise in the existing law and the way in which the proposed legislation proposes to deal with that. This Bill seeks to clear up the ambiguities that exist in the current practice and law and put beyond doubt those things which are not acceptable and which will be regarded as homicide, as opposed to those things which are acceptable and which could in no way be construed as homicide. It defines in well reasoned and codified fashion the distinction between the two. I share his concern about the lack of definition in a few minor aspects of the Bill. I have listened and will continue to listen to the reasoned contributions from other members of the Chamber about the measure before us.

I say also at the outset that personal things I have said in the past in the House in previous debates about the direction the law ought to go are things from which I do not resile. I speak with some feeling about personal experiences I have had, not the least of which was the one that was improperly publicised, and I will not go over that again. I would add to it, however, by saying that I have personally confronted the prospect and consequences of death on many occasions, and not without some measure of uncertainty about what to do, but always the feelings of discomfort and intense pain and the prospect of great adversity have nonetheless been subservient to the determination to live.

That said, let me now address the kind of framework through which very skilful drafting has put this whole difficult area of the law into a context that makes it possible for us to debate it sensibly and then explain it to the wider community in a well reasoned and unemotional fashion. It is on that basis that I therefore wish to pursue the subject in the remainder of my remarks about it.

We have set out for us the clear objects of the Bill in clause 3, and it is to ensure that people over the age of 16, whoever and wherever they may be, may freely decide for themselves on an informed basis, instance by instance, whether or not to undergo medical treatment. That is moment by moment, not allowing people aged between 16 and 18 to delegate decisions that may be relevant to their future well-being. Only people who are over 18 may delegate decisions about future consequences of medical treatment. That is because 18 is regarded as the age at which people these days achieve the capacity to exercise adult responsibility. I have no difficulty with that. We must remember that this Bill is about palliative care, when people are confronted with either of two sets of conditions.

The first instance is where they suffer from some pathological condition, that is, where their body is diseased by

some external element that has taken over and the functions of the body in one or more forms are abnormal and lead to a deterioration of function overall to the point where death will be the ultimate consequence unless that process is arrested, if it can be. That is pathology.

The other major group of circumstances that any person may experience is trauma, which is not disease, but rather, according to our dictionary definition, 'of, or from wounds' which can and, indeed, is unpleasant emotionally and something which can be and is so devastating as to cause the condition of shock in the body or any of its parts such as to disrupt the normal function of the whole. That is, injuries.

Therefore, it is either disease or trauma in which we would find ourselves contemplating the application of the law as we seek to define it in this legislation. I trust that members by this time will have understood that I, too, support the general thrust of this legislation. I do not and will not accept that it is legitimate for any of us to decide when body and soul should part company. As a religious man, I believe that decision should be beyond the province of human beings and ought to be left to divine providence. As informed people who have developed the science of medicine and the knowledge of being able to apply that science to relieve suffering, whether it is suffering that comes from trauma or suffering that comes from pathology, we do not in any of those circumstances have the right to say when life should end.

As law makers, however, we have the right and the responsibility to define when it is proper for a person to say, 'If this happens to me, I no longer wish for intrusive activity to continue to keep the biological definition of life alight in my body. I no longer wish to be subject to that artificial circumstance.' Elsewhere in my remarks I will explicitly relate that to the Bill. Notwithstanding those remarks, clause 3 points out:

> . . . with proper standards, to people who are dying and to protect them from medical treatment that is intrusive, burdensome and futile.

If people are not conscious and capable of making a decision for themselves at that moment, but envisage that it is possible that their future life could be dependent upon a decision being made for those three factors to be taken into account, they may give medical powers of attorney to someone else who will act as their agent and make decisions for them. I cannot think of anything more compassionate and reasonable: it does not intervene to end life. My support for this measure is not because of any belief that I have about the need for voluntary euthanasia. In fact, the contrary is the case: I am flatly opposed to that proposition, as I have already explained.

In no circumstances should any one human being or group of human beings seek to take the life of another, as is the case at present in Holland. It is not really the Dutch law: it is a libertine interpretation of the law in Holland that allows this to happen, and no-one has the guts to do anything else about it at present. I am not in favour of that approach and I am not in favour of voluntary euthanasia in any form. I am strongly in favour of supporting life while there is hope.

I am strongly in favour, though, of allowing individuals to decide that, if there is no hope, and if they are in the terminal phase of a terminal illness or condition, they have the power to say, 'No more.' As a member of Scott's team in the Antarctica said, 'Sufficient is enough', and he let go and fell into the crevasse. That is the sort of thing that needs to be borne in mind when we contemplate this legislation. It is not about killing people when someone else says, 'They can't live.' It is not about killing people who say, 'I feel as though I don't want to go on living.' And Sir Mark Oliphant, a former Governor of this State, was in that frame of mind at one time, although he happily acknowledges now that it would have been wrong for anyone to have listened to him and provided him with the means in law to take his own life.

It is about ensuring that people live for as long as it is possible for life to continue and for divine providence to allow that to occur. So, we find a definition in division 2 that 'the terminal phase of a terminal illness' is included but, as the member for Chaffey observed, the words 'persistent vegetative state' are not defined, and that is the only ambiguity and difficulty I have with this aspect of the legislation. The meaning is not clear. 'Persistent vegetative state' is a subjective assessment that must be made by someone. One assumes that there would have to be total agreement between all people in the agency offering palliative care and medical treatment that there was no prospect of recovery. I would hope that would be the case, though I can find no other expression of that wish in law.

We find also that there is a definition relating to the provision of medical power of attorney and the circumstances in which that can be exercised. The Bill clearly points out that it does not authorise the agent provided with that power to refuse natural provision or natural administration of food and water, and it does not authorise the agent to refuse to administer drugs to relieve pain or distress, and it does not authorise the agent to refuse medical treatment that would result in the individual's regaining the capacity to make decisions about his or her own medical treatment, unless the grantor is in the terminal phase of a terminal illness.

So, on those grounds I am satisfied about the veracity and professionalism that must be exercised by those who are providing palliative care as authorised through this legislation. That does not exist in the present law. It is altogether too subjective. Too much of the decision is left to the discretion of the individuals who are supervising, or the individual who is providing the palliative care to someone so affected by their injuries (in trauma), or the disease from which they suffer (the pathology to which they have been subject), in deciding what should or should not be done in the interests of that patient. The law therefore enables us to define the difference between compassionate regard for the interests of the individual and allowing divine providence to decide the moment at which body and soul part rather than taking some conclusive step to bring that moment forward in a way which is unnatural.

So, in order to ensure that there is no abuse of the agent's decision, the Bill provides that where there is time the Supreme Court may hear, as expeditiously as possible, an application from a medical practitioner or any person who, in the opinion of the Supreme Court, has a proper interest in the exercise of the powers conferred by the medical power of attorney and, in so doing, review the decision of the medical agent and, if necessary, reverse it after that review. I am well satisfied by that provision. I am equally satisfied by the provisions to be found in Division 5 of Part II about medical treatment, although I am willing to listen to argument from any member in Committee about those matters.

I believe that Part III of this Bill provides us with the means by which we will have relieved the burdensome responsibility on doctors, in that it leaves the doctor with the responsibility to explain to a patient, so far as it is practical and reasonable in the circumstances to do so, the risks involved in a proposed medical treatment. If they are not able to comprehend anything, because they are, say, unconscious,

it is not legitimate to expect the doctor to try to explain anything. However, if they are conscious and capable of comprehending what is being said to them, the doctor has a duty to explain the nature and consequences of the risks involved in any proposed medical treatment. Furthermore, the doctor has the duty to explain the likely consequences of not undertaking that treatment.

What is more, the doctor has the duty to explain any alternative treatments or courses of action that might be available or reasonably considered in the circumstances, so that the patient is fully informed by the person to whom they have entrusted their medical care at the level of principal action. Furthermore, it protects doctors and other care givers from a whole range of accusations, both civil and criminal.

To that extent we have codified the law to put beyond doubt those things which bedevil us presently because they are not codified. The concern which doctors have for the accusations that can be made about what they have chosen as an appropriate course of treatment leaves them in an untenable position at present. It is not responsible, for those very reasons, for any one of us in this Parliament to allow the law as it stands at present to go on being the law. It is not fair to our medical professionals, particularly the doctors, to be left to make this subjective discretionary decision, patient by patient, instance by instance, without any protection from civil or criminal proceedings.

We have a duty, if we are not going to pass this Bill in this form, to define the form in which we will enact law to remove those ambiguities once and for all. I cannot countenance a future in which we continue to allow doctors and medical staff acting in good faith being left with that onerous burden of responsibility and risk. At present they can be either sued in a civil action by some aggrieved relative, or charged with a criminal offence no less serious than murder in the event that the decisions they make and the motives they had for making them are interpreted otherwise by someone else with an interest in the matter, whether that other person is acting in their own interests or in what they regard as the interests of the State. That is wrong and must be changed.

Mr BRINDAL (Unley): In addressing this debate, all members are aware that it is a most serious matter which we consider tonight and which was considered previously by the last Parliament. We approach it with no easy task, each of us from our own perspective, just as the member for Ridley has done. Some 21 years ago I went to visit somebody in hospital. It was more a courtesy visit than anything else. I was told that it involved a minor operation—indeed, something that would be almost day surgery today. When I saw this person, I asked, 'How are you?' They replied, 'I nearly lost my leg.' I got such a shock I reacted a bit violently, I think—not physically but verbally—and said, 'Don't be stupid.' The response was 'I did.' Subsequently I saw the scar and there was a hole as big as your fist.

That person was operated on because they had a melanoma, which was carcinogenic. I was then told that that person would have, if they were lucky, two years to live and probably a lot less. It concerned me because that person was my mother and I was due to go overseas the next year. I seriously contemplated not going overseas because I was told by her doctor that she would die while I was overseas, and that was not, as members would understand, a prospect that thrilled me. However, the doctor said that it would probably kill her, as it would with most mothers, if I did not go. So, I went, thinking I would probably not have a mother to come back to.

She lived for a further 13 years after that. She went through a whole series of operations, none of them pleasant. Progressively she had lymph nodes removed from the top of her leg, resulting in a swollen leg for the rest of her life, and either side of her spine, until some 13 years later they operated and found a cancerous growth that was so intertwined throughout her body cavity that there was nothing they could do. She had been teaching right up until that time. She retired from teaching, was nursed at home, went into Mary Potter Hospice two or three months before she died, and died in the August before I was elected to this place. So, I think I can speak on this subject with a deal of experience, as I am sure can other members. That is why I say it is not something that can be treated lightly.

If we were actually talking about other than the terminal stage of a terminal illness, I would be worried, and I would be worried for the reasons that I just explained to the House. There was a doctor, in fact a series of doctors, who said to me, 'Your mother has less than 12 months to live.' I would argue that she had a very good quality of life for at least 12 years, almost 13 years, afterwards. Her life was worth living. She was mobile, and she contributed. I tell the member opposite that she considered one of her last great feats was in helping Michael Pratt be elected as the member for Adelaide in the heat of that summer. She gave out posters and how-to-vote cards at Mansfield Park. She was a remarkable woman. She did all that until about six months before she died.

If this Bill were about '. . . as soon as you are diagnosed as being terminally ill, we can do things to help you ease the passing, to make it more speedy,' then I would be against it, because I say that doctors are not certain. They cannot be certain. They work on the best possible degree of probability. I know of one case, a very personal case, and I am sure other members can relate similar cases, where the best diagnosis of the doctor was not correct. If we leave that alone and acknowledge that this is about the terminal phases of a terminal illness, we then come to the stage where a person like mum was in the Mary Potter Hospice. I have nothing but praise for those in this State who are associated with palliative care. They are hard working, generous people who care much for their patients and their patients' families, and that is most important. The person who dies in the end at least is dead.

Whither they go we do not know. They take whatever burdens they have with them. Many of us who are left have burdens of our own. The great thing about the Mary Potter Hospice, Daw Park and the hospices generally around this State is that they care as much for the living relatives as they do for those who are terminally ill. As I said, I have nothing but praise for them.

When it came to that terminal stage of a terminal illness I went to see my mother. She said, 'The doctor has told me that at the end I will probably develop pneumonia'—I believe that that is fairly common in such cases—'and at that stage there are two choices: the doctor can pump me full of antibiotics, pump my lungs clean and I will revive and be all right until the next time I catch pneumonia, and then the next time I catch pneumonia—and no doctor can tell me how long they can keep reviving me—but in the end my system will be so over-worked and tired that it will collapse and no doctor will be able to save me. I have instructed the doctor that the first time I catch pneumonia he should administer me such

drugs as are necessary for my comfort and to allow nature to take its course.' She told me that as her eldest son, she told all her family that, and she told her husband that. I was very grateful, because I entirely understood her decision; it was her decision and I abided by it and respected it, as did all the family, despite the grief that the loss of a loved one causes.

That is not where I have difficulty with this Bill, but where I as a human being rather than a representative of this Parliament stop to think. While I am not prepared to vote against this Bill and while I think it has good intent, I take the points made by the member for Ridley and others that life is sacred and a very precious commodity. I am most grateful and will remain ever grateful to my mother that she did not leave me, my brothers or my father with the painful decision about the course of action to be taken in the event of her being incompetent to make medical decisions for herself. She made a decision for herself, she communicated that decision to her doctor and her doctor acted on that decision.

I do not think there is anything harder in the world than to lose a loved one, especially if that loved one is someone to whom you might have been married for 30, 40 or 50 years. If the loved one is a child whom you have borne and nurtured it must be almost unbearable. If the loved one is a parent it is difficult. The most difficult thing we face as humans is to say 'Goodbye' to someone we love who dies. Despite the good intent of this Bill, something I never want to do to anyone, especially someone who might love me—and I assure members that there are one or two people in the world who do—is burden them with the decision that the member for Ridley talked about; that is, the decision to say, 'As much as I love them it is time to do this or that.' I accept that most people would do it; if they love someone enough they can make even that decision. However, it is a burden that I would not willingly foist on anyone. It is a burden that I believe, where possible, we should bear ourselves.

In this State we have an excellent system, that is, the system of a living will, whereby you can make your own wishes well known to your medical practitioner, who will act on your instructions and advice even if you are incompetent to do so yourself. Someone like the member for Custance, about whom we are already worried in relation to whether or not he has senile dementia, could make a decision at this stage and put that down in the terms of a living will.

I apologise to the member for Custance; I should not have said that, but he was so distracting me that I thought I should attract his attention. He still does not know what I said, but I do apologise to him; it was in poor taste. I do not believe—and I have said this in the context of other Bills—that it is my right to make decisions for the rest of South Australia purely on the basis that I do not want to do something. I commend the Minister for this Bill, as it gives greater choice to people who are in the terminal stages of a terminal illness. It deserves careful consideration and support because of what it seeks to do, and I think that is the gist of what I picked up from the member for Ridley's speech. Therefore I support the Bill, having said that it is not a course that I would choose for myself. The medical power of attorney puts an enormous onus on people, and I do not know that everyone wants to accept that power or have it foisted upon them or given to them. Therefore, while I am prepared to say that other people might choose that course, it is not a course that I would choose for myself.

I am not prepared to vote against this Bill because, taken as a whole—and I think the Minister deserves credit for this—the Bill, as it is presented to this Parliament, picks up the valuable debate that you, Mr Deputy Speaker, were part of in the last Parliament. It makes what was then not a bad Bill much better, and it addresses the concerns raised by members in the select committee and in their second reading speeches. As it comes to us, the Bill is a much improved version of that which came before us in the previous Parliament.

I raise with the Minister two points, the first of which relates to clause 8 (7)(b)(i), which deals with the natural provision or natural administration of food and water. I realise that this is an exceptionally difficult area for the medical profession but, as the Minister explains to me, if you have someone in a permanent vegetative state and if you, through intrusive medicine, continue to supply fluids and nutrition, that person may well stay alive almost indefinitely, and none of us would seek that. In my contribution to this debate in the last Parliament I said that, while I understand the problems that would be inherent if this clause were not included and, while I have some sympathy with the reasons that it is included, I have a natural disposition that tells me that food and water are so essential to human existence that, if they can be provided, they should be provided.

I am not prepared to drag out this debate or to vote against the Bill or clause just because it is a personal disposition of mine. I have canvassed it in debate previously; it remains my opinion and, therefore, I want it recorded as my opinion. Nevertheless, I do not deny the intent of those who include it in the Bill nor the reason that they include it in the Bill. I merely record that it is a part of the Bill with which I have some concern and, if it were up to me, I would rather it not be included or that it be addressed in a slightly different way. I have racked my brain and can think of no better way to do it, so it would be poor of me to come into this Chamber and say, 'It is not good enough; think of a better way, even though I can't.' So, I cannot berate the Minister for that.

I see another serious problem with this Bill. The Minister and I are sharing membership of a select committee, and he knows that this problem arises in many contexts; that is, the power of a person to contest in the courts your decision to appoint a medical power of attorney. Clause 10(1)(b), entitled 'Review of medical agent's decision', provides:

> Any person who has in the opinion of the court a proper interest in the exercise of powers conferred by a medical power of attorney.

I am not a lawyer, but that is so wide ranging that it could refer to any other member of a family or any group with a wider interest. I could contend that a group that is interested in ethics or morals might have a genuine interest in medical powers of attorney and, therefore, might seek quite deliberately to test the validity of this law by taking people into court and challenging the medical authority on moral or ethical grounds. I am sure that is not the Minister's intention, but it worries me that that could happen, that outside people with an interest in the moral or ethical question could intrude on a family.

We are talking about people who are in the terminal phase of a terminal illness. The last thing you need when someone is dying is to have everyone brawling in court over what should or should not be done to the person you love. That is the situation outside the family, but I can even see problems with this clause within the family. For example, if there are two brothers and a sister and the mother deliberately decides to confer the medical power of attorney upon one of them and explicitly tells that person what her instructions are knowing that the other two might not approve, under this clause the

other two can march into court. It would not matter what the mother said to the medical power of attorney, all that would matter is that the issue would be contested in court. The court would make the decision on the matter and the mother's wishes may well be overruled. If that were not bad enough, the whole family structure would perhaps be badly dented or destroyed in the process. I do not know of many disputes over wills or matters of this kind that involve family, people you love, where they march into court and everyone shakes hands afterwards and says, 'Wasn't that a good experience?' What it normally means is that they never speak to each other again, they argue, they do not go to the same places at the same time and, generally, it causes chaos.

I am sure that no-one in this Parliament wants to do anything by way of this Bill that does not assist. This Bill is about care and concern, it is about helping people who are dying to die with some semblance of dignity and grace and without pain. It is, therefore, a laudable Bill, and I would not want to see in a Bill, which I commend to the Minister as a good Bill, a provision which can go against its thrust and direction. So I ask the Minister whether he will consider accepting an amendment or putting an amendment himself to strike that clause from the Bill. I believe it was not inserted by the Minister, it was inserted upstairs, and I believe this Bill would be better without this clause. I am interested to see whether the Minister will be prepared to accept an amendment to strike it from the Bill.

Having said that, it is not a path of action that I would choose for myself for the reasons I have outlined, but it is a path of action which gives greater opportunity and choice to the people of this State. It is not a euthanasia Bill, it is about care and concern for those who are dying. Therefore, I congratulate the Minister on his efforts, I support the Bill and I commend it to the House.

Mr MEIER (Goyder): Some members would recall that when the original motion was put before this House to establish a select committee to look into death and dying I was strongly opposed to it. The main reason I was opposed to such a view was because I felt that by allowing an investigation into this area we would be opening up the door to people who would like to see voluntary euthanasia become part of our law in this State. I am totally opposed to any form of euthanasia and I have not changed my views on that at all. I was very much in the minority at that stage. The select committee, which was set up in 1991, has done a lot of work and has put a lot of time and effort into researching this whole area, and I acknowledge the work it has done.

I took the opportunity nearer the end of its initial gathering of evidence phase to attend a seminar which was held at the Luther Seminary in North Adelaide. It began with speakers addressing those present, and if my memory serves me correctly the hall it was held in was overflowing, and then we split into discussion groups. I acknowledge that the concerns of the palliative care workers and the doctors involved in treating these patients is something that we as legislators need to consider. I was most impressed to hear some of the arguments put forward by the palliative care workers and I could see that they were looking for clearer guidelines and definitions on what they could or could not do. It was also pointed out to me that there are voids in the law today that leave it up to individuals in a way perhaps that should not be left up to individuals.

I do not wish in any way to compare the article I am about to refer to with human life, but recently I read an article from the November 1994 issue of *Readers Digest* about a dog that had attained a reasonable age and the owner had to think about putting the dog to sleep. The woman addressing the issue wrote:

> Thinking about putting her to sleep [the dog] was like facing some great black wall. To take a life assumes a terrible power. Who was I to extinguish the light that made Molly Molly?

I thought it interesting to see a person's grief about an animal. But transpose a person who has to make a decision about a human life: then, without doubt, what terrible power a person has. I guess it is for that reason that I have reservations about entering into this whole area at all. Being a believer in Christ and in God, I believe that God has complete control over all life and that we as human beings have no right to decide to play God and to determine whether we want to cut someone's life prematurely or not. I will not get into the religious or moral questions so much here. The committee has obviously considered that over many months and years. But as one who has full respect for the sanctity of life and who recognises one's creator as having all power it troubles me if we as human beings are trying to interfere and decide when a person's life may end. I also well recall the incident highlighted on a television program of a man who was seriously injured in a motor accident.

He was injured so seriously that his wife was told he would be a vegetable for the rest of his life and that there was really only one course of action she could undertake, and that was to remove his life support system. She loved her husband. He had two or three children. The wife just felt she could not remove the life support system. It was some time later that the man started to recover, and eventually he came out of his vegetative state. The television program highlighted this man playing with his children in the back garden.

The comments from both the wife and the children were very interesting. The wife said, 'Our love for each other grew in a way that we had not had love before.' More importantly, she said that his love for his children was much greater and that there was a much greater bond in the family than had ever been the case prior to the accident. In fact, she felt there was a lot lacking in their love and their family relationship prior to the accident. I assume that today that family is still very happy. It is a great joy and blessing that that man is still alive. He is very much a normal person. He has a slight impediment, but it does not affect his life on a day-to-day basis. That type of action where a wife is told, 'Look, withdraw the life support system; you will be doing him a favour' is equivalent to killing a person, in my opinion.

I realise it is always very easy to look at other examples, and it is much more difficult when it is in your own family; nevertheless, I still have concerns with respect to this Bill. I refer to comments in relation to this Bill from Dr John Fleming, Father McNamara and Dr Robert Pollnitz in a letter that they addressed to me from the Southern Cross Bioethics Institute. They indicate in the letter that they have followed closely the work of the select committee and appreciate its excellent work and the very thorough review of the Bill carried out in the Upper House, but they have put forward several comments, as follows:

> . . . 'the committee does not agree with the proposition that the law should be changed to provide the option of medical assistance in dying', that 'the committee rejects the notion that there is no moral distinction between letting someone die and bringing about that person's death', and that 'the committee believes distinctions based on intent should be maintained in law'.

They are all extracts from the select committee's report. The letter continues:

> Unfortunately the Bill in its present form provides the possibility that certain incompetent but non-dying patients could have their death brought about by starvation and dehydration. . . It would be an even greater pity if such legislation were enacted in its present form which exposes some citizens to danger especially when it is the responsibility of elected members to protect the right to life of innocent citizens.

I can only say, 'Hear, hear! I fully agree with those sentiments.' In fact, various suggestions are put forward that relate to the specific clauses and how these matters can be addressed. In that respect, I have sympathy with and am attracted to the foreshadowed amendments by the member for Spence. I certainly will want to consider those further in the Committee stage.

I believe that this Bill can be allowed to proceed and that there is a lot of good in it, but there are certain areas that need to be addressed and it would be a shame if this Parliament did not give its full attention to areas that could be abused in the future, considering that some four years of research has been put into it so far. It is very important that we get this debate right. I have expressed my concerns as they relate to the Bill. I recognise also that there are many positive points in the Bill. I believe it will set much clearer guidelines for palliative care workers, and I will be following the Bill's progress through the Committee stage with interest.

Mr VENNING (Custance): I support the Bill. I congratulate all those who have gone before me in this debate and those involved in preparing the Bill, because it goes back over five years. I refer to the former member for Coles, Ms Jenny Cashmore, who did so much work on this issue and who has done much lobbying. Certainly, in the old Parliament we knew about this issue. Minister Armitage is to be congratulated on the Bill's preparation. It is indeed historic that we are debating the Bill again tonight. The Bill is a courageous attempt to handle a situation that is difficult and emotional, but these issues are relevant today and are issues that we as politicians have to address. Certainly, it is an achievement that we are addressing the Bill tonight.

These matters affect us all. I read the article about the late Gordon Bruce prior to his departure, and it affected me. Gordon Bruce was a good friend, and it affected me to see the way his life came to an end. That was sad, indeed. His point of view was strong. He believed that when life was over he should have the choice to end it all, and that is what happened. My own father suffers from Alzheimer's disease, so this issue is very close to me.

Clause 6 is a debate in itself in that it provides that a person of 16 years can make decisions about his or her own medical treatment as validly and effectively as an adult. I have no qualms about that. At first I considered 18 was appropriate, as that lines up with the age of consent, the age of drinking and the age of voting. But when we realise that today a person of 16 years can go out to work and, if female, can have a baby, can have a driver's licence and can live away from home, then the age of 16 is acceptable. Others would like to see the age lowered, but I do not think that is responsible. I believe that parents like to think they have some control over their children until they reach the age of 16, and I believe that parental consent should always apply until the age of 16. Therefore, I welcome that provision.

Clause 7 refers to a person aged 18 years who can give a direction as to what treatment he or she receives, particularly in relation to the terminal phase of an illness. This is an emotive issue. People aged 18 years can vote and drink, and to all intents and purposes 18 years is seen as the age when we recognise a person as an adult. I have no qualms at all in saying that such persons should have the right to say that they do not wish to continue living if they are terminally ill, and they should be able to direct that certain actions occur.

Clause 8 deals with the important area of the medical power of attorney. This issue is becoming more emotive, because a person of 18 years can act as an agent for a person. They can be asked by a person in a sound mental condition to be their agent when and if they become terminally ill and they want someone to make decisions for them when they are no longer able to do that. We do this in many other ways in business. We have the power of attorney in business; we have it in our families. I have done the same thing; I have given my son the power of attorney for me such that should I not be in control of my faculties or whatever—

An honourable member interjecting:

Mr VENNING: A member of the Opposition raises the point, as I thought she might. Should a person lose his or her faculties, a power of attorney enables a member of the family or any designated person to take over their affairs without any hassle and without any great expense. So often we see people who go into a state of dementia without the power of attorney, and it causes much distress and many problems amongst the family. I welcome this clause, which provides that an 18 year old can be appointed as an agent, by a person, friend, relation or whatever. A person can appoint an agent who is 18 to make that decision for them when the time comes.

I have some difficulty with clause 10. If I were chosen as an agent, by a friend, brother or whatever, when the time comes to make the decision, another person may object to that decision and then the Supreme Court could be involved. I will be waiting to hear what the Minister has to say about this in Committee, and there may be an attempt to amend this part of the Bill. It is a total waste to streamline the whole process, and then to put that in there; I just wonder what has gone wrong. The whole Bill seems to have come unstuck in clause 10. I have spoken to the Minister about it, and I will eagerly await his comments. I will be quite intent to listen to what he has to say about amending clause 10, because to me it sounds a little strange that we have put in there almost a caveat that a person making a decision as an agent can be in dispute and then the matter goes to the Supreme Court.

This Bill is very relevant to our times. As a race we are all living longer, and debilitating and dead-style diseases are more prevalent: dementia, Alzheimer's, brain tumours, cancer, Parkinson's disease, and the list goes on. In bygone days, many of these sufferers of today would have died quite naturally at an earlier stage. It is good that today we can and do prolong life, but only if this extra life is of value and is rewarding to the person. When a person loses their faculties, loses control over their bodily functions and cannot feed themselves, relying on a food machine to live and breathe, I am in favour of switching off life preserving machines. I will not support the removal of sustenance—food and water—but I support the use of drugs to give comfort to sufferers, knowing that that treatment will shorten life. We should always make sure of the patient's comfort. As I said before, I am quite in favour of removing life support systems when that is the only reason that that person can continue life. The intention of this Bill affects us all and our loved ones. The member for Unley spoke about his own mother, and I knew

his mother well. It is emotional and it is difficult, but we must all face up to it.

I praise, and we should all praise, those who care for the people who are suffering, the caregivers. Those who care lovingly for people who are basically lifeless, who are living only within their bodies, need our life long gratitude. I will be indebted for the rest of my life to those people who look after my father when we are not there. This Bill is very emotive. I congratulate all those who have done the work on the select committee and in the preparation of this Bill, and I wait to see what the Minister has to say in Committee, particularly in relation to clause 10. I support this Bill.

Mr BECKER secured the adjournment of the debate.

ADJOURNMENT DEBATE

The Hon. M.H. ARMITAGE (Minister for Health): I move:

That the House do now adjourn.

Mr ASHENDEN (Wright): This evening I wish to address myself to the continual interjections from the Deputy Leader of the Opposition against a number of us on this side of the House who are holding what are generally known as marginal seats for the Government. I am most disappointed that the Deputy Leader is not here to hear what I have to say, and I can only hope that the member for Torrens will pass on to the Deputy Leader that it would be well worth his while reading this evening's debate to find out just what I have to say. The Deputy Leader seems to feel that his continual interjections that some of my colleagues are oncers and that I will not be back after the next election will strike fear into our very hearts. Let me assure the Deputy Leader that as far as I am concerned nothing could be further from the truth. If the Deputy Leader were here I would point out to him that between 1979 and 1982 I put up with far more competent members of the then Labor Opposition, who kept telling me back in those days that I was a oncer.

I would remind the Deputy Leader of the Opposition that I was returned to this place in 1982, amid much more adverse circumstances than will be the case in 1997. In 1982 the then Liberal Government was not a popular Government in the community and, despite the very strong anti-Government swings that occurred in the seat to the north of me of 14 per cent and the seat to the south of me of 11 per cent, I was able to hold the then seat of Todd with a swing against the Government of only about 2 per cent. It should also be borne in mind that Todd was always regarded as a safe Labor seat and, when I won it in 1979 because of Des Corcoran's misjudgment, it was held by a very popular local member, Mrs Molly Byrne. It is unfortunate that the Labor Party does not have more like her here today.

I see many parallels between the then seat of Todd and my present seat of Wright, and I am confident that I will be able to repeat 1982 with one very distinct advantage this time, in that I will have something that I did not have in 1982, and that is a Government which is performing well and which is seen by the community to be performing well. I would remind the Deputy Leader that polling shows that the Brown Government is as popular today as when it was elected in 1993—probably more so. In other words, as well as my own efforts I will also have the very big plus of flying under the flag of a Government which will be seen to have turned this State around. I would also remind the Deputy Leader that his Leader and his Party are being castigated in the polls. His Leader is Mr 10 per cent, and most people are saying, 'Mike who?' On the other hand, our Premier is seen by a vast majority of voters in this State—oh, we do not like this.

Mr FOLEY: I rise on a point of order, Mr Deputy Speaker. I draw your attention to a ruling that was given to the member for Unley in respect of members reading prepared speeches. I would have thought that somebody who had been in this Chamber for as long as this honourable member has been would not need a written speech.

The DEPUTY SPEAKER: Order! The honourable member has taken a point of order; he did not ask to make a speech. The common practice in Parliament is for any honourable member to make a speech from copious notes.

Mr ASHENDEN: And afterwards I am quite happy to show the notes to the honourable member, because he will find that there are variations between the notes and what I am saying. As I was saying about the Leader of the Opposition, it is 'Mike who?' On the other hand, our Premier is seen by a vast majority of voters in this State, both Labor and Liberal, as doing a good job and just the job that South Australia needs. Another thing the Deputy Leader certainly does not practise and does not seem to understand is that a member of Parliament is here to work his butt off for his constituents, and that is what I am doing. I would be quite comfortable for the Labor Party to undertake a survey within the seat of Wright to determine both the level of my recognition and also the perception that constituents have of the manner in which I have represented that seat. Remember, at this stage, only 25 per cent of my time is up before I face the electorate again, and I might say I am looking forward to that time with a great degree of anticipation and confidence.

It is interesting to note that it is the Deputy Leader who is continually making the point that we supposedly have a number of oncers on this side of the House and that I will not be back. All I know is that those of us in the so-called marginals at least had the intestinal fortitude to run in such a seat and not, like the Deputy Leader, go scuttling off looking for a safe seat. I would love to see the Deputy Leader in a marginal seat, because there is no way in the world that he would ever hold it. I would really love him to be my opponent at the next election. For one thing, he would have to do some work (and that would be very foreign to him), and for another his electorate would see him, just as his union did, as a very shallow and lazy person indeed. The Deputy Leader tries to anticipate my future. I am very happy to concentrate on the Deputy Leader's past: as Secretary, he presided over a union which members left in droves, and in the end he had no alternative but to amalgamate his union because otherwise it would have been wiped out.

It is interesting to note that the statements of the type made by the Deputy Leader are not repeated by many of his colleagues, and the comments tend to come predominantly from him and, I am afraid, the member for Spence, neither of whom could win or hold a marginal seat in a fit.

Mr Becker: He cannot even look after his pushbike.

Mr ASHENDEN: That's right. It is interesting to note that most of those opposite in safe seats came in the easy way, but I will give credit to the members for Taylor, Torrens and Elizabeth, who at least had the courage to run in a marginal seat, although of those I believe that only the members for Taylor and Torrens felt that they had a chance of victory when they first ran. I believe it is a far greater honour to represent an electorate in this House by winning a marginal seat than it is to have coasted in on the coat tails of

the union movement, as so many members opposite have. Frankly, I regard it as a compliment every time the Deputy Leader interjects that I will not be back after the next election. First, it means—

Members interjecting:

Mr ASHENDEN: He is another Mr Who, isn't he? First, it means that I have got under his skin and, secondly, that he has a genuine fear of knowing that I will be back. Additionally, when I look at the so-called talent opposite, I believe there are only three members who would be capable of holding a marginal seat, and they are the members for Taylor, Hart (I have no doubt about that) and Playford. The rest would not have a hope.

What the Deputy Leader seems to forget and overlook is that the seat of Wright at least now has an active member. I would love a dollar for everybody who has said to me in Salisbury East particularly, and also in the older sections of Golden Grove, that this is the first time they have ever had a member who has shown any interest in them. That is an absolute indictment of the former Leader of the Opposition who was previously the member and who should have represented those areas.

Mr Brindal: Is that right?

Mr ASHENDEN: That is right.

Mr Brindal: He was the member. I did not know that.

Mr ASHENDEN: Neither did the residents. I would remind the Deputy Leader that I am a member of a Government Party which is held in high regard. He is a member of an Opposition which is absolutely derided in the community and whose Leader is known as Mr Ten Per Cent. As for the Deputy Leader, I take up the point that he is not even known. I urge the Deputy Leader to keep up his comments, because it only means that I will enjoy even more the sweet taste of victory when it comes in 1997, just as it did in 1982 under virtually identical circumstances.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Spence.

Members interjecting:

The DEPUTY SPEAKER: Thank you, members. The popularity of the member for Spence is unquestionable.

Mr ATKINSON (Spence): Mr Deputy Speaker, I must digress from what I was originally going to talk about in order to reply to the member for Wright. The member for Wright talks about the ability of certain members of the House to serve their electorates, to gain local popularity and to win difficult seats. One of the measures of the impact that a local member has on a House of Assembly State district is a comparison of the two-Party preferred vote for that House of Assembly district with the Legislative Council vote for the member's Party in that seat. It is an easy comparison to make, because we have here the same group of people voting for two different Houses of Parliament.

In the House of Assembly State district, they are voting for a list of candidates who appear by their own name and, in the Legislative Council, they are voting for a Party list. So, the usefulness of comparing the two votes—and one can do this booth by booth, as well as by Assembly district—is that you are comparing how many people voted for the Party in the State district with how many people went on to vote for the person who carried the Party's banner in that State district.

I notice that the member for Gordon smiles, as well he might smile, because he is one of the most popular local members in the State. The member for Gordon has one of the highest personal votes by this measure, which is the only measure of personal vote, in the State, and it is to his credit. The member for Wright denigrates my ability to win a marginal seat. I have to tell the member for Wright that, on the measure of personal vote, 5.5 percentage points of voters voted for me in Spence but did not go on to vote for my Party in two-Party preferred terms.

Mr Brindal interjecting:

Mr ATKINSON: Just as well the honourable member did not say the number of my children. The member for Gordon, by this measure, has a personal vote of about 6 percentage points.

Mr Brindal: It would be higher than that.

Mr ATKINSON: It was higher than that; it is now down to 6 percentage points, the second highest in the State. The member in this Chamber with the highest personal vote by this measure is the Leader of the Opposition, whom the member for Wright denigrated but, in fact, more people vote for the Leader of Opposition in his seat on a personal basis than vote for any other candidate on a personal basis in the whole State.

Members interjecting:

The SPEAKER: Order! The members for Wright, Unley and Peake will come to order.

Mr ATKINSON: It is paradoxical that the member who spoke last and sought to denigrate members of the Opposition is the member of Parliament with one of the lowest personal votes in the State, because by this measure—

Mr Ashenden interjecting:

Mr ATKINSON: I will not talk about 1982—

Mr Ashenden interjecting:

The SPEAKER: Order!

Mr ATKINSON: The member for Wright seems to have lost a lot of popularity since 1982, because at the December 1993 State election, when the people of South Australia were falling over themselves to vote Liberal—

The Hon. M.H. Armitage: Quite right, too.

Mr ATKINSON: Maybe so, but 5.5 percentage points fewer people voted for the member for Wright than voted for the Liberal Party in two-Party preferred terms in the Upper House. That is to say, more than 1 000 people went into polling booths in Wright and voted the Liberal Party ticket for the Upper House and then, when it came to voting on the small green ballot paper for the member for Wright, voted for the person who is now the member for Taylor.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: The extraordinary fact of that negative personal vote for the member for Wright—

An honourable member interjecting:

Mr ATKINSON: The member for Wright won the seat, but the extraordinary thing is that the Labor candidate in that seat had never stood for Parliament before so there was no incumbency factor, whereas the member for Wright was an old lag who had been in two previous Parliaments and was well known.

Members interjecting:

The SPEAKER: Order! The member for Wright has made a contribution; he cannot make a second contribution by way of interjection.

Mr ATKINSON: Two members of this House, owing to their very low, indeed negative, personal vote, ought not to be talking about the popularity or acceptability to the electorate of any other members of the House, and they are

the member for Lee, who has a rock bottom negative 6 percentage points vote—

Mr Foley: And going down.

Mr ATKINSON: —and the member for Wright.

Members interjecting:

The SPEAKER: Order! This is a 10 minute adjournment debate. The member for Spence does not need the help or assistance of a number of members interjecting out of their places.

Mr ATKINSON: Given the tranquillity and serenity of the House, I now want to introduce a controversial topic. At Barton Road this morning there was a stand-off. That well known traffic controversialist, Mr Gordon Howie, was driving along Barton Road, North Adelaide, as is his perfect right, and, when he sought to traverse this road, he was confronted by a TransAdelaide bus. Although it is the policy of the Public Transport Union that Barton Road be restored to its current width and alignment, this bus driver accelerated to block the exit from Barton Road so that Mr Howie could not traverse the road. There are a few bus drivers who behave in this way and it is most regrettable.

I understand that bus drivers see the 'no entry' signs and the 'no turn left turn' signs and they believe the evidence of their eyes that these signs are valid, as are most traffic signs. However, these traffic signs have no legal effect, and Mr Howie was quite entitled to use the road. Mr Howie, being the kind of person he is, refused to reverse and therefore held up the bus until such time as the police arrived. I do not condone Mr Howie's conduct, as I believe it has led to unnecessary conflict.

I think the working classes of Adelaide ought to stick together. The bus drivers are working class and the people of the Bowden, Brompton and Ovingham areas are working class, and there ought to be some solidarity. Over the past seven years there has been that solidarity, which has allowed buses, motorists and cyclists to use Barton Road without there being an accident, even though the road has been unlawfully closed by the action of the member for Adelaide, together with the Adelaide City Council.

The Hon. M.H. ARMITAGE: On a point of order, Sir, the member for Spence quite incorrectly indicated that the member for Adelaide, being me, was responsible for the closure of Barton Road. I have had absolutely nothing to do with it and I immediately ask him to withdraw or to prove his allegation, which he is unable to do.

The SPEAKER: Order! I suggest to the member for Spence that he should not impute any improper motives to any member.

Mr ATKINSON: It helps, when you are trying to close Barton Road to increase property values on Molesworth Street, to have your sister-in-law in Cabinet.

The Hon. M.H. ARMITAGE: I have asked that the member for Spence withdraw his incorrect and untrue allegation.

The SPEAKER: Order! The Chair must rule that the comments were not unparliamentary, and therefore the Chair is not in a position to direct the Minister. If the Minister considers that there are comments which are inaccurate and incorrect, he has other avenues open to him to correct the information. He can do it either by way of personal explanation or other methods.

Motion carried.

At 9.49 p.m. the House adjourned until Wednesday 15 February at 2 p.m.