HOUSE OF ASSEMBLY

Thursday 9 March 1995

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

ECONOMIC AND FINANCE COMMITTEE: MFP

Mr BECKER (Peake): I move:

That the thirteenth report of the committee on the economic and financial aspects of the operations of the MFP Development Corporation 1993-94 be noted.

It is a requirement under the MFP legislation that the Economic and Finance Committee receive twice yearly a report from the MFP and report to this House. Following the release of the report, the committee sees the role of the MFP as a facilitator. It will take about 30 years before we see any tangible development and progress from the MFP but slowly the MFP will start putting into place various development projects and will attract a considerable amount of development and industry to South Australia.

The MFP is one of those long-term project developments that could be extremely valuable to the State. However, the committee recognises that the MFP, as an organisation that is primarily a catalyst, coordinator and facilitator for other organisations, is such that the nature of its role in relation to establishing models and leading centres of excellence, particularly in information technology business education, places the MFP under an implicit obligation to serve as a model in its own right for other organisations. The committee therefore anticipates that MFP Australia will be seeking to establish benchmarks for its performance in striving to ensure that its own practice approaches world best practice.

So, in analysing the financial aspects of that organisation, the committee came to the conclusion that the MFP spends a considerable amount of time reporting to Parliamentary committees. Section 15 on pages 15 to 17 of the report indicates, to those who have bothered to read it, the number of committees. We stated, under 'Reporting requirements':

The MFP Australia reports to Parliament of South Australia, is required to report to and appear before the Parliamentary Estimates Committees annually. The MFP is required to present an annual report to the Parliament by the end of September each year. . .

As stated in this report, the MFP Development Act 1992 requires the corporation to report by the last day in February and 31 August each year to the Economic and Finance Committee of the Parliament. The committee is, in turn, required to report to the House of Assembly on matters pertaining to its area of responsibility as defined in the Act. Anybody reading the Act or the report will, of course, realise straightaway that the report was brought down on 23 February. One might well ask why it has taken so long.

Let me put on record once again that a committee that has been decimated as has mine in relation to staffing and resources cannot do everything overnight, and will not do it, either. Unless we are given proper resources to handle these requests, there will be delays in bringing reports to the Parliament. The MFP also reports to the Public Works Committee. Under the Parliamentary Committees Act 1991 the MFP is required to report to the Public Works Committee on any projects exceeding $4 million as they arise. The MFP Development Corporation is subject to the control and direction of the Premier by virtue of section 7 of the Act. The Chief Executive Officer reports to the Minister monthly. The Chairman of the board meets with the Premier approximately once a quarter. The MFP is required to comply with reporting requirements under the normal Treasury cycle and the Auditor-General's cycle, and it is to report to the Commissioner for Public Employment on staffing numbers.

In relation to the Commonwealth, the MFP is required to report to the Senate Estimates Committee usually twice yearly. Under the Commonwealth-South Australian agreement, the MFP was reviewed earlier in 1994 and will be reviewed at the end of the current period on the agreement scheduled for early 1996. The Act also establishes an MFP Community Advisory Committee (CAC) to advise the corporation on programs that are being or should be undertaken to ensure the appropriate infrastructure for community development of the MFP development centres and a means of ensuring appropriate levels of community and local government involvement in the development of the MFP development centres, as well as social issues raised by the development of the MFP development centres. The CAC is appointed by the responsible Minister and advises the corporation and the Minister.

The committee recognised that MFP Australia is an entity dissimilar from most other statutory bodies in South Australia, with the Commonwealth, as well as the State, being a stakeholder. The charter of the MFP clearly impinges on the areas of interest of the parliamentary committees to which it reports. In its initial stage it was both logical and desirable that it should report not only widely but relatively frequently. However, with two years' experience of this reporting structure the committee questions whether this multiplicity of reports is still necessary and whether the requirement should be streamlined.

As MFP Australia must report in the usual manner to State agencies and to both State and Commonwealth Parliament Estimates Committees, more than the usual mechanisms of accountability are in place. The additional statutory requirement to report twice yearly to two State parliamentary committees which have the power to call the MFP under their own legislation now warrants review. A reduced number of reports may allow both an improvement in the quality of information provided by the MFP particularly in regard to clarity and pertinence and a more thorough examination of particular topics to other report recipients than is possible with the present arrangements.

The committee recommended that the State Government review the reporting requirements of the MFP legislation with a view to reducing the multiplicity of reports required. To be honest, it was my approach to the Minister and suggestion that perhaps the MFP should report only to the Economic Finance Committee. If there were significant environmental problems relating to development or if there were public works involving more than $4 million, then the MFP would be involved with the operations of the Environment, Resources and Development Committee and/or the Public Works Committee.

I believe that if we want true accountability and an accurate assessment of the operations of an organisation such as the MFP then the Economic and Finance Committee is the only body that should be concerned. Also, reporting should be on an annual basis; it is not necessary to do it every six months. I believe that we were putting the MFP under a considerable amount of harassment from the Parliamentary committee structure. In my opinion, the cost to the MFP in time is just not warranted. I think that the Parliament should

have absolute faith in the role of the Economic and Finance Committee.

Members will be interested to note that the total expenditure for 1993-94 was $21.154 million. The committee queried some of the expenditure relating to the activities of that organisation. Salaries and related payments totalled $3.980 million, near enough to $4 million; and operating administration expenses cost a further $3.1 million. In other words, a total of $7 million or one-third was spent on salaries, related payments and administration expenses. Consultants and committees accounted for a further $1.1 million, and project expenditure amounted to $8 million. So about $13 million was spent on all sorts of sundry costs, with $8 million being spent on projects. I must admit that in the early stages one would expect some heavy costing, but that really concerned the committee.

The committee wanted further explanation of corporate services and administrative operating costs, because it was noted that $4.705 million was expended in that area. The fit-out of the new premises in North Terrace cost $184 000. I do not care how many offices there are, $184 000 seems to be an awful lot of money to spend on fitting out office accommodation in the Remm building. The fringe benefits tax totalled $43 000 and was worthy of note; legal fees cost $205 000; and motor vehicle costs were $213 000, and not many staff are currently employed at the MFP.

I turn now to the purchase of software for a financial system. It must be remembered that there was expenditure of $21 million with $8 million being spent on projects. So, the MFP had to purchase a software system at a cost of $349 000. That is not a bad software system to handle the bookkeeping for the MFP. In respect of staff recruitment and executive research, the cost was $399 571. We must bear in mind that the position of chief executive is a most senior appointment, but to spend $399 000 on recruiting someone who will be paid about $300 000 in salary is something that the committee also queried. Subscriptions to the library totalled just over $70 000. In the light of rapid advancement and development in computer technology and, as I have said in the foreword, as this is a leading organisation, we would expect the MFP to seek to establish benchmarks for its performance and strive to ensure that its own practice approaches world best practice. With the expenditure of $70 000 on the library I would expect the MFP to be connected to the Internet system (the world-wide computer library) so that we receive much better value from that expenditure.

There is still room for improvement and some areas need further examination in relation to the MFP. I bear in mind that this is a world-wide organisation, but the expenditure on telephone and fax of $181 000 does concern me. The committee will watch closely that area of expenditure. With a world-wide organisation such as the MFP one would expect that travel and accommodation costs would be high, and they amounted to $600 000. The board members come from not only around Australia but overseas, and we must accept the fact that these are business people of the highest integrity and standard who we would expect to lead an organisation such as this, and one cannot expect them to travel steerage class. They travel business or first class, and I have no qualms about that. The workers compensation component amounted to $20 775. It is a small organisation with not many staff—about 40—and I would expect that members might be interested in that in view of the debate that is currently going on about workers compensation.

All in all, there has been a marked improvement in the presentation of documentation and financial reporting to our committee. However, there are areas of concern. A lot of commitments have been made and very little money has been expended, and that will be examined in a future report. The surveillance of this organisation by my committee more than satisfies the requirements of State and Federal Governments. The Parliament should be satisfied from here on in that we will cut down the cost to that organisation by making it responsible to one committee of Parliament on an annual basis rather than the nine different bodies it has to report to at the moment. I commend the report to the Parliament.

Mrs KOTZ (Newland): I rise to speak to the motion and to support the report and the findings of the Economic and Finance Committee. In speaking to the motion, I must admit that I totally reject the honourable member's suggestion that the EFC should be the only State parliamentary standing committee that has statutory responsibility for the MFP. I refer Parliament and the honourable member to section 5 of MFP Development Act 1992, because it impacts on the Environment, Resources and Development Committee. With respect to the project, it provides:

(a) a model of conservation of the natural environment resources and;

(b) a model of environmentally sustainable development;

Further:

(h) an international centre of innovation and excellence in urban development and in the use of advanced science and technology to serve the community.

Section 33(3) details the ERD Committee's responsibility as follows:

The environmental, resources, planning, land use, transportation and development aspects of the corporation's operations are referred to the Environment, Resources and Development Committee of the Parliament.

With regard to the last report the ERD Committee brought down in relation to the statutory responsibilities of the MFP, our committee was not furnished with sufficient or substantial information to provide an overall report to this Parliament on the objects of the Act which cover the specific projects on which the MFP is working. Therefore, the report that we brought down specifically talked about the reporting processes. Our complaint was mainly that the reporting processes were inefficient. In fact, at that time the MFP had not included its reporting processes in its management strategy. We felt that that was a totally inefficient aspect of management reporting.

I want to outline to the Parliament that, in effect, if a statutory requirement were taken from the ERD Committee, the committee could, in effect, take on board its own reference—an inquiry under section 33(3) of the Act every year—and could thus scrutinise the MFP in the same way as it does now, that is, by calling witnesses and asking questions, with the media present or not, and reporting to the Parliament. Section 9 of the Parliamentary Committees Act gives the committee certain functions—and I believe they are extremely important. It can inquire into:

(i) any matter concerned with the environment or how the quality of the environment might be protected or improved;

(ii) any matter concerned with the resources of the State or how they might be better conserved or utilised;

(iii) any matter concerned with planning, land use or transportation;

(iv) any matter concerned with the general development of the State.

In fact, with these terms of reference, I point out to this House that the ERD Committee could hardly not concern itself with such a major project. I ask the House and the members who listened to the Chairman of the EFC to take into consideration that, where parliamentary scrutiny is required, it would not benefit the State or further the aim of parliamentary scrutiny and accountability if the ERD should lose the statutory responsibility for the MFP involving its inquiring into all aspects of the environment and development projects that the MFP is undertaking at present.

Mr BUCKBY (Light): I also support this motion. At the outset, I should say that all members of the Economic and Finance Committee would, I am sure, commend the report and also the cooperation that we have had from all officers of the MFP in supplying us with information and in responding to subsidiary questions. However, there is a few things to pick up out of that report.

As the member for Peake has already said, the number of times that the MFP is required, not only under the State Act but also under Federal legislation, to report to both State and Federal Parliament really is outside the bounds of credibility. In having to report both to the Economic and Finance Committee and to the Environment, Resources and Development Committee, the MFP is really duplicating its efforts in many areas.

The Economic and Finance Committee was also aware that the MFP has to report on a twice-yearly basis to the Federal Government. As members can see, MFP management spends a great deal of time in writing reports for Parliament rather than getting on with the job of facilitating projects within South Australia and ensuring that it carries out its work.

The Economic and Finance Committee decided that, as the financial committee of the State, it was the correct and appropriate committee to which the MFP should report because of the funds being spent by the MFP and the requirement for justification of that funding by Government within this State. For that reason, we have recommended that the MFP report to the Economic and Finance Committee. I am sure that, if there are environmental aspects that need to be looked at, the ERD Committee can consider them within that context. However, I believe that we should be restricting the number of reports that the MFP has to make purely because of the amount of time and resources spent just in reporting to Parliamentary bodies.

A couple of other areas were picked up in this report, one being internal auditing. Members would note that the Auditor-General has raised the point of accrual accounting within the South Australian economy and within Government departments. The committee looked at the method of internal auditing carried out by the MFP and suggested to management that it is not quite as good as it should be and that it does not fully address internal auditing as the Economic and Finance Committee understands it. We have asked the MFP to improve that system so that when next it reports to us a true internal audit and full statement of the situation is available to the committee.

The other aspect which we looked at and which was of some concern, as the member for Peake has already noted, was the necessity of the MFP's spending money on software. As this Government is looking at a fully integrated governmental accounting system, we questioned the spending of just over $200 000 on upgrading the current system. However, we were advised that the MFP had entered discussions and contractual arrangements prior to this Government's bringing out the policy of a fully integrated system within Government departments, and also that the Oracle financial software that it has purchased would fit in well with its current system and deliver the sorts of outcomes it requires for its financial management.

I believe that the MFP has changed its role somewhat since it first came into being in South Australia. It is now much more a facilitator of projects rather than what was perhaps envisaged at first for it, that being the role of facilitator and coordinator of projects. I believe that a number of exciting things are happening there. One other area of concern to the committee was the underspending of the budget. That is an area that we will be continuing to look at, to ensure that the goals that the MFP set are actually achieved by its management. I commend this report to the Parliament.

Motion carried.

VOLUNTARY EUTHANASIA BILL

Mr QUIRKE (Playford) obtained leave and introduced a Bill for an Act to provide for the administration of medical procedures to assist the death of patients who are terminally ill and who have requested the procedures, subject to appropriate safeguards. Read a first time.

Mr QUIRKE: I move:

That this Bill be now read a second time.

In introducing this Bill today, I envisage a lengthy and, I hope, productive and mature debate. The issue of euthanasia is one which is emotionally charged but which is a regular topic of debate in the community at large. In this place, the principal place of public debate in South Australia, there has been a curious silence on this issue. In the *Sunday Mail* last Sunday, the film critic-cum-social commentator Peter Goers stated, amongst other things, that I had a preoccupation with death and dying. Whilst I am not aware of ever meeting this fellow or of raising any issue that would justify this charge, the matter he raises is important nonetheless. In fact, I suggest that the opposite is true.

I and many other people have not dealt at all with many of the issues of death and dying. Certainly in western society, with a culture that values youth, vitality and life, death is a reality that most persons—and I include myself in this—avoid. Despite that, death is a part of living. Many, if not most, of the members in this Chamber have dealt with the death of close relatives or friends. Some may even be dealing at this moment with the process of dying involving relatives or friends. To this end, I have no knowledge. However, the one essential point is that all of us will at one time or another have to deal with the process of dying—if not of others then of ourselves. It is for this reason that I am commencing this debate today.

Marshall Perron in the Northern Territory was the first person to raise this issue in recent times. I was greatly impressed by the courage of his stance and that of anyone else who wishes to stand up and be counted on this issue. I have consulted some of my colleagues with respect to the Palliative Care Bill in this regard. I consulted Parliamentary Counsel, whose advice was that this was substantially a different issue. I took the view that the issue should stand on its own and that a proper community and parliamentary debate should follow. I hope that all members will consider

it with maturity and that a productive debate will occur over the ensuing weeks.

I am pleased that this Bill will be a conscience matter on both sides of politics. Some issues transcend Party politics and are not strictly Party debates, but obviously Parties will debate this and other issues. However, at the end of the day, members in this Parliament will need to make a choice. It is my hope that they will study this Bill thoroughly and support the principle—the simple principle—for which it stands.

When I announced this measure, the media commented about the death of my father. That was a particularly traumatic event in my life and was instrumental in my deeper consideration of this issue. My father died of cancer and suffered considerably in the process of dying, and this has had an emotional impact on my thinking. Since that time—a long time ago now, some 14 years have passed since then—I have seen other people die in similar circumstances, in most instances of cancer.

The crystallisation of this Bill and of my own thoughts on this issue has taken a long time. There are some issues associated with the general topic of euthanasia on which I cannot claim a clear position at this stage. For obvious reasons, those provisions are not in this Bill. For instance, I do not deal with requests to be considered at some future date by a person who is not as yet terminally ill. How do I know what would be in that person's mind some 10, 20 or 30 years from now?

This Bill does nothing to hasten the death of a person who is in a coma or a person who is not mentally competent to make a very important decision—and some would argue the most important decision—about their life. In this Bill I do nothing to address those issues, and at this stage I have not seen any formulation of provisions involving those issues with which I feel comfortable.

Recently all members of this House were saddened by the death of Gordon Bruce, the former President of the Legislative Council. Gordon was a well-liked individual who died of a particularly cruel disease, a disease which impaired each and every part of his body save only his mind. Gordon Bruce's mental faculties were never in question. He was a prisoner in his failing body which was invaded by a disease for which no cure exists and for which no cure reasonably could be expected to be developed in the near future.

In the *Advertiser* of 28 February this year Gordon Bruce left a final message for members and the people of South Australia. An article entitled 'A call from the grave' quoted Gordon, and I do so again for the public record:

> No doubt this letter eventually will land on politicians' desks. All I would ask is that you would give further consideration should you have a euthanasia Bill to consider. If there is a God, I feel sure that he would not want us to suffer the way we do with terminal illness.

Others could add to this story of bravery and courage. In the same paper on the same day, in an article entitled 'Letter reveals right to die plea' by Carol Altman and Nadine Williams, the Acting Medical Director of Daw House Hospice at Daw Park, Dr Roger Hunt, revealed that he had helped terminally ill patients die. That article states:

> He [Dr Hunt] also claimed 21 patients who had died there in the past two years had sought voluntary euthanasia. Another 21 had asked whether something could be done to hasten death and 35 wished death would hurry up.

I cannot understand the official position of the Australian Medical Association. Whilst it has a democratic right to put any position it wants, it has argued that it will not support this measure on two grounds: first, some of its members are opposed to it and, in the interests of consensus of all its members, the association follows suit; and, secondly, should a patient be given a dose of drugs that causes death, if the medical practitioner is only seeking to control pain, theoretically no crime is committed. I say to the AMA that it should consult much more widely with its members who face this legal minefield regularly, and some may even be facing it today.

What about the doctors who are begged by terminally ill patients to speed up the inevitable end? What about standing up for doctors who agree and the patients who gratefully receive such assistance? I would like to thank those medical practitioners who have supported this Bill and to a special few who did much to inspire it.

This Bill is about choice, nothing more, nothing less—some would argue the ultimate choice in life: the choice when hope and all else are gone. When struggling with some of the issues involving this Bill, I made the determination that the central issue must always remain the free choice of those terminally ill to bravely, quickly and, with as much dignity as possible, pass out of this world. I do not wish to spend much time on those persons who have objected to this measure. I simply say to them that they ought to respect the right of people who choose to die with dignity. To some of the organised religions which have made clear that they do not support euthanasia in whatever formulation, I say that they should respect the right of others to choose differently.

The concept of life being God given and only God being able to take it away may well be the guiding principle of many of the letter writers and callers to my office in recent days as well as to other members' offices. In our society, in a spirit of toleration, not everybody is of that opinion. The paternalistic view that tells people that under any circumstances a life, devoid of quality, with nothing more than pain and suffering and further agony to look forward to, must continue is, I would suggest, not a universally held view. I understand from surveys that a majority favour free choice. I have not sought any surveys because the issue would in my view be valid, whether or not a majority view prevailed.

In its simplest form, this Bill seeks to allow the terminally ill a choice. I would hope that their decision would be respected. I hope the wishes of the majority or minority, who are not of the same opinion of those terminally ill who say to their doctors, 'I have had enough', will be respected. It is time for some of our religious community leaders to start expressing their respect for the right of others to make a choice. It is time for the paternalistic elements in our society to show tolerance, the same tolerance of opinion under which communities have thrived for centuries. People are sick of being told how to live their lives and, indeed, how they must die.

The principal features of this Bill include the provision that any person over 18 years of age who is terminally ill and diagnosed as likely to die within 12 months should have a choice of whether to die a quick death with dignity by the self-administration of lethal drugs or have the ability to make a request of a qualified medical practitioner. The person must be of sound mind, and that needs to be attested to by the examining medical authorities. The person must be competent to make the decision and, in fact, must make the decision—not a third party, not a relative, not a friend, not somebody pulling out of the safe something signed 20 or 30 years ago. The diagnosis of that terminal illness and the prognosis of the case must be confirmed by two medical practitioners: one involved in the case management and the other, having

confirmed the diagnosis and prognosis and examined the patient thoroughly, not to be involved in the day to day management of that particular case.

The request is to be signed by the terminally ill. If the person cannot sign that request, it must be witnessed by a further person and, if practicable, videotaped. The whole process is voluntary. It is voluntary obviously for the terminally ill; it is voluntary for the medical authorities—the medical institution and all other persons involved in it. The request can be revoked at any stage. This Bill is euthanasia in the purest sense of that word. It does not allow for advance requests, for third parties to make decisions for others or any other measure that will take the decision out of the hands of the person concerned: the person who is terminally ill. The *Advertiser* editorial of 2 March revealed some very interesting insights wherein it stated:

> Rarely during a career are MPs called on to make decisions which may literally change people's lives and, in this case, end life. For some it may be an easy decision. For most people, though, the issues are complex and may be agonising. The Bill will demand the closest scrutiny in its principles and every detail. It is generally accepted that medical science can now prolong life in a technical sense to the point where questions of its continued existence become agonisingly pertinent and personal. This, the Bill, will be the ultimate test of personal sovereignty and decided as such and in honesty.

It gives me pleasure to commend this Bill to the House, and I hope that the ensuing debate will result in a free choice for those whose voice needs to be heard on this—those people who are terminally ill. I now seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Definitions

This clause defines certain terms used in the Bill.

Clause 4: Who may request euthanasia

This clause provides that a competent adult who has been diagnosed as suffering from a terminal illness that is likely to cause death within 12 months, may make a request for euthanasia.

Clause 5: Information to be given before formal request is made

This clause provides that a medical practitioner must, before a person makes a formal request for euthanasia, ensure that the person is fully informed of the diagnosis and prognosis of their condition, the forms of treatment that may be available for the condition including their risks, side effects and likely outcomes and the proposed euthanasia procedure, risks associated with the procedure and feasible alternatives to the procedure.

Clause 6: Form of request for euthanasia

This clause provides that a request for euthanasia must be made in writing in the form prescribed in Schedule 1.

An oral request may be made if the person is unable to write, however in this case the request must be reduced to writing by the witnesses and, if practicable, a videotape recording of the making of the request must be made.

Clause 7: Procedures to be observed in the making and witnessing of requests

This clause sets out the witnessing requirements for a formal request and says that a request for euthanasia must be made in the presence of a medical practitioner and one other adult witness.

Both witnesses must certify that the person who made the request appeared to be of sound mind and to understand the nature and implications of the request and was not apparently acting under duress.

The medical practitioner must also certify that he or she gave the person the information required under clause 5 before the request was formally made.

Clause 8: Person must not make false statement

This clause provides that it is an offence for a person to make a false statement or attempt to influence another to make a false statement in a request for euthanasia. The penalty for an offence against this section is 4 years imprisonment or a fine of $15 000.

Clause 9: Revocation of request

This clause ensures that a person may revoke a request for euthanasia at any time. A written, oral, or other indication of withdrawal of consent to euthanasia is sufficient to revoke the request even though the person may not be mentally competent when the indication is given.

Clause 10: Administration of euthanasia

This clause provides that a medical practitioner may administer euthanasia to a patient if—

- the patient has made a request for euthanasia which has not been revoked; and
- the patient is suffering from a terminal illness that is likely to cause death within 12 months; and
- the medical practitioner is of the opinion that euthanasia is appropriate in the circumstances of the case; and
- an independent medical practitioner has personally examined the patient and has given a "certificate of confirmation" to the effect that the patient is suffering from a terminal illness that is likely to cause the person's death within 12 months and euthanasia is appropriate in the circumstances of the case; and
- the medical practitioner is satisfied that no person who has signed the request or certificate of confirmation will gain a financial advantage (other than a reasonable payment for medical services) directly or indirectly as a result of the death of the patient.

A medical practitioner may only administer euthanasia by—

- administering drugs in appropriate concentrations to end life painlessly and humanely; or
- prescribing drugs for self administration by a patient to allow the patient to die painlessly and humanely; or
- withdrawing medical treatment in circumstances that will result in a painless and humane end to life.

In administering euthanasia, a medical practitioner must give effect, as far as practicable, to the expressed wishes of the person who made the request.

Clause 11: Conscientious objection

Under this clause a medical practitioner may decline to carry out a request for the administration of euthanasia. However, if the medical practitioner who has the care of the patient declines to administer euthanasia, he or she must inform the patient that another medical practitioner may be prepared to consider the request.

A person may decline to assist a medical practitioner to administer euthanasia without prejudice to the person's employment or any other form of discrimination.

The administering authority of a hospital, hospice, nursing home or other institution for the care of the sick or infirm may refuse to permit euthanasia within the institution but, if it does so, must take reasonable steps to ensure that the refusal is brought to the attention of patients entering the institution.

Clause 12: Protection from liability

This clause provides that a medical practitioner who administers euthanasia in accordance with the Act, and any person assisting the medical practitioner, incurs no civil or criminal liability by doing so.

Clause 13: Report to coroner

This clause requires that a medical practitioner who administers euthanasia must make a report to the State Coroner within 7 days. The penalty for failure to report is a fine of $4 000.

The report must be in the prescribed form and must be accompanied by a copy of the request for euthanasia and the certificate of confirmation

The State Coroner must forward to the Minister copies of the reports and the accompanying materials.

Clause 14: Cause of death

This clause provides that death resulting from the administration of euthanasia in accordance with this Act is not suicide or homicide and if euthanasia is administered in accordance with this Act, death is taken to have been caused by the patient's illness.

Clause 15: Insurance

This clause provides that an insurer may not refuse to make a payment under a life insurance policy on the ground that the death resulted from the administration of euthanasia in accordance with this Act.

Clause 16: Annual report to Parliament

Under this clause the Minister is required, on or before 30 September in each year, to make a report to Parliament on the administration and operation of this Act during the year that ended on the preceding 30 June.

Clause 17: Regulations

Under this clause the Governor may make regulations for the purposes of this Act.

SCHEDULE 1

Request for euthanasia

This schedule provides the form for a formal request for euthanasia.

SCHEDULE 2

Report to the State Coroner

This schedule provides the form for a report to the State Coroner by a doctor who has administered euthanasia.

SCHEDULE 3

Certificate of confirmation

This schedule provides the form for a certificate of confirmation by a second doctor.

Mr ATKINSON secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: ADELAIDE MAGISTRATES COURT

Mr ASHENDEN (Wright): I move:

That the report of the committee on the Adelaide Magistrates Court redevelopment be noted.

The report into this proposal by the Public Works Standing Committee was not the first to be undertaken, because a predecessor to this committee considered the redevelopment of the Magistrates Court some years ago. In fact, the report of that committee stated:

> The redevelopment of the Adelaide Magistrates Court is required to replace inadequate accommodation with facilities, services and security appropriate to the status and function it serves.

The present committee, however, could not go on that report alone as too much time had passed since its predecessor considered this matter. Therefore, the present committee heard evidence that the project commencement should again come to fruition. In the evidence presented to the committee we learned that the previous proposals for this redevelopment were delayed by a funding shortfall and a change in the then Government and its priorities. This hiatus has proved to be fortunate as the requirements of the Magistrates Court have undergone a number of changes. For example, the case load dealt with in the higher courts and so on is now quite different to that which was the case some years ago. Therefore, there has been an opportunity to improve the plans and the project that will result. However, much of the substance of the 1990 report of the then Public Works Standing Committee has not changed and, accordingly, the report and recommendations of that committee are attached to the report that I have tabled in the House.

The Adelaide Magistrates Court Redevelopment Project is an initiative of the Courts Administration Authority in conjunction with the Department for Building Management. The proposal involves the rehabilitation of the vacant heritage listed Magistrates Court building and an addition to the rear of the existing building. The new complex will provide a secure, permanent home for Magistrates Court functions currently spread over three totally inadequate tenancies in and around Victoria Square. The project is estimated to cost $2 749 000 and is the result of strategic planning exercises undertaken in 1986 and 1988 with a view to planning for the efficient and effective provision of court services for the next 30 years. After examination of the proposal, evidence from witnesses and inspection of the site, the committee finds that the proposal is soundly based and satisfies the terms of reference for investigation by the Public Works Committee pursuant to the Parliamentary Committees Act.

Through its evidence, the Courts Administration Authority has demonstrated the necessity for and desirability of the proposed Magistrates Court redevelopment. The committee is fully aware of the inefficiency of the current use of multiple sites for such a court and believes the present temporary accommodation is inadequate for its purposes, lacks security, does not meet minimum acceptable office accommodation standards and, in any event, was constructed as temporary accommodation in anticipation of the redevelopment which is the subject of this report.

We are in the early stage of development and will require the Courts Administration Authority to continue to have contact with our committee, particularly to advise of any substantial changes to the nature of the project or should costs appear not to match the projections. While the committee is cognisant of the amount of work that has gone into this project in the past decade, it has reservations about the accuracy of the revised budgets. In other words, we are saying that the budgets that have been updated since 1988 are such that we cannot be certain of their accuracy, and we will require the agency to keep us informed in that area. I stress that this is not to be interpreted as a criticism of the agency—it simply reflects the committee's concern at the length of time that this proposal has existed.

The Courts Administration Authority, as I have said, proposes to redevelop the Magistrates Court. This will be done by refurbishing the existing heritage listed facade facing Victoria Square (which will be used as a public entry) and by constructing a new building behind it to accommodate new, secure courts and chambers. An existing building (popularly known as the art deco building), which forms part of the old court and which faces King William Street, will be refurbished and leased to private interests. Ownership of the art deco building will be retained because it is anticipated that there will be additional needs in the future, and this will allow expansion of the Magistrates Court. The redevelopment of the Victoria Square site is considered to be highly desirable as it is the historical home of the court. It is close to other city courts and functions and will retain and reuse a valuable and attractive 1850s building.

In the previous submission to the Public Works Standing Committee it was envisaged that work would commence on site in December 1991. That work was deferred until 1992 and then 1993. We now hope that at long last it will commence in May 1995. If that occurs, construction should be completed by March 1997, allowing occupation in April 1997. The committee undertook a site inspection not only of the proposed redevelopment area but also of existing court facilities. I assure members that the result of that site inspection brought home to the committee only too strongly the appalling conditions under which these courts are conducted at the moment—appalling not only for the support staff and the staff of the courts who hear the cases but also for those involved in the cases.

It really is a disgrace that it has taken so long for this development, which was proposed many years ago, to come to fruition. The Government deserves every commendation for putting forward the money to enable this development to proceed. In addition to undertaking an inspection of the site the committee took written and oral evidence and also, of course, considered the report of the previous Public Works Standing Committee.

The South Australian Department of Housing and Construction was involved in the project and was asked to undertake a feasibility study of the redevelopment of the court building. The committee thanks the department very much indeed for the professional advice it has been able to

provide. The study undertaken by the department concluded that the redevelopment of the existing court site had a number of advantages such as the maintenance of a close physical relationship with the superior courts (the Supreme Court and the District Court) and, of course, the preservation of the court's association with Victoria Square. Additionally, construction of a new building on another site would have meant alienation from the City Watch-house resulting in long-term recurrent costs for both the Court Services Department and the Police Department associated with the transportation of prisoners to a new site.

As this court deals with a most serious and violent criminal element, the security of prisoner delivery cannot be underestimated. The movement of these prisoners must be undertaken with the utmost speed and security. Consequently, the distance to be travelled between the holding area and the court must be kept to an absolute minimum, and that is what will occur with this redevelopment. Finally, in its study, the department indicated that the opportunity for the overall redevelopment of the area south of Victoria Square involving major Government buildings had a lot of merit.

So, apart from the difficulties of operating the court throughout the redevelopment and the need to respect the heritage components of the existing building, there are no long-term operational reasons why this location should be relinquished. As I have already indicated, the current accommodation is absolutely appalling. Most of the Magistrates Court is currently housed in temporary accommodation in the old Tram Barn adjacent to Victoria Square. The former Adelaide Magistrates Court building sited in a prominent position in Victoria Square on the corner of Angus Street and King William Street, as I said earlier, was constructed in the 1850s, and with this redevelopment it will be able to serve the State well into the future and provide accommodation that will overcome the many current problems.

The Victoria Square Tram Barn, the site of the temporary courts, in itself has many problems, because it is a heritage building. Therefore, the changes that could be made within the building to accommodate the courts are very limited, with the result that there is almost a claustrophobic situation in the area. Also, it has led to security being very poor indeed. In fact, when we undertook a site inspection, one of the magistrates informed the committee of an occasion when as he walked along the corridor while returning to his chambers a person whose trial he had been conducting confronted him. I am sure that all members would agree that is totally unsatisfactory. In addition, staff facilities are very poor, and prisoner facilities are absolutely appalling—in fact, they are quite Dickensian.

Those of us who had the privilege to see these facilities remarked that they are totally inhumane. No matter what a person has done in our society they do not deserve to be retained in those conditions. The air-conditioning is primitive and the area is too small so that other courts in Wright Street and the Education Centre have to be used. As I said, the entire situation is totally unsatisfactory.

The new building is designed to have maximum flexibility and will cater for growth for many years to come. The committee, in coming forward with its recommendation, was careful to ensure that heritage and planning issues were well and truly taken into account. As the site falls within the area of the City of Adelaide Planning Commission we ensured that close contact was kept with the Adelaide City Council, and the proposed development meets all its requirements. We also endeavoured to ensure that there was evidence that best practice had been undertaken and that consultation was undertaken prior to the development going ahead. The building will meet all the codes in relation to access and will provide a much better environment not only for those who are being tried but for families who are involved as either victims or witnesses.

There is no doubt that the construction is not only advisable but necessary, and the proposed redevelopment will provide improved accommodation for the functions of the courts, greatly improve the working conditions of all involved, overcome the existing divisions because of the present separation of the courts, replace the inadequate and inappropriate temporary accommodation, provide an increased number of courts, improve security, and retain and effectively utilise a State heritage asset for the public. The project is to be funded from moneys appropriated by Treasury for the Courts Administration Authority's capital works budget. The development was looked at to see whether private funding could be involved, but it was determined that with the use of public funding there would be long-term savings to the Government, so that will be the source of the funding.

The Public Works Committee is satisfied that a genuine need exists for the redevelopment of the Adelaide Magistrates Court, and it is further satisfied that an appropriate concept, design and building solution has been developed to meet all identified needs. Accordingly, pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to Parliament that it recommends the proposed public work and urges the Government to proceed with this development as soon as practicable.

Motion carried.

PROSTITUTION (DECRIMINALISATION) BILL

Adjourned debate on second reading.

(Continued from 23 February. Page 1742.)

Mr MEIER (Goyder): I wish to make a few comments on this legislation which was brought before us as only one Bill. Since then, of course, the Prostitution Regulation Bill has come before the House. I find it somewhat incredible that the Prostitution (Decriminalisation) Bill has been brought before this House, because its implications are such that it will leave a complete void in the legislation of this State if by some unusual occurrence it passes this House. That is a great worry. In fact, I wonder whether there has ever been any similar occurrence in the 106 years that members have been sitting in this House where key legislative items have been removed from an Act to leave a void and, therefore, no rules regarding it. In fact, that is exactly what will happen if members decide to support this Bill. Therefore, I must urge members not to support this Bill, no matter what they might feel about the Bill that will be debated shortly.

I refer to a few of the comments made by the member for Unley when he introduced this Bill. In the first instance, he apologised to members for the personal pain it will cause them and their families. I acknowledge the right of the member for Unley to bring in this Bill and I acknowledge the right of this Parliament to debate it, although there should be a clear cut case of our not supporting it. Whilst I recognise his apology, I do not have any problems with any personal pain or pain that it might cause my family. I have a very clear view on prostitution, and I do not believe it should be

decriminalised. I recognise that the law needs to be looked at, and the current legislation and regulations are somewhat antiquated. I recognise the point made by the member for Unley that that should be addressed. However, this is the wrong way to go about it. Certainly, it does not cause me any personal pain at all. I have a very open, free conscience on this, a clear view: if this is not dealt with in the proper and right manner, the law should remain as it is. The member for Unley said:

> People consider members of Parliament fair game for absolutely any level of abuse, any type of obscene comment, not necessarily directed only towards them but also to the people whom they care about.

The member for Unley may be correct about that. It is very disappointing that members of Parliament are fair game for any level of abuse. I say to all members that, if this is happening, we need to take it on board, and we have the right to bring any member before the bar to have them heard: we are there as judge and jury. I would not advocate that that happen but we have the right. I advocate that, if members of Parliament are abused or obscene comments are made about them, we should not be afraid to use our laws of defamation and libel.

I know that some members who are no longer in this place have made a lot of money from the laws of libel and defamation. I remember that when I first came in here one person said to me about a certain member of Parliament, 'That member made all his money from defamation cases; he is a very wealthy person because of it.' If he had been defamed and had used the courts to his advantage, so be it. I hope all those outside this place recognise that, first, that is not in the best interests of good government in this State and, secondly, that they are liable for what they say and members of Parliament can take them to the appropriate court. The member for Unley also made the point that this is a conscience issue, and that is very clearly the case. He asked:

> Do we just follow the dogma or creed in which we were raised, or do we have a duty to interpret that creed in the light of our experience as members of Parliament?

I guess that point could be debated to and fro *ad infinitum*. I weigh up issues such as this, as I do with all conscience issues—and perhaps some issues which are not conscience issues but which can be determined by a Party—in view of my upbringing and my beliefs, and I endeavour to transfer that to what I believe is in the best interests of society. If my views are perhaps somewhat narrow, there is probably good reason for that. If I believe that my views will be to the betterment of society rather than having a negative effect on society, I will certainly exercise my views. I make no apology if other people say to me, 'You shouldn't be considering only your views: you should consider ours and you should, therefore, temper your views to include ours.' If I believe that their views are not in the best interests of the future of society, I am afraid that, whilst I will listen to their views—and I will always be happy to listen to and discuss their views—if I believe that my views will achieve a better outcome, so be it, and I will continue to hold to that.

In his second reading explanation, the honourable member cited an extract from the *Bible*: John, chapter 8:

> 'Where are they who condemn you; have they left?' She said, 'Yes', and he answered, 'As they will not condemn you, neither will I. Go away and lead your life of sin.'

I believe that quote is not correct: it is the direct opposite of what is in the scriptures. Having listened to the member for Unley at the time, and having spoken to him, I believe that the word 'lead' should be 'leave'. That reflects accurately what the scriptures say. It needs to be emphasised, because I was contacted by one person who was a bit concerned. I refer also to this passage as I believe that the member for Unley misinterprets the example. According to the passage, the woman was not a prostitute: she was caught in the act of adultery. The law at the time said that such a woman must be stoned to death.

Mr Brindal interjecting:

Mr MEIER: You could well be right. I am referring to the *Good News Bible*, which states that such a woman must be stoned to death. The law makers of the day asked Jesus, 'What do you say?' He said, 'Whichever one of you has committed no sin may throw the first stone.' After some time, he stood up and said to the woman, 'Where are all the people? Is there no-one left to condemn you?' She said, 'No-one, Sir.' Jesus then said, 'Well, then I do not condemn you either. Go, but do not sin again.' The emphasis should be put on 'Go, do not sin again.' No Christian has the right to condemn a person. A Christian's principles are to show forgiveness, because any Christian recognises that everyone commits wrongs; we are not able to be perfect creatures by any means. But why should we say to adulterers or prostitutes, 'Go, we forgive your sins and continue to sin.' Therefore, I oppose this Bill.

Mr ASHENDEN (Wright): I rise to speak on this Bill because I want recorded why I have made my decision. I have been considering this matter very carefully and seriously ever since the member for Unley indicated that he would be bringing these Bills before the House. I have listened to the debate, both for and against. I have listened very carefully to members of my electorate. Of those who have contacted me, many have argued in favour of the changes, and many have said, 'Whatever you do, don't make any changes.' I was probably swayed completely after reading the report, Police Assessment of Contemporary Prostitution in South Australia and Current Prostitution Laws. That report confirmed many of the concerns I hold about the proposed changes.

There is no doubt that the existing legislation is totally unsatisfactory. There is no doubt whatsoever about that: it is absolutely unsatisfactory. However, I am not convinced that either of the Bills presently before the House will overcome the problems inherent in prostitution, and I will go into my reasons for believing that shortly.

The present legislation is grossly unfair and, if anyone can tell me why a prostitute should be guilty of an offence while the person using the services of that prostitute is not guilty of an offence, I would love to sit down with them to discuss it, because I cannot see any logic in that whatsoever. The existing law is an ass; it needs to be changed and it must be changed, but I am not convinced that the proposed Bills will bring about the changes so desperately needed. The report to which I have referred states:

> With no controls whatsoever, prostitution would be able to operate as any other legitimate business does.

I accept that that is not what the member for Unley is striving to do. However, the report goes on to say:

> Decriminalisation would not provide safeguards to ensure that people are not exploited, children do not become involved in prostitution, organised crime does not control the industry, and brothels do not become criminal havens.

The research that I have done interstate indicates that these elements are still there, particularly in Victoria, where the drug trade is closely associated with the prostitution trade and

criminal elements are involved. I do not see anything in the Bills before the House that will overcome that problem. I have sat through this entire debate and I will continue to do so. I am sure that the member for Unley will address the issues I am raising, and I look forward to his rebutting these points that I am putting forward now. The report continues:

> Police assert that decriminalisation would severely hamper their capacity to provide a safer community for those associated with the prostitution industry because there is no suggestion that decriminalisation would reduce the amount of other crime associated with prostitution.

If the member for Unley can convince me that either of his Bills will overcome that, I look forward to his rebutting these points with a great deal of interest. The report goes on to state:

> Unfortunately, national reforms of this type are not realistic in Australia's immediate future and consequently there is little or no value in seeking to advance an Australia-wide approach. What is important is that reformers learn from the mistakes of the past and that all aspects of any proposal are properly appraised.

The following are the keys and the areas that I do not believe are covered in the Bills—certainly not all of them:

> Areas to be addressed by legislation must:
> . Include adequate powers for police to properly investigate offences associated with prostitution such as those relating to drugs, extortion, paedophilia, money laundering and tax evasion.
> . Take into consideration all people who participate in providing prostitution services and not just prostitutes.
> . Provide equal opportunity for all those seeking employment within the industry and not discriminate without just cause.
> . Prevent the exploitation of minority groups such as immigrants within the industry.
> . Prevent any involvement of juveniles in prostitution.

Members should note that in the last two points the report used the word 'prevent' not 'punish'—if anyone is caught. The report goes on to say that legislation should:

> . Ensure adequate legislation exists to permit confiscation of illegally gained assets.
> . Devolve the responsibility of oversight to the most appropriate body capable of effective regulation.
> . Consider the social consequences of legalisation, for example, the status of prostitution in the job market—is an unemployed prostitute eligible for unemployment benefits etc?

That argument has been raised in this place long before now. It goes on to state:

> Complete legislative reforms of this nature need to be complemented by supporting social strategies which when implemented should address, and have some long-term impact upon, those areas associated with the industry, such as education, health concerns and the reduction of violence.

When I read the report, it certainly brought home to me that, although the Bills go some way towards overcoming some of the inequities and problems in the present legislation, they do not go far enough and they do not provide the protections in the other areas to which I have referred. The report continues:

> In a recent overview of prostitution in Australia the Australian Bureau of Criminal Intelligence made one key prediction about its future. It concluded that:
>
> > Where one State has an ineffective 'civilian' oversight of brothels while every other State and Territory has a 'hands-off' approach to prostitution as a whole, it can only lead to a more deeply entrenched organised crime control of the industry where crime figures, instead of government, set the policies which govern the vice arena and reap the profits accordingly.

That is an extremely important point to bear in mind. The report continues:

> Australia should ultimately address its prostitution problem on a national level in order to achieve its best success. A concentrated effort must be made to properly understand the complete prostitution industry and all of its participants. We must heed all previous attempts at reform and learn from the errors that have been made, law reforms must be complete and properly protect society from those criminals who prey upon others in the prostitution arena. Reforms must be accompanied by complementing social strategies particularly in the areas of health and education.

There it is repeated. I want to see legislation before this House that covers all the concerns in relation to all the areas associated with prostitution and not legislation that addresses just one narrow area. As I have said before, the existing legislation is poor, it is no good and it needs to be replaced, but I am concerned that the two Bills before the House do not go far enough: they do not provide the protection that is needed in so many areas other than the prostitution trade itself.

Mr Brindal: Will you bring a Bill before the House?

Mr ASHENDEN: That is a fair question. No, I will not bring a Bill before the House. However, what I look forward to with much interest is the report of the parliamentary standing committee currently looking into prostitution. If that report does not cover the areas about which I have expressed concern today, I will not be able to support it. As far as I am concerned, if any member wishes to bring forward legislation, that is fine. The one thing that I would like to see rectified immediately is the unfairness of the present legislation where the prostitute is penalised and the user of the services is not. That certainly should be addressed. I hope that an amendment along those lines will be moved in Committee. If it is not, that is certainly something I would look at seriously.

I believe that I do not have the resources, nor does any individual member of Parliament, to prepare a Bill of the type that is needed to provide all the protections to which I have referred today. I hope that that standing committee will bring forward a report upon which proper legislation can be based so that we can throw out the very iniquitous present legislation and get something a lot better. It is only with those vast resources that we will have a proper Bill before this House that fully addresses all the issues and concerns that I have raised. I have already told the member for Unley that he has every right to rebut all that I have said and I look forward to that rebuttal in his right of reply.

Mr BRINDAL: I rise on a point of order, Mr Deputy Speaker. I believe—and I hope I heard wrongly—that the member for Wright suggested that this is not a proper Bill before the House. If that is so, I object and I ask him to withdraw.

The DEPUTY SPEAKER: I do not think there is a point of order. I listened very carefully to the member for Wright and I believe that the import of his address was that there were deficiencies that he and other members would like to see corrected. The propriety of the Bill I do not think was in question.

Mr LEWIS secured the adjournment of the debate.

PROSTITUTION REGULATION BILL

Adjourned debate on second reading.

(Continued from 23 February. Page 1740.)

Mr LEGGETT (Hanson): I speak against this Bill. I refer specifically to one point in the honourable member's speech. He said that this Bill to regulate has an important educative function. The honourable member highlights a very significant point: the law is an educator; it teaches the

community what is right and wrong, good and bad, and it is our responsibility to adhere to the laws that have been implemented for the benefit of everyone.

I have many reasons for opposing this Bill, but the most important is its educative effect. By legalising the prostitution trade, this Bill would give a powerful message to young people that prostitution is perfectly in order—that it is okay—but, of course, it is not. The member for Unley told this House that he would not like a daughter of his to become a prostitute, but there is not a word in this Bill to suggest that prostitution would be less attractive to young people. In fact, it would be the reverse. I recently spoke to a young woman from Victoria who is now in her early twenties. When she was about 18 and had trouble paying for her drug habit, she decided that a job in one of Melbourne's many brothels would be a legal way to make money. I quote part of her story as follows:

> Over half the girls were on drugs, including alcohol. They were in general the most reliable workers, because they really needed the money. They turned up regularly and they accepted all sorts of clients and did whatever the clients wanted. Sometimes what the clients want is really sex abuse of the women. In Victoria it's legal abuse because the men pay for it. The Government is sending out a dangerous message.

The former prostitute goes on to say:

> Officially there were no drugs in the brothels. Some had bag searches, so we only used drugs off the premises. But it was fairly easy to get round the system, and most brothels weren't too strict. Some dealers would pose as clients and we'd get our drugs on the job.

She then stated:

> One thing prostitution does is break up families. It strikes me as strange that just after the Year of the Family some MP [referring to the member for Unley] wants to make brothels legal in your State. He probably doesn't realise what goes on. I broke my mother's heart. I'm only now, over a year after I quit, getting back together with my brothers. Most clients [that she serviced] were married men. They don't go to brothels because they can't get sex at home. They go to brothels as a sort of 'macho' thing and, sadly, in Melbourne it's becoming the thing to do. Some wives would ring up, very upset, and ask what is this business listed on their husband's bankcard account. Prostitution can break up marriages.

This former prostitute worked in many brothels, both legal and illegal, because no prostitution regulation Bill, no matter how detailed, will stop unregulated brothels from operating. All the problems the member for Unley hopes to eradicate in his Bill at this very moment continue to flourish in Melbourne.

Mr Brindal interjecting:

Mr LEGGETT: Your turn will come later. The Bill would make it easier for pimps to operate than under the present legislation. At present pimping is a crime: it is as clear cut as that. A pimp cannot offer a teenage girl or boy a job as a prostitute anywhere under any circumstances. However, the member for Unley's Prostitution Decriminalisation Bill, introduced on 9 February, would completely repeal our present laws against the exploitation of men and women in prostitution. It is important to note that the present law prohibits absolutely both procuring and living off the earnings of prostitution. By contrast, under the Prostitution Regulation Bill introduced two weeks later, the member for Unley would replace the current absolute prohibition with something that is quite obviously much, much weaker.

Under this Bill pimps can procure young people for prostitution as long as they say they are 18 and are at least 16; as long as they are procured in a private place; and as long as no coercion is used that is provable as coercion in a court of law. I would like to inform the member for Unley that modern pimps, as he may well know, are pretty clever people. A former pimp has described Bills such as the one proposed by the honourable member as a 'pimps' picnic'. Former prostitutes have given evidence of the subtle emotional pressure some pimps use, which would be very hard to prove as coercion. Even the provision of drugs, which is notorious in the prostitution trade, would be hard to prove as coercion if the pimps were smart.

That is why prohibition under our present law is complete. The Prostitution Regulation Bill proposed by the member for Unley is full of big penalties for all sorts of other breaches. These penalties could be included in the present law quite easily without repealing the protection we already have against the exploiters of the prostitution trade. However, it is not much use raising the penalty for child prostitution if, at the same time, you make it much harder to detect. The former Melbourne brothel worker I spoke with said that she knew under-age girls in legal and illegal brothels, but no-one admitted publicly to that fact and in four years the police came around only once to check. In the Australian Capital Territory, according to a recent article in the *Australian* of 23 February (page 11), crime is still rife in Canberra's legal brothels and the tax man checks them out more often than the police do.

It is important also not to be fooled by comments that were made by the member for Elder, who informed this House two weeks ago about brothels in Malmo, in Sweden. After Malmo brothels were legalised, monitored and regularly surveyed by social workers the rate of prostitution in these places on the surface declined. This is no real surprise. What the member for Elder did not tell us is where all the clients went. They did not stay home and watch television or play bingo. Unsurveyed Malmo brothels are doing a big trade, basking in the increased respectability that legislation gives to prostitution generally. In 1991 our own South Australian Police Commissioner (David Hunt) warned that any attempt to legalise and regulate brothels would simply add another legal layer on top of the current sex trade. Mr Hunt said on 18 September 1991:

> Is the community prepared for the social consequences which will manifest themselves in greater levels of criminal activity and which have the potential to expose many serious health risks and loss of personal dignity?

Mr Hunt believes that the present laws controlling prostitution are outdated and need to be strengthened to deal with the problem. He said that prostitution is not restricted to female prostitutes but includes and encourages male brothels, child prostitution and an entire range of alternative practices. Mr Hunt pointed out that legalising brothels would increase pressure on police. They would be involved in policing both legal brothels and the illegal ones that would still operate. This has happened in Melbourne. Some of the big flashy, legal brothels have strict dress, drug and grooming codes. The former Melbourne prostitute I talked to said that girls are paraded in front of customers so that they can choose the body they like best: not unlike a cattle or a horse sale. One can see why prostitution is likened to the slave trade, and for very good reason.

It is also beyond my imagination why some Australian feminists are calling for its legalisation. In these so-called classy brothels, girls can be fined or even fired for turning up late for work under the influence of drugs, hung over from alcohol or, perhaps, not looking sufficiently like Elle Macpherson or Jessica Lange. Where do these girls go?

Unfortunately, the majority do not seek help from the Salvation Army, Teen Challenge or some other counselling service, even though many groups in our society continue to do great work in rehabilitation, which is a very long, hard and frustrating process. One social worker has commented that drug addicts are hard to rehabilitate but for drug addicts who are also prostitutes the task is much more difficult.

It is far better to use social and legal sanctions to stop them getting into the trade in the first place. Prevention is better than cure, and that is another reason why I strongly oppose this Bill. When the prostitutes are fired from legal brothels they do not stop being prostitutes: they go to illegal brothels, and the whole trade then escalates. You do not solve any of the current problems with the prostitution trade by regulating it: you simply add to the problem by increasing the amount of policing that would be necessary. I urge all members to examine this Bill and estimate how many more police we would need to make it workable—how many condom inspectors alone.

Unlike our present police Operation Patriot, whose members are changed every year to avoid the possibility of corruption, under this Bill the chances of corruption would increase because of the greater amount of inspecting and policing that is necessary. In the Bill proposed by the member for Unley there is no provision for brothel fees or licences to pay for this costly supervision. Of course, that is quite understandable. With hefty licence fees the Government becomes the go-between, dare I say even the official pimp. I am sure that everyone in this House, the member for Unley included, would see this as untenable and would be horrified at such a situation.

The question still remains: who will pay for the greatly increased costs which this Bill would impose? The taxpayers of South Australia will pay. Who will pay for the rehabilitation workers whom the member for Unley would like to see in the majority of brothels? The taxpayers of South Australia will pay. All members in this House should bear this in mind before they are bamboozled by this Bill's many window-dressing measures. They especially should not be fooled by the so-called health provisions in this Bill. South Australia has possibly the best record in Australia for disease-free prostitution, and that has come about under our present law. By contrast, it is in this highly competitive legal brothel situation that clients looking for child prostitutes or absence of condoms find it easiest to get what they want.

Further, we must not be fooled by claims that male clients of prostitutes are immune from prosecution under the present law. They can be and have been prosecuted under section 21(b) of the Summary Offences Act. On 30 October 1991, during the debate in another place on the Gilfillan prostitution Bill, which in many ways was similar to the one before us today, Dr Bob Ritson, then a member of the other place, read into *Hansard* part of an April 1991 submission on prostitution law to the Queensland Criminal Justice Commission. The submission was written by Professor Eileen Byrne, Professor of Education at the Queensland University, who in earlier years had worked in England and on the Continent, helping to rescue teenage girls from procurers and brothel madams.

In her submission Professor Byrne told the story of Michou, aged 16, who had run away from a Paris brothel where her aunt had placed her two years earlier after her parents had died. She was forced to have sex with many clients who preferred young, inexperienced girls. Michou finally managed to escape from the Paris brothel, but a gendarme found her huddled over a heating vent at a Metro station, and do you know what he did? Since brothels in Montmartre effectively were legal, the madam notified the police that Michou was missing and the gendarme returned her to the brothel.

The Attorney-General in the last South Australian Labor Government, Mr Sumner, said on 29 April 1992 that prostitution laws are currently unsatisfactory and are likely to remain unsatisfactory even if the laws are changed. 'There are no ready made, easy solutions', he said. Mr Sumner advocated the referral of such issues relating to prostitution law to the Social Development Committee so that the various options for reform, either to strengthen the present law or to repeal it and replace it with regulations, could be looked at without the pressure of debate on a particular Bill. Tragically the member for Unley has decided to bypass this committee. I believe that his decision is most unwise, given the difficulty of this area of law. I urge all members to vote against both prostitution Bills so as to allow a more careful consideration of all the issues involved.

Mr SCALZI (Hartley): When the member for Unley introduced the first Bill concerning decriminalisation, I opposed it, and many members in this House referred to the fact that there was nothing to replace it. On seeing this regulation Bill before us, I have no choice but to oppose it as well. When commenting on the first Bill, I said that the member for Unley's intentions were honourable, and I looked at his past involvement on social issues. This second Bill confirms my belief, for the member for Unley goes back to the moral stance. He is telling us that we should separate our moral stance from the realities of prostitution, yet there is no question that in this regulation Bill the member for Unley goes back to a moral stance because he finds it difficult to say that prostitution should be treated like any other business—and we can tell that he finds it difficult because of the heavy penalties he is seeking to impose on prostitution.

I see prostitution in a different light. I see it as a tragedy and as an industry which has victims. I, like the member for Hanson, oppose this Bill for the many reasons outlined by that honourable member. I say 'No', even though the penalties are high. A paper given last week by Dr Barbara Sullivan of the Political Science Research Program on the matter of why prostitution should be decriminalised states:

> What is problematic about Brindal's Bills? In general, the first step in the decriminalisation process proposed for South Australia is excellent; I would argue that the second step—the new laws against prostitution—are rather too sweeping. . . The zone of legal prostitution is far too narrow. Like the ACT Act the South Australian Bill proposes to force solo workers to register with authorities. However, unlike the situation in ACT the South Australian Bill proposes to treat single operators like large brothels. In the ACT sex workers who operate solo have to register with the authorities but do not have to be located in commercial areas. . . The Brindal Bills propose an onerous and totally unwarranted set of provisions in relation to sexually transmitted diseases. Some of these provisions are drawn from the ACT but some have been developed here.

The reality is that, no matter what laws we have concerning prostitution, they will be difficult to enforce. To say that you can take criminality out of prostitution is like saying that you can take the alcohol from the wine. It does not work, and I am not prepared to drink that cup. It is ridiculous.

There will be life imprisonment for any person found coercing a child under 12 to enter prostitution; and a $10 000 fine for running an unregistered brothel. On the surface these provisions appear to come from someone who really cares—and I believe that the honourable member does care—but he is mistaken because they cannot be enforced. You will never

be able to enforce such regulations. How can you ensure that the health provisions will be observed? It will require not only in-camera but also on-camera observation. That is the only way you can ensure it is on.

The supporters of this Bill would suggest that members like myself are living in fantasy land and putting a moral view. It is not a matter of a moral view. As I said previously, I do not believe it is my or anybody else's business to interfere in what people do in private.

However, by elevating what is a so-called city profession (and it is not a profession because there is no clear cut career path or qualifications but only exploitation and, once you admit that there is exploitation, you cannot treat it like any job—it never has been and never will be) to the point of decriminalisation, you are suggesting that it is like any other business, and I find that difficult to accept. What will you do about WorkCover and superannuation? What will you do about provisions such as sick leave and so on? What will you do about sick leave when a client wants a particular prostitute and will pay a high price for her? I cannot imagine the operator of these premises refusing that and saying that she is on leave. They will find ways to coerce the person because their main motivation is not to look after the workers but to look after the profits. As you will find written in ancient Pompeii, *salve lucrum*—hail to profit—because that is the sort of business it is.

Mr Brindal: BHP doesn't seem to be much different: neither do most companies.

Mr SCALZI: I find it incredible that the member for Unley compares Australia's most respected company with prostitution. I find it difficult to accept, because there is a difference. How can we as members of this House condone this so-called industry by legitimising the exploitation of men and women (because it involves homosexual prostitution as well—let us not bury our heads in the sand and say that it does not) to the point where those in the sexual pecking order who are more attractive have a higher price than those who are less attractive? In no other business can an employer pay a worker according to the service or product being offered. It is a form of discrimination because no individual in this industry can lift up his or her skills to overcome that which has been given to them. I do not believe we should support such a Bill.

I agree, as the member for Hanson and other members have rightly stated, that we have to look at this problem. Prostitution has existed, does exist and will always exist. It is the way we look at the problem. It is not a normal commercial business, and in that sense we should regulate it so that it retains the status that it deserves. You cannot elevate it to a point where it is treated like any other business, because it is not like any other business. As I said previously, we will have difficulty implementing the provisions of the Bill. I do not believe that, at this stage or in the foreseeable future, society is prepared to wear the costs associated with the provisions of the Bill. The Social Development Committee is looking at these problems and, of course, decriminalisation is not the sole problem associated with prostitution.

As we have seen, the report handed down by the police the other day is far reaching. All sorts of problems are associated with prostitution, and we have a responsibility and indeed a duty to ensure that human beings are protected, whether they be prostitutes or any other human being. They should have equality before the law. However, I find it difficult to give the business which degrades them that legitimacy.

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

Mrs KOTZ secured the adjournment of the debate.

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

In Committee.

Clause 2—'Commencement.'

Mr LEWIS: I move:

Page 1, line 19—After 'Returned & Services League' inserted by the amendment of the member for Hartley, insert 'and any premises owned or occupied by the Defence Forces of Australia'.

We all know that playing two up as proposed in this measure will be restricted to Anzac Day. It is my belief that, if the measure passes, the premises on which the games can be undertaken should not be restricted to RSL clubs because, in many instances, old diggers gather not at RSL clubs but at Defence Force establishments that are not club rooms but where existing training facilities are established, as is the case at Murray Bridge. It is for that reason that I have moved to allow the people who wish to participate in this activity to do so wherever they gather on Anzac Day as part of their personal endeavour to remember with respect the efforts of those people who fought in the world wars and other wars to defend this country and the principles enshrined in its Constitution. Therefore, my amendment simply widens it to include those other places where they will meet, namely, the Defence Force establishments. I am sure all members can understand that.

The Hon. G.M. GUNN: Mr Chairman, I rise on a point of order and refer to the first part of the amendment. The honourable member has moved to include any premises owned or occupied by the Defence Forces of Australia. I do not believe that it is competent for this Parliament to attempt to legislate in respect of Commonwealth facilities over which we have no authority. As I understand it, this Parliament has no authority to pass laws which affect the Defence Forces of Australia, and I therefore seek a ruling on the amendment.

The CHAIRMAN: The question was raised by the Chair during debate a couple of weeks ago as to whether the House was competent to bring in legislation which affects Commonwealth property. I believe the onus at that time was on the member seeking to draft the amendment to determine whether or not his amendment was competent. Did the honourable member obtain such advice?

Mr LEWIS: Yes, I did, Sir. Quite simply, this Parliament is not only entitled but, within the constitutional framework, capable and competent to make laws about human behaviour within the State of South Australia. Let me illustrate the point I am making. Do I understand the honourable member's concern to be that, if a murder were to be committed on Commonwealth property in this State, an arrest could not be made by South Australia's police and that the courts in South Australia could not hear the charge against the person alleged to have committed the murder? That is a nonsense. Constitutionally, the State Parliament is competent to make laws that affect human behaviour on any land within the area constituted as the State of South Australia and the associated sea.

Another point is that the amendment, along with the legislation, does not make the playing of two-up on Anzac Day on defence establishments compulsory: it simply makes it possible if people so choose. It means that, without the

amendment, playing the game would be restricted to RSL clubs. As I said earlier, the amendment will enable the game to be played where people meet on Anzac day, and in many instances that will be not in RSL clubs but in Defence Force establishments.

The CHAIRMAN: Having listened to the honourable member and having considered comments made a couple of weeks ago I think that, although the point is probably still arguable, on balance the member's amendment can be accepted. In any case, I think all members will accept that the Federal Government has set a precedent by permitting gambling on Commonwealth property within the boundaries of other States irrespective of State legislation.

Mr ATKINSON: That was a very wise ruling, Sir, with which I entirely agree. I am disinterested as to whether or not the member for Ridley's amendment is carried, but I will comment about the jurisdictional point. The Constitution reserves certain powers to the Commonwealth, and the residue of powers goes to the States. The Commonwealth Constitution does not grant the Commonwealth power to make criminal laws or laws about gaming within the States. So, it is a natural constitutional principle that those powers are part of the residue reserved to the Parliament of South Australia in respect of this State. This Parliament is competent to make criminal and gaming laws within the territory of South Australia. If this Parliament wishes to make a law which provides that two-up may be played on Anzac Day in Defence Force premises, it has ample constitutional power to do that. If the Commonwealth does not want that to happen, the Commonwealth Parliament has ample power to pass a law which prohibits two-up on Defence Force premises on Anzac Day. However, I predict that that is something the Commonwealth will not do when this Bill becomes law.

I am surprised and disappointed that the Speaker of the House, in his capacity as the member for Eyre, and the member for Florey, in his capacity as the Acting Chairman, should seek to hold up debate on this amendment by taking a frivolous point of order. There was no point of order because this Parliament can pass Bills which are entirely outside its constitutional ambit, and it can do that validly. It is only when South Australian law is challenged in a court on a constitutional point that it can be deemed to be invalid to the extent that it is repugnant to Commonwealth law. It is not an intramural matter for this House to seek to prevent debate on a proposed law by reference to the constitutional power of the State. By all means, the member for Eyre and the member for Florey can make the point that, in their estimation, a proposed law could be deemed to be unconstitutional if passed by this House and then challenged in the courts. They can make that point, but to make it by way of a point of order is to misuse the procedures of the House.

I am disappointed that members who sit in the Chair of this House seek to do that. Whether a law of the South Australian Parliament is unconstitutional is a question for the courts. This State respects the separation of powers. It is not for the member for Eyre and the member for Florey to arrogate to themselves judicial powers. They are infringing upon the separation of powers when they seek to make that a point of order. As the mover of the Bill I am indifferent as to whether or not the member for Ridley's amendment is passed. In fact, I shall support it.

The Hon. M.H. Armitage: The separation of powers has nothing to do with the Commonwealth and the States.

Mr ATKINSON: The knowledge of members opposite on constitutional law could be adequately contained on the back of a postage stamp. But for their benefit I will elucidate the principle so that even the member for Adelaide can understand it. The principle is this—

Members interjecting:

Mr ATKINSON: A blackboard would be most helpful. The principle is this: Parliament passes proposed laws in the form of Bills, and if they are assented to by Her Majesty's representative in this State, the Governor, they become law. If those laws exceed the constitutional competence of the Parliament, they may be challenged either by the Commonwealth or by a citizen with appropriate standing in our courts. It is for a court of law to decide—

The Hon. M.H. Armitage interjecting:

Mr ATKINSON: It has everything to do with it. It is up to the courts to decide, in accordance with the Commonwealth of Australia Constitution Act and our State Constitution, whether a law is valid. It is not for the member for Florey and the member for Eyre—

Mr MEIER: I rise on a point of order, Mr Chairman. Unless I am mistaken, I was not aware that we were debating your ruling. I thought we were debating the amendment moved by the member for Ridley; yet the member for Spence is debating your ruling and other points. I ask you to rule on whether the debate is relevant.

The CHAIRMAN: The member for Spence has a certain degree of latitude since it is his Bill; however, even the Chair is having some trouble assessing precisely why the member is so vehement in his support of the Chair. The Chair has already ruled in his favour, and now he is explaining why the Chair should have done so. The Chair would prefer that he return to the clause in question and the amendment of the member for Ridley.

Mr ATKINSON: I am vehement in my support of the Chair because the Chair is absolutely right on this point. On the invitation of the general practitioner opposite, the member for Adelaide, I was explaining why the Chair is right. Given that the member for Goyder has sought mercy and would like me to curtail my explanation of why the Chair is right, I shall meet his wishes.

Mr KERIN: I will return to the Bill. Unlike the member for Spence, I am not indifferent to the amendments. In fact, I probably have stronger feelings about the amendments than I have about the Bill. I think it is more a matter of equity—whether the game be played just at RSL clubs or whether it be extended to other defence establishments throughout rural and regional South Australia where RSL members gather on Anzac Day. RSL halls in many towns have reverted to being used as senior citizens' halls or parts of medical centres. If we continue with these amendments and endeavour to designate places in this way—if we are going to have it we should have it—we will disenfranchise many of the people whom this Bill is intended to help.

Mrs KOTZ: We have listened to the arguments from the member for Spence and the Chair's ruling, and I am sure that we did not require a long induction into the views of the member for Spence on its interpretation—we fully understand. I pick up the member for Frome's comments regarding this amendment because they are extremely valid—he has saved me from having to enunciate that particular aspect. What I would like to add, though, is that it is all very well to sit in this House and listen to the member for Spence tell us what is the pure law as interpreted by him. Quite obviously, the fact that the honourable member—

Mr Ashenden interjecting:

Mrs KOTZ: After having sat in this place for five years and heard the member for Spence on previous occasions, I wouldn't waste my money. What the member for Spence has proved here today is that, based on the democracy that we all seek to preserve within this country, the Parliament is far better served by a diversity of people from a diversity of backgrounds. They may include lawyers and academics, but I suggest that people with grass roots who have at heart the commonality of the people of this country and the State are capable of coming up with a little bit of logic and reasoning which in some ways could far outweigh the lawyer's interpretations of any of the aspects that have been argued today.

I do not understand why members want to waste the time of this Parliament on the member for Spence's interpretation or that of the honourable member who proposed this amendment. It is an absolute nonsense that we as a Parliament should pass an amendment which will be enacted into law by this State but which will have to be tested in another jurisdiction in order to prove that, in some way, this Parliament can have an effect on constitutional law regarding Federal matters. It is a waste of time for this Parliament even to consider an amendment—

An honourable member interjecting:

Mrs KOTZ: You are supporting it, and I have also mentioned the honourable member who moved the amendment, but with due respect to all members the fact is that the Federal area has total control where the Defence Forces situation is concerned. If it were the ultimate aim of this Parliament to push through an amendment such as this, it would have to be tested in a court. To enable the State to request the Commonwealth to open up its drill halls and other Defence Forces areas to assist diggers on Anzac Day to play two-up is one thing, but to pass an amendment to include premises owned and occupied by the Defence Forces of Australia will require, ultimately, the testing of this law through the courts. If it is the intention of this Parliament to waste time on such amendments, the processes are an absolute nonsense and the member for Spence would recognise that. For all those reasons and other more important ones such as the aspect raised by the member for Frome regarding designation, I do not support this amendment. In many instances, halls used by the RSL in South Australia are community halls and, if they are not included in this amendment (if it is passed), it will restrict where RSL members can play two-up on Anzac Day.

The CHAIRMAN: The Chair still questions why the debate centres around the point of order raised by the member for Eyre and the Chair's ruling rather than on the virtues of the amendment moved by the member for Ridley. The Chair's ruling was simply that the amendment moved by the member for Ridley may neither add nor detract from powers already possessed by the Commonwealth, powers under Commonwealth law which are, of course, paramount over State legislation. I simply ask members to bear that in mind. It could still be subject to further debate and argument. The Chair has ruled on that point; therefore, any further discussion the Chair will consider to be irrelevant.

Mr LEWIS: I am of the same mind as you, Mr Chairman. We have already amended the legislation to restrict the playing of two-up to RSL halls—that is where we are at present. My amendment would enable the game also to be played in Commonwealth defence establishments without offending the laws of South Australia. It would further extend the places at which it would be possible to play the game on Anzac Day. I inform the member for Newland that it does not mean that it will be compulsory. That fact may also be lost on other members who have not understood.

I am not saying that Commonwealth defence establishments must open up on Anzac Day and that the people who are present must play two-up: I am simply saying that, in addition to RSL halls, to which the Committee to this point has said the game will be restricted, the Committee should also envisage that the game may be played at defence establishments. So that, in addition to RSL halls there will be the opportunity to play the game at Defence Forces establishments (where meetings are held instead of at RSL halls) if they ruddy well want to, but it will not be compulsory.

Mr SCALZI: As the mover of the original amendment, I have no difficulty with the addition proposed by the member for Ridley, and I agree with your ruling, Mr Chairman. What is in question is really the body of RSL men and women, not necessarily the premises. This will give them an added opportunity. It is all being done in good faith, as the member for Ridley has said, and I have no difficulty with his amendment. I believe we should get on with it and ensure that it is carried.

Mr BASS: I would like to put straight a couple of things that the member for Spence said today. He criticised the member for Eyre and the member for Florey for raising a point of order. I do not recall at any time raising a point of order: the member for Spence has it wrong again.

The CHAIRMAN: The member for Florey should consider that, according to the Chair's recollection, the member for Spence was referring to two issues: the point of order raised today and decisions made by the Chair a couple of weeks ago. The debate was heated and somewhat confused, but that was the Chair's understanding. So, the honourable member may be taking a point that is unnecessary, but I will listen to him.

Mr BASS: On two occasions the member for Spence referred to the points of order taken by the member for Eyre and the member for Florey. As I said, at no stage did I take a point of order. Two weeks ago, as Acting Chair, I rightly brought up a point of law. From my inquiries, I have been told that as the Acting Chair I had every right to do that. I did not become involved in a debate, as the member for Ridley said: I just raised a point, and nothing more.

Commonwealth-State relations provide that the Commonwealth Parliament has exclusive power to make laws for the peace, order and good government of the Commonwealth with respect to places acquired by the Commonwealth. Section 52(1) gives Federal Parliament 'exclusive power to make laws. . . with respect to. . . all places acquired by the Commonwealth.' I heard it said earlier that the offences of murder and rape involve State laws and can be investigated by State police on Commonwealth property. That is correct. If no Commonwealth law is applicable, State law can be applicable on the Commonwealth.

Mr Atkinson: You used the Commonwealth law on two-up.

Mr BASS: No, there is no Commonwealth law on two-up. However, if there is a State law on two-up and there is no Commonwealth law that contradicts it, it does not have to say that it is also applicable on Defence Forces premises. If there is no law relating to the Commonwealth property, State law is applicable. Let me go on.

The CHAIRMAN: Order! The member for Florey appears to be debating the Chair's ruling. The Chair has already ruled in favour of accepting the motion and there is

nothing further that the member for Florey can contribute to change that ruling that the Chair has determined. If the honourable member wishes to dissent from the Chair's ruling, as he appears to be doing—he is questioning it—he has only one alternative, that is, to move a substantive motion to dissent from the ruling of the Chair. I urge the member for Florey to refrain from his present line of argument or bring forward a substantive motion, as is well within his rights. I do not wish to stifle his rights but to redirect his arguments.

Mr BASS: I thank the Chairman for his wise comments. I say only that I was refuting the comments of the member for Spence. Let us get back to the amendment moved by the member for Ridley. He wants to have Defence Forces premises nominated in the Act. The member for Spence has already sold his soul, because originally he wanted people in the back lane playing two-up. But he thought, 'I won't get my Bill through', so he agreed to the member for Hartley's amendment.

Mr Atkinson interjecting:

Mr BASS: So? I'm sure the member for Adelaide will have something to say about that. As I said, if there is no Commonwealth law contrary to the State law; the State law can apply. The Defence Act 1903, under the heading 'Gambling in service establishments and in Navy ships, provides:

> A commanding officer may authorise gambling in a service establishment. . . and may impose such restrictions as is considered appropriate as long as the form of gambling so authorised is not prohibited by the law of the Commonwealth or by the law of the State. . .

Mr Atkinson: That's a good one for us.

Mr BASS: Yes, so I'm saying you don't need this amendment.

Mr Lewis: Even if State law excludes it?

Mr BASS: You do not need the amendment, and the member for Ridley interjects again because he does not know what he is talking about. Further, under the heading 'Authorised gambling' it provides:

> Any form of gambling authorised by a commanding officer to be conducted in a service establishment. . . is to be:
>
> a. conducted in accordance with the requirements of the law of the Commonwealth or by the law of the State. . .

So, if the law of the State says that two-up is permitted on Anzac Day, then the commander can authorise it. Further, the Act provides:

> b. conducted for charitable, welfare or amenities purposes. . .

Maybe the member for Spence, and the very vocal member for Ridley, would like to sell his soul again and agree to this one, and add a little bit about charity, because he will do anything to have his Bill approved. But the same piece of information provides:

> The returned soldiers' tradition of two-up survives, especially in Sydney, in games played on Anzac Day, its players saying, I suppose, that they can own 25 April, that it is their day, and that they can affirm their ownership by symbolic law breaking.

That is the attraction of two-up: they can have symbolic law breaking. I believe that is the way it should be. As I said in an earlier speech, the two-up Bill was brought in by the member for Spence simply because he did not get the cookie in the first session of Parliament so he has introduced it in this session. The laws are very clear. The member for Ridley's amendment is not needed, notwithstanding that I would not support the Bill at all. For those reasons, I will vote against the amendment.

Mr ATKINSON: I do not think that the member for Florey has followed the debate on this Bill as carefully as he might. He is right that it was my intention, when introducing the Bill, that two-up could be played anywhere on Anzac Day. When this Bill was debated last year, 16 other members of the House supported me on that, including, I might say, the member for Adelaide, and I am grateful to him for his support. In order to get the Bill through and to obtain a majority, I have agreed to an amendment from the member for Hartley—

Mr Bass: You've sold your soul.

Mr ATKINSON: I have sold my soul; correct. I have been weak. I am frail, as the member for Adelaide points out. I have accepted the member for Hartley's amendment that would confine the playing of two-up on Anzac Day to RSL clubs. I have accepted that, because it is necessary to get some Liberal Party wowsers to vote for this Bill to get it through. That is why I have done it. The members for Adelaide and Florey are both right.

Mr SCALZI: I rise on a point of order, Mr Chairman. It is offensive to call Liberal Party members wowsers, and so on. I support the amendment, but I find that objectionable.

The CHAIRMAN: Order! There is no point of order; it is in the frivolous realms.

Mr ATKINSON: I have accepted that amendment. I know that the member for Florey has not been in the House for long but, when an amendment to a Bill is accepted, the amendment becomes part of the Bill. So, the Bill now confines two-up on Anzac Day to RSL clubs. Purists who believe in two-up played more broadly on Anzac Day, such as the members for Adelaide, Ridley and Frome—

Mr BASS: I rise on a point of order, Mr Chairman. Could the member for Spence be brought back to the amendment that we are debating, that is, the member for Ridley's amendment?

The CHAIRMAN: Order! The Chair was under the impression that the honourable member was debating that. He was giving his reasons for accepting the previous and the current amendments. It is the honourable member's Bill.

Mr ATKINSON: Those members believe that two-up should be played in places other than RSL clubs on Anzac Day. The member for Frome has a compelling reason for it; that is, owing to the passing on of our generation of veterans and to declining population in country towns—some of which are in his electorate—RSL clubs have closed.

Under the Bill I am proposing, as amended by the member for Hartley, there will be no lawful place to play two-up in some towns in the member for Frome's electorate on Anzac Day. What the member for Ridley—another country member—is trying to do is expand the territory in which two-up can be played to embrace Defence Force establishments. That will solve the problem in Murray Bridge, for instance. I think that is a good thing. The member for Florey's excursion into Defence Force regulations is of no relevance to the debate. What the member for Ridley is now proposing is to expand the number of places where two-up can be played, and I support that.

An honourable member interjecting:

Mr ATKINSON: State police can investigate breaches of State criminal law, including the Lotteries and Gaming Act, on Commonwealth premises. When crimes were committed in the past few years on the RAAF base at Edinburgh they were tried in the Supreme Court, just for the information of the member for Florey: they were not tried in a Federal court. There is no conflict here.

An honourable member interjecting:

Mr ATKINSON: I know that the member for Newland is an Army wife, and if she thinks that it is necessary to court-martial people who play two-up on Defence Force establishments on Anzac Day then good luck to her. However, as things stand, commanding officers in the Commonwealth Defence Forces can regulate gambling and playing of two-up on their establishments on Anzac Day. If they want to prohibit it then, under section 109 of the Constitution, the law passed by the commanding officer pursuant to Commonwealth law will prevail over the State law. So, if commanding officers do not want two-up played in their barracks on Anzac Day they can exclude the member for Ridley's amendment. Good luck to them. However, that does not stop our passing the honourable member's amendment. Let us get on with it and pass it.

The Committee divided on the amendment:

AYES (24)

Armitage, M. H.	Ashenden, E. S.
Atkinson, M. J.	Baker, S. J.
Blevins, F. T.	Brindal, M. K.
Buckby, M. R.	Clarke, R. D.
Condous, S. G.	De Laine, M. R.
Evans, I. F.	Geraghty, R. K.
Hall, J. L.	Hurley, A. K.
Kerin, R. G.	Lewis, I. P. (teller)
Quirke, J. A.	Rann, M. D.
Scalzi, G.	Stevens, L.
Such, R. B.	Venning, I. H.
Wade, D. E.	White, P. L.

NOES (15)

Andrew, K. A.	Bass R. P. (teller)
Becker, H.	Brokenshire, R. L.
Caudell, C.J.	Greig, J.
Gunn, G. M.	Ingerson, G. A.
Kotz, D. C.	Leggett, S. R.
Matthew, W. A.	Meier, E. J.
Oswald, J. K. G.	Rosenberg, L. F.
Rossi, J. P.	

Majority of 9 for the Ayes.

Amendment thus carried.

Debate adjourned.

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

INDUSTRIAL HEMP

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

Leave granted.

The Hon. M.H. ARMITAGE: On 15 February I announced that the Government was considering issuing a research permit under section 56 of the Controlled Substances Act to allow trial plantings of low tetrahydrocannabinol *cannabis sativa* plants. I am pleased to announce that such a permit has now been issued to the Yorke Regional Development Board, located in Kadina, effective immediately until 11 March 1996. The Yorke Regional Development Board has done an enormous amount of work in preparation to reach this point, which should see South Australia lead the nation in the commercial development of low THC industrial hemp. There is a worldwide demand for fibre that is outstripping supply and, as I outlined previously, hemp has characteristics that make it highly suitable for fibre production.

The demand is such that quality seed is in short supply and, in fact, I am informed by the Chief Executive Officer of the Yorke Regional Development Board (Mr Paul Fitzgerald) that the seed ordered from France is the last remaining uncommitted seed in the world from the low THC cannabis plant varieties to be tested. The plant is not drug free as has been reported in the press, but it does have very low THC levels. The Government did not need to initiate legislative change to allow these research trial plantings to proceed. However, I understand that Victoria and New South Wales, which are also interested in looking at commercial production, will need to change their legislation in order to allow research into hemp to proceed. The likelihood of Victoria or New South Wales being able to proceed this year to trial plantings of low THC cannabis is not high.

The six varieties of seed that will be the basis for the field trials should be in Australia within the next seven days, and plantings will begin as soon as possible over the next few weeks. If successful, a licensing system could then be put in place to enable South Australian farmers to benefit from the new crop. The two sites that have already been determined for the plantings are Turretfield Research Centre between Gawler and Lyndoch and the Kybybolite Research Centre 15 kilometres east of Naracoorte. A third site is likely to be chosen on Yorke Peninsula, subject to approval by the South Australian Health Commission.

High security is to be put in place at every point along the path to growing a mature crop. Security will include things such as tamper-proof packaging; an extensive audit trail, which will require the holder to account for the seed both used and unused; and for transportation, storage, processing, testing and disposal of vegetative material. The sites will have extensive security, including 1.85 metre high barbed wire fences and clear signs indicating that the premises have restricted entry to unauthorised personnel. These measures are in place at least while we determine the agronomic issues involved in the production of cannabis.

Through the work of the Yorke Regional Development Board and others, South Australia is now well placed to begin trial production of a crop that could have a significant impact on this State. I very much look forward to seeing the results of the trials and to South Australia's again taking a national lead through a cooperative approach to development issues.

POLICE COMPLAINTS AUTHORITY

The Hon. W.A. MATTHEW (Minister for Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. W.A. MATTHEW: As Minister responsible for the police I inform the House that I have been provided with a media release issued by Peter Boyce, the Police Complaints Authority and the Commissioner of Police (Commissioner Hunt) in the following terms:

A complaint has been made to the office of the Police Complaints Authority which raises serious allegations in respect of certain issues within the Prosecution Services Division of the South Australian Police Force. Given the nature and extent of these allegations, the complaint has been given immediate priority by the authority and an independent investigation team has been formed, which includes staff from the office of the Director of Public Prosecutions, the Crown Solicitor's Office, the Anti-corruption Branch of the South Australian Police and investigative personnel from within the Police Complaints Authority.

Due to the seriousness of the allegations it has been considered necessary for the authority to request that the Commissioner of Police transfer several senior police officers from the Prosecution

Services Division to other duties whilst the investigation is carried out. These transfers are in no way to be taken as an inference that there has been any misconduct on the part of any such police officer. However, such action is considered by the authority to be both necessary and prudent to ensure an unhindered, open and independent investigation.

The Attorney-General has also advised that at the request of the Police Complaints Authority resources have been made available by the Crown Solicitor to undertake the investigation. The Police Complaints Authority informs him that the allegations relate to matters handled within the Prosecution Services Division within the last several years. It would be inappropriate for me to make any other comment on the matter as it is now within the statutory responsibility of the independent Police Complaints Authority.

QUESTION TIME

The SPEAKER: Order! Before calling for questions, I wish to draw to the attention of the House a ruling that was given by Speaker Trainer on 10 August 1988.

Mr Atkinson: It would have to be bad.

The SPEAKER: I remind the member for Spence that the ruling applies to him, too. I point out that under our Standing Orders leave is given for an explanation of a question according to a fairly strict format that is spelt out in a particular Standing Order. Leave is granted by the Chair on behalf of the House. Leave can be withdrawn by the Chair on behalf of the House, or by any honourable member. If the Chair permits the honourable member to continue with an explanation to a question that is clearly in breach of the Standing Orders, any honourable member can just as easily withdraw leave.

The Chair intends to enforce that Standing Order, because there has been a tendency for the explanations to contain comment. Further, there have been too many supplementary questions asked by way of interjection. The honourable Leader of the Opposition.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Is the Premier satisfied that the statement by Ms Vickie Chapman on radio yesterday that 'Mr Simon Lam, like any other donor, can make a contribution either individually or through a company' did not mislead the public to believe that Mr Lam actually made the donation? The Liberal Party President (Ms Vickie Chapman) said that the donation was sent by Mr Simon Lam, whom she described as 'a successful businessman and a man of substance who is entitled to send a cheque if he wanted to'. However, in this morning's press it was revealed that Mr Lam's office has denied that he made the gift.

Mr Lam's office said that he was acting on behalf of other people and that the directors of Catch Tim are not actually from Hong Kong. I have today telephoned people in Mr Lam's Hong Kong office and they, like the Premier, claim to know nothing.

The SPEAKER: The honourable member was clearly commenting in the last part of his question. I ask the Premier not to respond to that section of the question.

The Hon. DEAN BROWN: I again put to the Leader of the Opposition that, if he can point to any single area where the Liberal Party, South Australian Division, has breached the Federal Electoral Act, he should immediately go to the Federal Attorney-General, because it is a Federal law and it is up to the Federal Attorney-General and the Australian Electoral Commission to uphold that law. It appears that the Leader of the Opposition wants to rewrite law, to establish new but unspecified law over and above the Electoral Act, and apparently to say that the Liberal Party organisational division should comply with that law in retrospect.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I am talking about retrospectivity, because that is exactly what the Leader of the Opposition is trying to do. From what I can see, the Liberal Party has complied fully with Federal electoral law. In fact, the Federal Electoral Commission has carried out a very substantial audit of the books of the Liberal Party and apparently is satisfied.

Mr Atkinson interjecting:

The SPEAKER: Order! In accordance with the Standing Orders, I warn the member for Spence.

The Hon. DEAN BROWN: There is a real challenge here. If the Leader of the Opposition has one skerrick of evidence that the Federal electoral law has been broken, I challenge him to immediately go to the Federal Attorney-General or the Federal Electoral Commission. He has talked about the possibility of going; he did that in this House some two or three weeks ago, and it would appear that he has not yet done so.

The Hon. S.J. Baker interjecting:

The Hon. DEAN BROWN: If he has, why does he not take every single complaint to the Federal Attorney-General? The Liberal Party appears to have completely complied with the Federal Electoral Act. The Labor Party in recent years throughout Australia has deliberately breached the Federal Electoral Act, and yet no action has been taken through the Federal Attorney-General to prosecute those breaches. What sort of double standards will apply in Australia if the Liberal Party not only has to comply with the law but has to comply with some unwritten law that the Leader of the Opposition has not yet specified?

EMPLOYMENT

Mrs ROSENBERG (Kaurna): Will the Premier give details of the strong employment growth in South Australia which is revealed in today's labour force figures and say whether there are any immediate threats to the improving prospects for job seekers?

The Hon. DEAN BROWN: It is a pleasure to get on with the business of Government in South Australia and to answer a question like this. This is what the people of South Australia want. They elected us to create new economic activity and jobs. You only have to look at the latest figures to see the extent to which the Liberal Party is achieving that. When compared to last February, the figures for this February show that we have created 22 500 extra jobs in South Australia—an incredible achievement. For the first time since June 1991 we have taken unemployment down to 9.6 per cent. I stress that not only has the unemployment percentage dropped but it has dropped at a time when the employment participation rate has increased.

That is an outstanding achievement. However, the creation of those jobs faces two threats. The first threat comes from the South Australian Labor Party because it constantly refuses to allow any reasonable amendment to the WorkCover legislation. We are about to see a substantial increase in the WorkCover levy rate to over 3 per cent when virtually all

other States of Australia are below 2 per cent, and that will jeopardise existing jobs and the creation of new jobs in South Australia.

The second threat comes from the Federal Labor Party. There is no doubt that the very substantial increase in interest rates, and now the threat of tax increases, will jeopardise the creation of jobs in South Australia as well as right across Australia. In fact, in some States that has already started. I note the figures for Queensland and Western Australia, where I think the unemployment rate has risen, even though it has dropped in South Australia. Members should compare the 22 500 extra jobs created in the past year with what occurred whilst the Leader of the Opposition was the Employment Minister, when the Labor Government of South Australia lost 35 000 jobs. I am delighted to say that already we have made substantial progress towards regaining those jobs for South Australia. However, there is a sharp contrast between the performance of this Government in just over 12 months and the performance of the Labor Party over the last two or three years it was in Government.

Yesterday the shadow Treasurer raised the issue of jobs, and it is interesting that today's figures reinforce the point that I made yesterday, which no doubt causes some embarrassment to him and his colleagues after such an abysmal performance over three or four years, just before being thrown out by the electors of South Australia. The Liberal Government of South Australia is creating jobs and it will continue to do so, provided the threats from the Labor Party both in South Australia and federally are removed as quickly as possible.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Following today's revelation by Mr Lam's Hong Kong office that he was not involved in the $100 000 donation and that he was acting on behalf of other people from outside Hong Kong, will the Premier now instruct Ms Chapman to reveal the true donor behind this $100 000 campaign donation and, as a lawyer, to reveal the whole truth of the matter?

The Hon. DEAN BROWN: The Leader of the Opposition has raised this question at least twice, if not three times, in this House. I could have taken a point of order against the question, but instead I will merely indicate that it has been raised three times. Once again I throw the challenge to the Leader of the Opposition: if he has one skerrick of evidence where the Federal electoral law has been breached, he should go off and see his colleague in Canberra—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader under Standing Order 137, which provides:

> If any member
>
> 1 persistently or wilfully obstructs the business of the House, or
>
> 2 persistently or wilfully refuses to conform to any Standing Order of the House, or
>
> 3 refuses to accept the authority of the Chair. . .

The Hon. DEAN BROWN: Mr Speaker, I have finished. There is no point in repeating what is obvious. If there is a breach of the law, the honourable member should go to Canberra and talk to the Federal Attorney-General and ask the Australian Electoral Commission to carry out a further investigation. As I have said, it has already done the audit.

WORKCOVER

Mr ASHENDEN (Wright): Can the Minister for Industrial Affairs advise the House of the latest funding position of the WorkCover scheme and say what ramifications this has for South Australian industry?

The Hon. G.A. INGERSON: On Friday of last week the WorkCover board received, as it does at this time every year, the report from the actuary, Tillinghast. It received quite a shock in relation to the blow out in unfunded liability. The unfunded liability had been estimated by the actuary to be of the order of $150 million by December last year. In fact, the position was $187 million. Instead of a blow out of $7 million per month, it was a formal blow out of $12.5 million per month. What that means to the scheme—a scheme that is required under the Act to be 100 per cent fully funded—is that it is now 78.4 per cent fully funded. In other words, we are now something like 22 per cent away from full funding, and there is a requirement under the Act that that be corrected.

Only one course of action can be taken in this issue, that is, the employers, through an increase in the levy rate, have to pick up those extra funds. What does that mean? That means that, with the extra $40 million, on top of the $240 million that employers are already paying to fund this scheme—a scheme that was set up back in 1986 with the goodwill of both employers and employees—it has now blown out to billyo, and what are the reasons?

All of the reasons, of which the Labor Party was aware when in Government, are exactly the same reasons as we have today. They are exactly the same reasons told to the previous Minister and the Minister before him—the author of the scheme—namely, workers should not remain on the scheme longer than funds can afford to have them there. In other words, long-term beneficiaries should not be on the scheme, if you look at the original intent of the scheme. That has increased to about $14 million. WorkCover claims are being increased, and why is that so? Because it is the easiest social welfare scheme in Australia. In fact, it is the highest paid unemployment benefit scheme in Australia, and you can get on it as easily as pie. All you have to do is say you have had an injury at work and you are on. You do not even have to prove that you are on the scheme. You can simply walk through a doctor's door and say that you were injured at work, and nobody can question it.

The final position is that there has been a drop in the return on investments because the economy in this country has been ruined by the Federal Labor Government. That is the third prime reason for our having lost about $20 million return on the investment funds, even though we have more money invested this year than before. The interest rates and investment procedures in this country have changed, causing the fund itself to reduce. Those three factors—the fact that it is too easy to get on, the fact that people are longer on the scheme than they have ever been before, and the fact that the investment structure has fallen apart—are the prime reasons. The previous Government knew that that was the problem and did nothing about it. That is why we must sort out this mess and get some commonsense into this area.

Let us talk about the role of the ALP in this area. Since our Bill has been before the House there has been no attempt at all from the employees' representatives in this place—the Labor Party—to sit down and help sought out this problem. Every area of our Bill has been knocked, and there has been no compromise.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: All the Deputy Leader says is, 'Pull the Bill.' He knows as well as everybody else in the House that it can be amended at any time. There has been no real attempt to find a solution to the problems. Members opposite have walked away from a position where, within another six to nine months, we will have an unfunded liability of close on $300 million. It will be the highest level ever relative to a fund in Australia. Who will pay? The small business people in this State will pay.

The position we are in is an absolute disgrace. The Labor Party could and should support a change in this area but, unfortunately, members opposite and the unions are not prepared to look at the answer. Unless there are legislative changes, within a month the WorkCover Board—not this Government—will be forced to increase by $40 million the take from the working community, and that is about 4 500 jobs. I thought that the Deputy Leader and his colleagues were about employment in this State. Here is the best opportunity for them to do something about keeping jobs for their own mates. They are walking away from jobs for their own mates. This scheme is an absolute mess, and it needs to be fixed immediately.

POLITICAL DONATIONS

Mr ATKINSON (Spence): Will the Premier advise the House of the names of the members of the Liberal Party Finance Committee responsible for the scrutiny of donations before the last State election? Section 288 of the Electoral Act requires a political Party to appoint and register an agent for the purpose of maintaining records of donations. Federal Parliament has been told that Mr Grahame Morris, who was State Director of the Liberal Party and signed documents as its appointed agent before the last State election, has no knowledge of the Catch Tim donation.

The SPEAKER: Order! The honourable member is clearly commenting.

The Hon. DEAN BROWN: The honourable member is asking a very specific question of which I do not know the answer. The answer to that question should come from the Australian Electoral Office because it would have the returns with all the documentation which clarifies that. As the honourable member should realise, when a return is lodged it must be signed by appropriate officers within the Party, and that requirement is held by the Australian Electoral Office. I suggest he approaches the Australian Electoral Office for the information. It does not relate to any State law, at any rate.

HOSPITALS DISPUTE

Ms GREIG (Reynell): Will the Minister for Health advise the House on how the Government is trying to ensure that the current union bans do not put patients at risk?

The Hon. M.H. ARMITAGE: I thank the member for Reynell for her very important question. I point out that the question of whether the union bans are putting patients at risk is a matter of some current debate. Earlier in the dispute the unions insisted publicly that they would not allow bans to affect patient care. Now, however, they have an application before the Industrial Commission which asserts that the commission should act now because patient care is being affected. Clearly that is two bob each way. The fundamental point I make to the House is that the Government is able to cope and is insistent that patient care will be maintained as well as it can because of the goodwill and skill of other staff, management and volunteers. On behalf of the South Australian community, I thank all those people.

To give an example of what is happening in one of our hospitals, I take the case of the Lyell McEwin. At that hospital the orderlies are not undertaking any plastering duties, which means they are refusing to be involved in the treatment of people with broken limbs. They are refusing to deliver pathology specimens to the relevant departments. In the sterilising unit there is no ward collection of dirty instruments, no delivery of sterile instruments or trays, no daily ward count of sterile stock and no linen order is being done for the operating room. The domestics have banned the cleaning of the kitchen, the offices, the nurses stations and pathology, the cleaning of the pharmacies, the cleaning of the staff changing rooms and the kitchen in the theatre and the cleaning of various nurses stations. The porters have banned rubbish removal and compactor use.

Clearly these functions, without the excellent work of back filling from other staff, management and volunteers, would have an impact on patient care. All of those other people are working long and hard to ensure patient care is maintained. Unfortunately, I am informed that these bans at the Lyell McEwin escalated yesterday and, through the media, the hospital had to call for volunteers. I ask, quite disingenuously, 'Where is the local member in all of this matter? The local member happens to be the shadow spokesperson for health. She has been strangely silent whilst her local hospital, its staff, her community volunteers and constituents work tirelessly to overcome these union bans.

I indicated to the House yesterday that the latest annual report of the ALP revealed that almost $20 000 of direct donations to the State branch of the ALP came from the Miscellaneous Workers Union which, with other donations, would have totalled about $50 000. One donation in particular interests me. I refer to a donation made on 19 May 1994 from the Miscellaneous Workers Union to the ALP: it donated a specific cheque of $2 500. I point out that 19 May 1994 is more than three years before the next State election and two years before the next Federal election. I merely ask: what might the donation be for? I wonder whether it has anything to do with the fact that the Elizabeth by-election was held on 9 April 1994. A mere matter of weeks later, when all the bills for printing, literature and so on would have been due to be paid, the Miscellaneous Workers Union donated $2 500 to the ALP. In light of the Opposition spokesperson's quite shameful total silence on this matter, I merely ask the member for Elizabeth and the shadow spokesperson for Health whether any of the Miscellaneous Workers Union funds on 19 May 1994 went to pay for the cost of the Elizabeth by-election.

POLITICAL DONATIONS

Mr ATKINSON (Spence): Is the Premier aware of discussions held over the weekend involving Mr Robert Gerard and officers of the Liberal Party with a Mr Bill Henderson, a retired partner of KPMG Peat Marwick, in relation to the statement that was issued by Mr Simon Lam, a Hong Kong accountant, about the $100 000 Catch Tim donation to the Liberal Party; and is the Premier aware of Mr Henderson's associations with Mr Gerard and with donations to the Liberal Party?

The Hon. DEAN BROWN: The answer to the first question is 'No.' In terms of the second question, I have met a Mr Bill Henderson on about three occasions. As I understand it, a Bill Henderson works for Gerard Industries. I met him on a plane well before coming back into politics. I have not met him in something like two years.

Mr Atkinson: Have you spoken to him?

The Hon. DEAN BROWN: I have not spoken to him and I am not aware of any conversation as outlined by the honourable member.

CHARITABLE ORGANISATIONS

Mrs KOTZ (Newland): Will the Treasurer advise the House of any action he has undertaken to address public concerns that fundraising organisations may inadvertently have contributed to the exploitation of minors through the employment of commercial operators? In October last year I raised the question of unsupervised children selling sweets door to door and alarm being expressed amongst my constituents about the safety and welfare of these children. Further research on this matter showed that charitable organisations were happy to receive an agreed sum of money per year without question in exchange for the right to sell merchandise using the name of the charity to encourage sales and thereby relinquish certain controls relating to the methods of sale and total moneys raised overall in the name of charity.

The Hon. S.J. BAKER: I thank the member for Newland for her longstanding interest in this area. She has raised issues such as this with me over time. In fact, it could be said that that has led to some initiatives that are now realising fruition in terms of sitting down with the charities to develop a code of conduct. I thank the member for Newland and congratulate her on her efforts in this regard. There are a number of issues involved in terms of charitable collections. I take time out inevitably to remind people just how well our charities have worked for the people of this State over a long period. We have to underscore any comments about charitable collections with that statement. We should never lose sight of the fantastic efforts of our charities, which have met a need that has not traditionally been met by Government.

Some practices have developed which have caused concern. One of these happens to be the extent to which people at shopping centres or door to door at commercial premises or across suburbs have been canvassing for donations or selling goods. On occasion it appears that these people are minors and, even when they are not minors, some of the tactics used in selling the products or asking for donations have been questionable. Unfortunately, organisations for profit have stepped into this field. They believe that they can make a dollar out of it and that there can be some return to charity. I know that, in the process, a large number of mainstream charities are concerned, because they believe that the efforts of some of these people have reflected badly on them and the whole charity area, making people more reluctant to respond positively as they have in the past. There is the issue of the confidence of the industry in collection methods.

There is also the issue of safety, which the member for Newland raised. I have been asked: what are kids doing on the streets collecting, who actually gets the money and, more importantly, can the safety of these children be guaranteed? Part of the effort in the next few months will be to develop a code of conduct for charities. We will get them to sign off on their responsibilities to ensure that the public interest is maintained. It would be our view, subject to modification or submissions by the charities, that underage children, from the safety aspect alone, should be properly supervised. In terms of the way things are sold, whether sweets or something else, or donations are collected, we will be asking the charities to ensure that, if an agency (and the Government will license these agencies) is acting on their behalf, they do bear some responsibility for unwanted outcomes should they not have control of the process. I thank the member for Newland because it is a very important question.

POLITICAL DONATIONS

Mr ATKINSON (Spence): Is the Premier aware of any relationship between the company Moriki Products, which donated $50 000 to the Liberal Party in 1993—the second largest donation that the State Party received in that year—and Gerard Industries in South Australia?

The Hon. DEAN BROWN: The answer is 'No.' As I indicated to the House yesterday, I was not familiar with the word or name 'Moriki' until it was raised by the Leader of the Opposition in this House.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I knew that only because the Leader of the Opposition asked the first question in the House, and then my staff rang Liberal Party headquarters to see whether anyone had heard of the name 'Moriki'. In fact, I found out later that it was apparently listed in the *Advertiser* something like 12 months ago.

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: No, I had not read it or seen it. Apparently, it was listed in a public disclosure of the Liberal Party's donations 12 months ago. It has apparently been fully audited by the Australian Electoral Commission. It was for the 1993 Federal election campaign: it had nothing to do with the State Government whatsoever. The answer to the question is 'No.'

MOUNT BARKER ROAD

Mr EVANS (Davenport): Will the Premier inform the House what action the Government has taken to secure a Federal Government commitment to the upgrading of Mount Barker Road?

The Hon. DEAN BROWN: Mount Barker Road is causing enormous concern at present because of the high accident rate, in particular because unfortunately a women was killed there last Friday and there was a further serious accident yesterday. Those people who travel up and down the road fairly frequently (and I certainly do to parts of my electorate) realise what a steep grade it is and how inadequate that road is for traffic—particularly for interstate trucks travelling to Melbourne. It is time that something was done and done quickly. It is part of the national highway system and is the full responsibility of the Federal Government. The State Government has no responsibility for that road at all. However, our Minister for Transport in South Australia has taken up the matter with the Federal Minister for Transport. She has put a number of cases to the Federal Minister. In particular, she has asked for three aspects of the road to be upgraded at a total cost of about $130 million.

The three major components are: first, an upgrade by way of the provision of additional traffic lanes, median barriers and carriageway alignment on the existing highway between

the Devil's Elbow and Glen Osmond with an interchange at Mount Osmond Road; secondly, significant improvements to the existing Glen Osmond, Portrush, Mount Barker and Cross Roads intersection; and, thirdly, construction of a new highway with three lanes in each direction from the Devil's Elbow to Crafers. This would include a short twin-tube tunnel beneath the Eagle on the Hill. The new construction would link up with the existing South-Eastern Freeway at the Crafers interchange.

The total length of the upgrade needs to be about 8.3 kilometres, and that would shorten the road by about 2.1 kilometres. I am sure that all members of this House will join with the Minister for Transport in making a special plea to the Federal Minister to make it a high priority to allocate $130 million to upgrade Mount Barker Road, because it is badly needed if for no other reason than to ensure that no further deaths occur on that road in the near future.

ELECTORAL COMMISSIONER

Mr ATKINSON (Spence): My question is directed to the Premier. If the inquiries by the Electoral Commissioner confirm this morning's information—

The Hon. S.J. Baker interjecting:

The SPEAKER: Order! The way in which the member for Spence has commenced his question is hypothetical, and the honourable member is aware that he cannot ask a hypothetical question. I therefore ask the member for Spence to rephrase his question, and I call the member for Elizabeth.

FACTOR VIII

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

Members interjecting:

Ms STEVENS: I wonder whether I will get an answer.

Members interjecting:

The SPEAKER: Order! The member for Elizabeth has the call. I cannot hear the honourable member because of the unruly interjections. The member for Elizabeth.

Ms STEVENS: Will the Minister explain to victims of haemophilia why a critical shortage of Factor VIII supplies has occurred in South Australia in spite of an offer from the Commonwealth last November to pay half the cost of emergency supplies of a synthetic product? The Opposition is aware that critically low supplies of plasma derived Factor VIII used in the treatment of haemophilia are now being rationed to patients. In a letter to the State Government in November, the Commonwealth offered to share with the States the cost of the more expensive synthetic Factor VIII until normal supplies resumed. The Victorian Government has accepted this offer, but the Opposition understands that the South Australian Government still has not done so.

Ms GREIG: On a point of order, Mr Speaker, Orders of the Day: Other Motions No. 15 is on this subject.

The SPEAKER: The honourable member has a motion on the Notice Paper. She raises the point that the question anticipates the debate. However, the Chair believes that the question should be permitted. The Minister.

The Hon. M.H. ARMITAGE: It is true that in recent weeks there have been some problems with Factor VIII availability due to a supply problem from CSL. Instead of the blood bank handing out a month's supply to the Women's and Children's Hospital (normally 300 bottles), it has had to limit the supply to weekly consignments of 70 bottles. The standard procedure has been that at the end of each week there would be a telephone conversation between the hospital and the blood bank to determine whether those bottles have been used.

Last week, the Women's and Children's Hospital's current quota of 70 bottles was depleted because of a number of bleeding problems in haemophiliac patients. It is true that patients who are normally on prophylactic treatment (in other words, they have not had a bleed) have had to have their dose reduced or stopped because of this shortage.

However, on Thursday last the department had eight bottles, five of which were in the treatment fridge. One child was given four of the bottles due to a bleed, which left one bottle in the fridge and three for emergency use. The department of the Women's and Children's Hospital then requested its next week's supply in advance (70 bottles) to provide cover for any further use, and from this supply patients were treated over the weekend.

The Director of the blood bank has taken up forcefully the problems with supply, which are not of our making. In fact, he was visited two days ago, on 6 March, by three senior CSL officials. He informs me that he is confident that there will be a long-term solution and that the situation will be resolved in the near future. More importantly, I am advised that there is absolutely no rationing for people with actual bleeding disorders: it is prophylactic treatment that is being rationed.

The supply of Factor VIII and recombinant Factor VIII is being pursued by the Haemophilia Foundation. Indeed, it was the subject of a report to the Australian Health Ministers' Advisory Council as recently as last week. Information from that and other sources is being collected, and yesterday there was a meeting of all South Australian officials to work out the State's requirements in specific cases. A submission will then be prepared for the executive of the commission to fund at least some of those things on a 50/50 Commonwealth-State basis, such as occurs in Victoria. However, I am informed that those sorts of plans are aimed at previously untreated patients and patients who are hepatitis C negative. So, it will not make everyone happy; it is not a universal panacea.

I remember raising and discussing this matter at a meeting of Health Ministers in, I think, Sydney about six months ago, and the States made a very strong plea for recombinant Factor VIII to be considered as part of the high cost drug regime to which the Commonwealth Government usually contributes. I understand that its response after six months of discussion is negative, but the matter is being worked on.

GREEN STREET PROGRAM

Mr LEGGETT (Hanson): Will the Minister for Housing, Urban Development and Local Government Relations continue the Green Street program now that Commonwealth funding has ceased and the future form and promotion of AMCORD is being reviewed?

The Hon. J.K.G. OSWALD: The State Government's policy is to support urban consolidation in a form that is appropriate to each suburb. The Green Street program promotion of urban consolidation and AMCORD (including AMCORD Urban) has met with considerable success in South Australia and has been well received by local government, the development industry and local residents. While Commonwealth funding for the Australia-wide Green Street program and related programs has now ceased, the future promotion of urban consolidation and the role of the Australian Model Code for Residential Development

(AMCORD '95) are recognised as matters of strategic importance for South Australia's urban form.

Funding of the ongoing strategic promotion of urban consolidation will be addressed in the context of the outcome of the AMCORD '95 review and any support framework which may be established by the Commonwealth and the priorities of the Department of Housing and Urban Development. Currently, the Government is continuing the position of the Green Street Executive Officer using residual Commonwealth funds already in hand. It is expected that funding will be sufficient to maintain the Green Street promotion until at least June-July 1995. Current urban consolidation initiatives that are supported under the Green Street and related programs include: two residential demonstration projects (one at Tonsley Park and the other at Henley Beach Road) and a feasibility report on the conversion of commercial properties for residential use in the Port Adelaide heritage area.

HOUSING TRUST RENTS

Mrs GERAGHTY (Torrens): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Will the Minister ensure that a payment made to the Housing Trust specifically for rent will not be used to defray an excess water account or any other accounts? As the Minister is aware, the trust has a policy of directing only pension direct debit scheme payments towards the payment of rent as agreed with participating tenants. But it appears that the same policy does not apply to those tenants who pay over the counter.

The Hon. J.K.G. OSWALD: I could refer the honourable member to the debate last night, when I thought we answered this question in some detail. I would like to restate the Housing Trust credit policy. Three types of debts are accumulated on tenants' accounts: one usually comes from the non-payment of rent, one comes from the non-payment for damage caused by tenants, and the other one is accrued by excess water. There is a responsibility on the part of the tenants to pay the collective debts. The Housing Trust is particularly concerned that the matter of unpaid rents and damages caused by tenants, as well as that involving paying off water accounts, is addressed. But if, in any three of those areas, tenants find that they are having financial difficulties they can approach the regional manager and arrange to pay off the total debt, whether it be by means of a payment of $1 a week or whatever.

I do not think anyone expects people not to pay their debts. But, as I said last night, people will not be thrown out on the street if they accrue, say, a $50 debt for the non-payment of water rates. This is the point the honourable member was trying to make last night: if they ran up a debt for water, that could result in their being evicted. All anyone who is in financial difficulty has to do is go to the regional manager. If they cannot pay their water account, they can go to the regional manager. If they can put a case to the regional manager—

Members interjecting:

The Hon. J.K.G. OSWALD: I am just telling you what the credit policy is. If a tenant is unable to pay, the regional manager can put the matter up to the tenancy services manager at head office and have that account considered.

Members interjecting:

The Hon. J.K.G. OSWALD: I will just repeat this: if people are having difficulty in paying their accounts, they can approach their regional manager and the matter can be resolved.

Members interjecting:

The SPEAKER: Order! The member for Giles is out of order, and so is the member for Florey. When the House comes to order, we will proceed.

Mr EVANS: I rise on a point of order, Mr Speaker. Previously you have ruled about people's eligibility to be in the media box above you. I understand it is restricted to staff of the Parties represented in this Parliament. I seek your ruling on the person currently in the media box.

The SPEAKER: Order! The ruling I previously gave was that authorised media staff of the Parties represented in this Chamber were permitted in the media box. Other persons are not permitted in there. I direct that they be removed and not be allowed to return there again, or I will exercise the other authority I have in relation to the building.

EMERGENCY SERVICES TRAINING FACILITIES

Mr ROSSI (Lee): My question is directed to the Minister for Emergency Services. What steps are being taken to rationalise training facilities for all emergency service agencies and the Department for Correctional Services?

The Hon. W.A. MATTHEW: I am aware of the honourable member's intense interest in ensuring that the taxpayer's dollar is used appropriately in the administration of emergency services.

Members interjecting:

The Hon. W.A. MATTHEW: Well may members opposite laugh at the member for Lee's question, but when they hear the answer they will hear some detail of the money that was wasted during the time they were in Government. Two days ago I advised the House that emergency service agencies would be collocating their stations. However, this has not been the only area of duplication which existed during the time the Labor Government Party was in Government. For many years, there has been inadequate utilisation of the many training facilities used by emergency service agencies and by the Department for Correctional Services. Among others, these include: the Department for Correctional Services, which owns and operates a training facility on Barton Terrace, North Adelaide; the Metropolitan Fire Service, which has a large training facility at Brookway Park; the Ambulance Service, which utilises a training facility at Felixstow; and the South Australian Police Department, which has a training facility at Fort Largs.

A joint emergency services steering group will facilitate the establishment of a joint emergency services training facility at what is currently the Fort Largs Police Academy site. This will allow the disposal and/or alternative use of the other training centres. The steering group will comprise representatives from the South Australian Police Department, the Department for Correctional Services, the South Australian Metropolitan Fire Service, the Country Fire Service, the State Emergency Service and the South Australian St John Ambulance Service. Additionally, representatives from Treasury, the Government's Asset and Management Task Force and the Office of Public Sector Reform are providing advice to determine the full benefits of the proposal and to determine the conditions for the disposal of surplus properties. The sharing of facilities will more effectively use the current Fort Largs site and allow the disposal of surplus sites, returning to Government capital from these sites, as well as reducing the ongoing operating

costs of these emergency service agencies and correctional services.

The agencies will share common infrastructure, such as health and physical training facilities, lecture theatres and dormitory facilities. A joint emergency service training facility will also enable each of these agencies to gain a better understanding of the other services. I will keep the House informed of the progress of this initiative.

PROSTITUTION

Mr ATKINSON (Spence): Will the Minister for Emergency Services introduce a Bill to give effect to the legislative changes to the prostitution law proposed by the police in the document he tabled in the House on Tuesday, an Assessment of Contemporary Prostitution in South Australia and Current Prostitution Laws? If the Minister will not introduce such changes, why not? In the report tabled by the Minister on Monday, the police state:

> Current legislation relating to prostitution contained in the Summary Offences Act has been found by police over the years to be seriously inadequate. The simple fact is that the law has not kept pace with contemporary situations. The Government must decide its stance on prostitution. The current situation of police trying to use inadequate laws is completely unsatisfactory. In short, prostitution should either be able to be effectively policed or legalised.

The Hon. W.A. MATTHEW: I find it interesting that the member for Spence rises in this House to ask a question about a matter which could have appropriately been addressed during the time his Party was in Government. For more than a decade, during the time the Labor Party was in Government, the Police Department repeatedly approached different Ministers for Emergency Services for legislative reform. Operation Patriot, which was to police prostitution, was formed in 1989. As a result of the activities of that operation, repeated requests were made by the Police Commissioner after information was received from senior officers for legislative reform. The Labor Party did absolutely nothing.

An honourable member interjecting:

The Hon. W.A. MATTHEW: If the honourable member sits back and listens he will get the answer to the question he has asked. On 21 February 1995, I received a report from the Police Commissioner. As Minister, I have tabled that report so that the whole Parliament can appreciate the issues involved. At this time two Bills pertaining to prostitution are being debated in this House, and while those Bills are being debated there is the opportunity for the member for Spence or, indeed, any other member of this Chamber to put forward amendments pertaining to prostitution. I am happy to volunteer to the House that I have discussed—

Mr Atkinson interjecting:

The Hon. W.A. MATTHEW: If the honourable member sits back and listens, he will hear the answer.

The SPEAKER: Order! I point out to the member for Spence that as he has asked his question he should now listen to the answer. The Chair is having difficulty hearing the Minister.

The Hon. W.A. MATTHEW: I am happy to advise the House that I have discussed aspects of the police concerns with the member for Unley—the member who, as a private member, has put legislation before this House. I have indicated to the honourable member that the police will be assessing aspects of his Bill for me and I am happy to provide him with advice as to where that Bill needs to be tightened.

In addition to the fact that there is presently legislation before this House, a committee of the Parliament is examining the issues. Those processes provide the opportunity to introduce legislative reform, and all members of this Parliament have the opportunity to participate in those processes. However, the member for Spence may well ask why it is that his Government did nothing to advise the Parliament and did nothing to put forward this issue. A matter of days after receiving the information from the police, I made it the property of this Parliament. That is the responsible action to take. All members of Parliament now have the opportunity to absorb the report and to act upon it accordingly.

Members interjecting:

The SPEAKER: Order! I warn the member for Spence under Standing Order 137 for the second time.

CONSTRUCTION INDUSTRY TRAINING BOARD

Mr BROKENSHIRE (Mawson): Can the Minister for Employment, Training and Further Education outline some of the achievements of the Construction Industry Training Board since its inception?

The Hon. R.B. SUCH: The Construction Industry Training Board has been a very successful innovation in South Australia. It had bipartisan support when the legislation came before the House. The board membership comprises representatives of the trade union movement and from the employer section as well as Government officials. The board's charter is to ensure that there is adequate and appropriate training for the construction industry.

The board is owned and controlled by the industry and is funded by a small levy on construction projects undertaken in South Australia. Training programs are conducted by several organisations: the Master Builders' Association, the Housing Industry Association and the Civil Construction Skills and Technology Centre, which is, in general terms, the earth moving sector. Those three groups run a whole range of programs that are applicable to training in the construction industry. To highlight one example, because time is short, the Civil Construction Skills and Technology Centre in its first six months of operation has conducted 10 745 hours of training and is scheduled to provide 22 560 hours in the next six months.

With this successful program in place, South Australia is one of only three States in Australia to have a construction industry training fund and board, whose contribution I welcome; indeed, it is going from strength to strength. We need to encourage more women into this industry. Interestingly enough, the CEO of the board and all the support staff are female, but almost exclusively the board members are male. The board, along with the industry itself, is male dominated. We need to bring about some change in the construction industry and it is a change that the industry itself is keen to bring about as well.

POLITICAL DONATIONS

The Hon. M.D. RANN (Leader of the Opposition): Given his statement to this House on Tuesday that the South Australian Liberal Party has returned cheques and campaign donations when they have had strings attached, can the Premier advise the House whether it is his practice and that of the Liberal Party in South Australia to return campaign donations when they are found to be sourced from a person or company other than the person or company stated on the cheque or company letter or in the declaration to the Electoral

Commissioner? If so, will he instruct Ms Vickie Chapman to return the $100 000 cheque if it is not really sourced from Catch Tim?

The SPEAKER: Order! The Chair is tempted to rule the question out of order, because the Leader has clearly defied the ruling about commenting. I want to read to the Leader what the Speaker of the Queensland Parliament had to say in relation to this sort of conduct.

An honourable member interjecting:

The SPEAKER: When the House comes to order the Chair will advise the House. The Queensland Speaker refers to the Leader of the Opposition and states:

> Order! The Leader of the Opposition will resume his seat. I say to the Leader of the Opposition: I have great difficulty in hearing what is going on in the House—

and that is no different from what happens here on occasions—

> I am entitled as Speaker to get some semblance of order. Members ask questions and Ministers answer them. That is the process. Previously, we had Mrs Sheldon asking a question and then talking right through the answer. I am not going to put up with that.

This Chair will not put up with that conduct, either. I will allow the question for the last time. The honourable Premier.

The Hon. DEAN BROWN: Let me again make it quite clear that on Tuesday the President of the Liberal Party talked about the code of practice that applies within the Liberal Party. That code quite clearly specifies that the Liberal Party will not accept any money where there is a string or condition attached. In fact, if there is any attempt to put a condition on it then automatically the Party will not accept that money. That is part of a fundraising code that the Liberal Party has had for 20-odd years. It is interesting that it appears that the Labor Party had no such code at all until April of last year. Once again, I stress the point that it is the Liberal Party that has upheld the standards. The Labor Party has not even had standards to apply to itself until April of last year.

ENTERPRISE BARGAINING

Mr CLARKE (Deputy Leader of the Opposition): Is the Minister for Industrial Affairs' enterprise bargaining policy unit private sector engaged in open competition with the Employers' Chamber by providing advice to the private sector as to how it should engage in enterprise bargaining? If so, is the department charging for that service on a user-pays principle? If there is a charge, what is it? If there are no charges, what is the cost of this service to the taxpayer?

The Hon. G.A. INGERSON: No.

POLITICAL DONATIONS

Mr ATKINSON (Spence): During Question Time yesterday the Premier said:

> On this side we cannot receive donations, but I was amazed to find that the member for Spence—

Mr LEWIS: I rise on a point of order, Mr Speaker. By what or on whose leave is the member for Spence now addressing the Chamber?

The SPEAKER: The leave of the Chair.

Mr ATKINSON: I seek the leave of the House, if I may.

The SPEAKER: The honourable member has sought the leave of the House. He is again seeking leave. If there is no objection, leave is granted.

Mr ATKINSON: During Question Time yesterday, the Premier said:

> On this side we cannot receive donations, but I was amazed to find that the member for Spence personally received $4 678 from the Shop Distributive and Allied Employees' Union, and then had the gall to stand in this House and violently oppose the Government's legislation on any amendment to that Act, without declaring a conflict of interest. Here was the member for Spence receiving $4 600 from that union, and then taking its line in this Parliament without declaring that conflict of interest.

First, I did not oppose any Government Bill on the trading hours of shops covered by my union, because there was no such Government legislation. The House will recall that it was the essence of the debate about trading hours last year that there was no such Government legislation. Secondly, I did not speak on the Trading Hours Bill moved by the Deputy Leader of the Opposition. Thirdly, my membership of the Shop, Distributive and Allied Employees Association is recorded in the Pecuniary Interests Register of the House and always has been. Fourthly, the donations to me by the SDA have been publicly disclosed in accordance with Federal and State electoral laws.

Fifthly, the names and addresses of the officers of the SDA are publicly available. They are all South Australians. They are elected in ballots conducted by the Australian Electoral Commission, and the organisation's address is 69 Fullarton Road, Kent Town 5067. Now that the House has this information, I hope that the Premier will take the opportunity in the House to make amends and set the record straight.

GRIEVANCE DEBATE

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

Mrs ROSENBERG (Kaurna): I rise in this debate today to congratulate John McGowan (the Senior Project Officer) and his team at the Southern Youth Strategy on the continued excellent work that is being done in the southern electorates with the support of the Minister for Youth Affairs and the Minister for Family and Community Services. The 1993-94 annual report details the achievements of the Southern Youth Strategy to continue to assist the community's disadvantaged young people and, most particularly, to assist them in gaining access to education, training and employment. This project is essential in our community because of the poor record that the CES has in obtaining work for youth in our area. The 1993-94 Southern Youth Strategy report notes that it provided 257 grants to 233 young people to gain education and training, and worked with the $56 000 that was given as program funds to attract a further $322 000 in funds for youth projects.

Under constrained conditions the Southern Youth Strategy workers have had a very successful year in 1993-94, although restricted by the continuing need to be on the trail for funds. It can be said that security of funding for longer-term projects would give them some added security for the strategic planning that could be done by this group. Notwithstanding these limitations, the Southern Youth Strategy can be very proud of its achievements and should be congratulated for the work that it does with our youth. Twenty-three per cent of its program time is involved with direct counselling referrals; 13 per cent on deciding on programs; 12 per cent on planning

activities; 9 per cent on policy development; and, unfortunately, 25 per cent on general administration, that is, doing things like its budgets, keeping records, data collection etc., and chasing the funding dollar. Twelve per cent of the time is spent on travel, because of the sparsely populated areas that are covered by the programs.

The Southern Youth Strategy has four main goals: first, there is a mainstream goal, which is to allow all young people to have improved access to education and training. The social justice goal is to assist in full participation by young people who are disadvantaged by unemployment, low levels of training or education. One example of this that has been successful in the southern area has been the Youth in Motor Sport program, which has been supported through TAFE. Thirdly, the Southern Youth Strategy has an information goal, to make information available to young people on study and career pathways.

One successful example of this has been the Aboriginal Youth Services Directory, which was a joint venture between Lisa Kambouris of the Southern Youth Strategy and Buster Turner from Neporendi Aboriginal Forum. It was compiled after consultation with young Aboriginal people and only includes services that young Aboriginal people feel comfortable to approach or use. Thus, it is user friendly and appropriate to the youth accessing the directory. It is a great example of listening to our youth about what youth really needs. Fourthly, there is a youth services goal to develop policy, decide on where the resources will go and plan the programs. One of the outcomes of this has been the Southern Area Youth Survey, which has been used to find out what young people want by asking them themselves.

A total of $25 916 was given out in the 1993-94 budget to a total of 257 young people. The most significant of this was $14 374 that was given as direct aid to enter or remain in education and training. It is a most basic need to ensure that our young people who have experienced some problems can remain stabilised in education and training programs and that they do not continue to be more and more disadvantaged. An amount of $8 604 was given for living assistance and $2 062 for study fees. Once again, the bulk of these grants were to service the basic essentials of a place to live and continuing education. In a survey conducted by the young people using this service 58 per cent said that the service they received was excellent and 34 per cent said it was good.

In my experience, young people can be some of the most critical of all age groups to deal with, so this level of approval says something about the value of the Southern Youth Strategy. There is strong support for the Southern Youth Strategy by schools, TAFE, the Department of FACS and by the Minister for Youth Affairs. The system could be improved by a Statewide strategy so that priorities could be allocated and planned for. It is imperative that this Statewide plan be developed. The Minister for Youth Affairs is passionate about South Australian youth and has initiated many programs during his first 12 months in Government. The southern area looks forward to continuing support into the future for the benefit of our young people.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The Leader of the Opposition.

The Hon. M.D. RANN (Leader of the Opposition): For many weeks now we have been asking questions about Catch Tim; the media have been asking questions about Catch Tim; and the community have been asking questions about Catch Tim. However, despite the Premier's statement to the House, his answers to the questions and Ms Vickie Chapman's rather hapless statement to the media the other day, the true identity of Catch Tim has not been revealed and, more importantly, the true source, the real source, the whole truth about the donation has been covered up.

The Hon. R.B. SUCH: I rise on a point of order, Mr Deputy Speaker. I understand that members should address the Chair when they speak.

The DEPUTY SPEAKER: The Minister is technically correct. However, there has probably been as much breach as observation of that Standing Order.

The Hon. M.D. RANN: The Premier in his ministerial statement two weeks ago denied categorically any direct involvement of Gerard Industries in the Catch Tim donation. He did so on the basis of a phone call from Mr Gerard. The Premier has also told this House that he knows of no connection between Moriki and Gerard Industries. The Premier has been asked some specific questions today about the involvement of Mr Gerard and a Mr Henderson, an accountant formerly a partner of KPMG Peat Marwick, in negotiations with Mr Simon Lam with regard to Vickie Chapman's statement about the donation earlier this week.

The Premier, who keeps telling this House about accountability and integrity, now has a duty to ascertain whether or not Rob Gerard has been involved in acting in a direct and personal way in soliciting and securing overseas donations for the South Australian Liberal Party. Given his statement about Gerard Industries, Catch Tim and Moriki, the Premier should make public the nature and extent of Rob Gerard's involvement in securing campaign donations for the Liberal Party. But some other questions need to be answered. This morning's *Advertiser* reported that Mr Lam's office has now denied that he made the gift. He is the one about whom Vickie Chapman said on radio, 'Mr Simon Lam, like any other donor, can make a contribution either individually or through a company'.

She described him as a successful businessman, a man of substance, who was entitled to send a cheque if he wanted to. However, this morning his office has denied that he in fact made the gift. It says that he was acting on behalf of other people and that the real directors of Catch Tim are not from Hong Kong, despite the statements of Vickie Chapman and the Premier.

As I mentioned in my question, today I personally phoned Mr Lam's Hong Kong office—and I invite everyone to try to do so—and the office, like the Premier, claims to know nothing and, in fact, claims to be unable to get in touch with Mr Simon Lam. If, after the Electoral Commissioner's inquiry—and obviously the Premier does not read the paper, because the Labor Party has lodged a submission with the Federal Electoral Commissioner—it is found that this donation was not from Catch Tim, that Catch Tim in fact is a laundering operation, a front for someone else, then let us see the Premier put his integrity on the line. Let us see the Premier instruct Vickie Chapman to return the cheque so that this current whiff of impropriety is no longer there.

Mr ASHENDEN (Wright): I raise something today which I think will show quite clearly why union membership is dropping away so quickly. I have a letter from a constituent which states:

> Dear Sir,
>
> In reference to copies of attached letters re the problem we have been experiencing with the Transport Union, we still have not had any reply from Mr Heffernan after leaving further messages before

Christmas for him to ring us and sending the attached letter on 25 January 1995.

As this is causing us extreme financial hardship. . . We would like the matter raised in Parliament—

That is exactly what I am doing. I have a file of correspondence on this matter which goes back 12 months or more, during which time this member of the Transport Workers' Union has been receiving no help from that union. I have tried to take this up with Mr Lesses, to see whether he can put on some pressure, but all I got from Mr Lesses was an acknowledgment of my letter, and my constituent has still not been contacted either by him or Mr Heffernan.

The background to this situation is one that I would have thought a union would love to get its teeth into. What it adds up to is that this employee, under instruction, was required to overload the trucks he was driving. He did that and was caught a number of times. He had $1 500 worth of fines levied against him for overloading the vehicle. He went to the union but was given no help. He then said, 'I am not going to go on with this. I cannot afford to pay the fines'. He then refused to take out a truck which he knew to be overloaded and was dismissed on some pretext which had nothing to do with his refusal to take out an overloaded truck.

Despite the fact that he was dismissed and had $1 500 in fines, he was left holding the baby in no uncertain terms. He turned to the union for help but was refused. He then went to Legal Aid. Part of his letter to Mr Lesses explaining what happened then states:

Anyway, it was left at that [in other words, he was receiving no help]—until I mentioned the matter in conversation to a Legal Aid officer. He asked if we had contacted the union over the matter. I said, 'Yes', but they couldn't help. He told me it was their duty to help, that we paid our union dues like everyone else and they would probably be in breach of contract if they didn't. I contacted the union again over the matter and repeated what the Legal Aid officer had said. . . He asked me to send him the details about the overloading fines in writing [this is to Mr Heffernan]. I did this straight away, on 22 June 1994 and that was the last I've heard about the matter. I started ringing him to just find out if he received my fax and I've left message after message. Two weeks ago I spoke to Ian Harris to see if he could find out anything. He had a quick look in Mr Heffernan's office and said he couldn't find anything and that he would pass on a message to Mr Heffernan to ring me back when he returned from a trip on Monday. (I had already left several messages at this stage.)

The letter continues. This constituent's fines are still outstanding and he cannot pay them. He and his partner, that is—

Mr Quirke interjecting:

Mr ASHENDEN: He is a member of the union. I suggest that the honourable member does not interject too much on this one, because he says:

PS. Subscriptions for renewal of union are now due and they expect us to renew!

These people are the people who members opposite are continually saying do not have the power to stand up to employers, but they say, 'Come and join the union so that we can protect you.' Here is somebody who joined the union and is getting no help and protection from that union.

Mr Quirke interjecting:

Mr ASHENDEN: I have taken it up with Mr Heffernan. If you can get him to contact my constituent, that is what I—

Mr Quirke interjecting:

Mr ASHENDEN: You have heard the details. I will give you the name in a moment. I do not care who fixes this, as long as somebody gets this union to act on behalf of my constituent. He will virtually have to go bankrupt because he cannot afford to pay the fines. If the honourable member can help in that way then what they have asked me to do in this House will have been achieved. They are so desperate they said, 'Please raise it in Parliament. It is our last resort.' I hope the honourable member can help.

Ms STEVENS (Elizabeth): Yesterday in the House the Minister for Industrial Affairs made a statement in relation to the current dispute in our hospitals which, in part, reads as follows:

It is indeed ironic that for decades the South Australian hospital system has been relatively free of major industrial disputes.

Now we are seeing unrest by a wide range of workers including nurses, cleaners, porters, medical scientists and salaried medical officers. I suggest that there is no coincidence that this has occurred during the first term of this Liberal Government—a Government which has made it clear that it intends to savagely cut basic services such as education and particularly health, which had the hardest cuts last year and again will have the hardest cuts in the May budget.

Also, this Government, amazingly and irresponsibly, did not allow for any wage rises in its budget. It has a Minister who arrogantly states time and again that he will achieve these cuts while blithely refusing to recognise the indisputable fact that services are being affected. Every time we mention cuts to services he glazes over and spits out the same tired rhetoric that he has been dishing out for the past 15 months. If he is looking for blame in this matter, as is his wont, I think he should look in the mirror, where he will see the answer for himself. Instead, he stands here and implicates me—and I have no authority to intervene in this—in matters which are his responsibility as the employer. He also implicates the ALP but, when it was in Government, disputes like this were unheard of.

What is really at stake here is the smooth and efficient running of our health system so that sick people get the care they need to get better. A large part of that equation is to have a work force putting in their best efforts for a fair reward. In service industries such as education, health and so on the work force is supremely important. Their performance makes or breaks the system. So, issues related to their skill level, work performance and remuneration are critical. It is the Minister's job to balance these factors and get a result that achieves the best health care for our community. It is his responsibility.

If I had been in his position, I could have perhaps learnt a few things from this Minister about how not to proceed. First, I would make sure that I get the facts right, especially when I go on television and have an interview with the Nurses Federation. I would make sure I knew that the bans were already operating and I would not say that they were not—which is what he did, and looked silly doing it on the *7.30 Report* a week and a half ago. I would also make sure I understood how the industrial relations system worked. I would know that it was about giving and taking; I would know that it was about leaving the door open for solutions; and I would know that it was about focusing on points of agreement and building on them. I would also try not to get myself in a situation where I stood down people and then had to retract that because I made an error and did not follow the right process. How silly he looked and how pre-emptive that was when he upped the ante and made things worse.

I would never threaten: that does not usually work very well. The other thing is that you maintain a basic respect for people, especially for people with whom you have to work

in the future and whose participation is essential to success in the operation. This Minister is always telling us that he knows how to do things because he is a doctor, but it is interesting how little he knows about human interaction and to note the basic mistakes he makes. He lost sight of the big issue of the health system and got involved in the brawl. I note that after last week he was taken out and the handling of the situation was given over to the Minister for Industrial Affairs. He is an embarrassment and cannot work under pressure. He did this before, I seem to remember, in his other portfolio of Aboriginal Affairs and he had to be taken off by the Premier.

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

Mr BROKENSHIRE (Mawson): One would expect the Opposition in this place to play political games and try to point score, but when its starts to get stuck into the southern area—the area that I represent and one that has been neglected for so long by it—I will not put up with it. The subject I want to talk about today is Wirrina because over the past week I have been absolutely disgusted with, once again, the cheap political point scoring of the Opposition, and particularly the Leader of the Opposition, in trying to pull down the Wirrina project.

I have spent the greater part of my life in that area and I happen to know it very well. Many people in my district of Mawson, which adjoins the electorate of Finniss in which the Wirrina project is located, are already getting jobs as a direct result of the development the Brown Government negotiated to pull Wirrina out of the mire created during the Labor era. I have constituents currently involved in earth moving projects and young people in my electorate who desperately need work now working in waiting, general bar work, maintenance and so on. That is only the tip of the iceberg. There are magnificent opportunities in the south for this development and tremendous opportunities not only directly in Wirrina but also indirectly through other job creation programs that will multiply for the whole of the south.

We know the disgusting record of tourism in this State in the past, and here we have the largest tourism development ever put to South Australia—a $250 million investment in the south, an area that, as I have said in this House on numerous occasions, was neglected by the Labor Party in the past, and it is now wanting to pull it apart. As a farmer I can tell members that the land on which Wirrina is being built and developed is fairly average grazing country and, if you happen to go past there today, you see that there are no sensitive sand dunes or sandy beaches, only rocks and cliffs, and it has a low carrying capacity and probably only primarily produces good wool from wethers: that is how marginal the country is. It will be improved: trees will be planted and jobs will be created. It is definitely a project that the people of the whole of the southern area (which starts from O'Halloran Hill down to Cape Jervis, Victor Harbor and back through Strathalbyn, Echunga and so on) want to see up and running.

The problem, as we all know, is that the other reason why the Opposition is trying to tear down the project is that the failed Opposition Leader, who is also the failed former tourism Minister, could not get the project up. The Opposition Leader, Mike Rann, could not get the project up and the Premier produced the evidence the other day. Mr Rann tried everything he could when he was there to get the job up, but he could not. Because we have got it up, he has spat the dummy and it will tear down the electorates of the south. We on this side of the House will not accept it.

But, of course, Mr Deputy Opposition Leader, we understand why that would be the case: the Opposition Leader and the Opposition are like a dog's breakfast—all over the place. We know that, because we have heard the leaks from the shadow Cabinet meeting this week where things really erupted. We heard that someone who should have been higher up in the Opposition—the member for Playford—introduced a euthanasia Bill and all hell broke out in shadow Cabinet because the Deputy Leader of the Opposition said, 'We will pull this one to water. You did not go through the right procedures and I will get you on a point of order with respect to the rules of the Party.' Of course, the member for Playford said, 'What rules of the Party? Point out the point.' The Deputy Leader of the Opposition had no point to point out. He has already knifed the member for Playford so much that he will do everything he can, even though the member for Playford helped the Deputy Leader of the Opposition to get into the House. He was knifed and the Deputy Leader of the Opposition tried to knife him again.

In the other House somebody else spat the dummy, because the one member with ability opposite—the member for Playford, who unfortunately is now probably wounded for a long time—has been knifed by his so-called mates. The bottom line is that the Opposition is in chaos, it is trying to pull down a good project and I as a member representing the south will not accept the Opposition's continually trying to pull down the opportunities put before the south. I look forward to working with the rest of the southern members for Finniss, Kaurna and Reynell to ensure that the absolute mess and neglect led by the Labor Party no longer occurs.

Mr KERIN (Frome): I wish to comment on a matter of great importance to Peterborough in my electorate and to a group of employees. I have serious concerns that the actions of unions appear to be jeopardising the future of workers at Peterborough, indeed the future prosperity of the town itself. The focus of my interest has been the workers in Peterborough and any future action a new owner of the gas pipeline may take. Our focus has been to ensure that the Peterborough involvement of any new owner is maximised. To this end, I have met with the Mayor and CEO of Peterborough, PASA employee representatives and officers of the Northern Development Board, and we have had very constructive talks about the best way of selling the advantages of Peterborough and its current work force to any new owner. That has been constructive, because everybody has had Peterborough at heart.

Part of the conditions of sale, if accepted, is a two year guarantee for the Peterborough site. However, we still need to convince any new owner that Peterborough's involvement in the long term is very important and we need to push for greater activity out of Peterborough. My concern is that current industrial action planned for tomorrow and the ongoing attitude of the union may give any bidders the wrong perception of the local work force. I have a real concern that PASA employees are being used as the pawn in a much bigger union argument about the principles regarding future asset sales and outsourcing. Incidentally, the union could drum up only very marginal support from the workers for tomorrow's industrial action. The three choices under the current offer include a transfer to the new owner with a guarantee of a couple of years employment and an incentive

payment, a separation payment or redeployment, which is not a practical option in Peterborough.

The option of going to the new employer is the favoured option across the board for the workers at Peterborough. I am sure that the people of South Australia would find it totally unacceptable that workers transferring over with a guarantee of some tenure received a total separation package and logic would say, 'Why have the guarantees at all if that is the case?' The absence of guarantees would work against the long-term interests of workers at Peterborough and the insistence of those transferring receiving total separation packages is neither logical nor justifiable. The workers are being used by a couple of union leaders in terms of the future argument on outsourcing and asset sales: it fits nicely into the industrial havoc planned at the moment. You do not have to have your ear too close to the ground to hear that they are trying to create havoc over future months and sheet back the blame to Minister Ingerson and the Government.

That industrial action has no winners. The union leaders get a bit of profile, whilst the workers, employers and the Government are the losers. I would like to see the union stop playing games with the future of Peterborough and its workers. The people up there want to get on and ensure and increase the future involvement of Peterborough with the gas pipeline. They are getting sick and tired of being used. Peterborough as a town has suffered years of neglect from both Federal and State Labor Governments, yet Labor and its union mates are willing to risk the livelihoods of many people in the town to fight a philosophical battle that does not involve the workers. Are they willing to sacrifice the interests of Peterborough workers for the greater cause rather than look after their specific interests?

Since the Liberal Party has been in government, Peterborough has received a lot more than it received over the past 10 years. My major concern remains the damage to the perception of the Peterborough work force which industrial action may convey to any future buyer. Peterborough is a logical geographical place for any owner to base a large part of their operation, and the Peterborough work force should have enormous attraction because of its previous excellent industrial relations record and its broad skills base. I urge the union to put the interests of the relevant members ahead of its own agendas and help protect Peterborough and its workers for the future.

SITTINGS AND BUSINESS

The Hon. S.J. BAKER (Deputy Premier): In order to ensure the orderly conduct of business in this House, I move:

That Standing Orders 107 and 240 be and remain so far suspended during the session as to remove the requirement for a Minister to seek leave.

The House divided on the motion:

AYES (30)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, S. J. (teller)	Bass, R. P.
Becker, H.	Brindal, M. K.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Cummins, J. G.	Evans, I. F.

AYES (cont.)

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

NOES (9)

Atkinson, M. J.	Blevins, F. T.
Clarke, R. D. (teller)	De Laine, M. R.
Geraghty, R. K.	Hurley, A. K.
Rann, M. D.	Stevens, L.
White, P. L.	

PAIRS

Wotton, D. C.	Foley, K. O.

Majority of 21 for the Ayes.

Motion thus carried.

MFP DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the MFP Development Act 1992. Read a first time.

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

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

The purpose of the Bill is to amend the *MFP Development Act 1992* to increase membership of the MFP Development Corporation; strengthen SA Government inputs into the Corporation; amend the functions of the Corporation to better reflect objects; update reporting arrangements to reflect the *Parliamentary Committees Act* and to help address some errors which have emerged in the definition of the core site.

The *MFP Development Act* provides for the development and promotion of the MFP Development project, establishes the MFP Development Corporation and defines its functions and powers. It was assented to in May 1992. The first board under the Chairmanship of Mr Alex Morokoff AO was appointed in October 1992.

In light of the relatively recent establishment of the Corporation following detailed debates in both Houses, it is considered premature to undertake a complete and comprehensive review of the Act.

The following amendments are technical and limited and represent a desire to address pressing issues that have come to light during more than two years of operation.

The proposed amendment will increase the membership of the Development Corporation.

There are presently twelve members of the Corporation one of whom is a senior federal public servant. The Act requires the State Minister to consult with the Commonwealth Minister on proposed appointments.

It is considered beneficial to provide for a senior State Government official to be placed on the Board to bring to the Board a better knowledge and exposition of State Government economic development strategies and to contribute local experience and knowledge to Board discussion.

The proposed amendment specifies one position to represent the Commonwealth Government and one position to represent the South Australian Government. The amendment has been framed to allow an increase in membership of two.

Next, the proposed Amendment Bill varies the reporting relationships with Parliamentary Committees.

Section 33 of the Act presently requires the Corporation to report directly to the Economic and Finance Committee and the Environment, Resources and Development Committee twice yearly and for each of these Committees to report back to Parliament on the MFP annually.

In practice, these conditions have proved onerous and time consuming.

Normal Parliamentary scrutiny exists through the Estimates Committee, the Annual Report and the Auditor-General. As well, major capital works will be looked at by the Public Works Committee.

The Corporation, as a national project, is also subject to scrutiny through Senate Estimates and, indirectly, through Commonwealth Auditor-General. The Project is also reported upon under the terms of the Commonwealth/SA agreement on the MFP—up until now by the Bureau of Industry Economics. Finally, under the Agreement, Commonwealth and South Australian Ministers meet regularly to review plans and outcomes of the Project.

The Economic and Finance Committee have themselves noted that the present obligations are too extensive and duplicative and have recommended simplification.

Furthermore, recent amendments to the *Parliamentary Committees Act* with an increase of the number of Committees operating have rendered the present provisions dated.

It is proposed therefore to reduce the reporting obligation to an annual report to the Economic and Finance Committee and the Environment, Resources and Development Committee in August with a subsequent report by each Committee to the Parliament.

This proposal will recognise the particular sensitivities of the Project in a more realistic and manageable fashion but removes the onus of twice yearly reports.

Nothing in the above will limit the normal rights of the Minister and Parliament to refer matters to Committees or the Committees to initiate inquiries as they feel warranted. Indeed, it should be noted that all projects involving more than $4m must now be scrutinised by the Public Works Committee.

The proposed amendments also vary the functions of the Act to specifically introduce reference to environmental matters.

Involvement by MFP Development Corporation in the Patawalonga rehabilitation project on a consultative basis was queried by Crown Law as there was no function under the Act specifically involving "environment" despite the fact it is covered in the objects of the Act. The proposal will address this difficulty and enable MFP expertise in environmental matters to be applied elsewhere when warranted.

Finally, a number of minor anomalies have been identified in the detailed schedule of the core site incorporated in the principal Act. The Act currently allows the core site to be altered by regulation but makes no provision for the disposal of land of the Corporation that is thereby removed from the core site. The Act is being amended to allow any land of the Corporation that is removed from the core site to be vested by regulation in an appropriate authority.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

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

Clause 3: Amendment of s. 5—Objects of Act

This clause amends section 5 of the principal Act, which sets out the objects of the Act. Under this amendment there is added to the existing list of objects that of securing the creation or establishment of a model of productive interaction between industries and environmental organisations, and of the use of advanced information and communication systems for that purpose.

Clause 4: Amendment of s. 8—Functions of Corporation

This clause amends section 8 of the principal Act, which sets out the functions of the MFP Development Corporation. This amendment adds to the Corporation's existing functions the following functions:

(a) promoting or assisting research, investigations or development programs in relation to the protection, restoration or enhancement of the environment;

(b) promoting and facilitating productive interaction between industries and environmental organisations in the MFP development centres, together with industries and organisations elsewhere;

(c) promoting, assisting and co-ordinating the environmental development of the MFP development centres.

Clause 5: Amendment of s. 11—Vesting land within, or excluded from, MFP core site

This clause amends section 11 of the principal Act. Section 11 provides that all land in the MFP core site that belongs to an instrumentality of the Crown or has not been granted in fee simple by the Crown is vested in the MFP Development Corporation for an estate in fee simple (subject to any subsisting interests or rights granted by or on behalf of the Crown). This amendment provides that where the MFP core site is altered so as to exclude land that is vested in the Corporation, that land can be transferred by the Governor by regulation to the Crown or an instrumentality of the Crown. The land so transferred vests in fee simple on the commencement of the regulation (subject to any subsisting interests or rights granted by or on behalf of the Crown or the Corporation). The amendment also provides that where land vests in a person or body under this section, that person or body can require the Registrar-General to register that interest (on the provision of any documents required by the Registrar-General for that purpose).

Clause 6: Amendment of s. 12—Environmental impact statement for MFP core site

This clause amends section 12 of the principal Act to remove obsolete references to the *Planning Act 1982* and replace them with equivalent references to the *Development Act 1993*.

Clause 7: Amendment of s. 15—Composition of Corporation

This clause amends section 15 of the principal Act, which sets out the composition of the Corporation. The amendment increases the maximum number of members of the Corporation from 12 to 14. In addition, while this amendment retains the existing requirement that the membership of the Corporation must include persons who will, in the opinion of the State Minister, provide expertise in various areas such as urban development, financial management, etc., it adds a requirement that the membership must include one person nominated by the State Minister to represent the Government of the State and one person nominated by the State Minister to represent the Government of the Commonwealth.

Where a person is appointed as a deputy of a member of the Corporation, that person must have expertise in the same area or must be appointed to represent the same interest as the person for whom he or she is to act as deputy.

Clause 8: Amendment of s. 33—Reference of Corporation's operations to Parliamentary Committees

This clause amends section 33 of the principal Act, which sets out various matters relating to provision of reports by the MFP Development Corporation to Parliamentary Committees. The amendment requires the Corporation to present a report on its operations to both the Economic and Finance Committee and the Environment, Resources and Development Committee once a year instead of twice a year as at present. The report to each Committee must be presented by 31 August each year in relation to the previous financial year.

Mr CLARKE secured the adjournment of the debate.

FISHERIES (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.K.G. Oswald, for the Hon. D.S. BAKER (Minister for Primary Industries) obtained leave and introduced a Bill for an Act to amend the Fisheries Act 1982. Read a first time.

The Hon. J.K.G. OSWALD: I move:

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

This Bill makes a number of amendments to the *Fisheries Act 1982*.

1. Fish processor registration

Under the current Act and regulations, any person who deals in fish is a fish processor and is required to be registered as such. Fish processors who sell directly to the consumer (retailers) are required to register their operations but are exempt from the registration fee. They are not required to submit monthly returns, as are wholesale processors, but are required to maintain written records of fish transactions on their premises. These requirements apply irrespective of where the processors obtain fish supplies, whether from licence holders or other processors.

Following discussions with the South Australian Seafood Marketers and Processors Association, it is proposed that—

- all fish processors (wholesale, distributor or retail) who obtain fish from a licence holder be registered; and
- fisheries officers be empowered to enter unregistered processor premises (other than domestic premises) without a warrant.

The intent of the proposed arrangements is to have a common system which applies to all registered processors. In particular, all

registered processors will be required to pay an annual fee and submit monthly returns as well as maintain written records of fish transactions on their premises. This will assist in the monitoring of catches and sales of fish and help to reduce opportunities for illegal operators to dispose of fish taken without a licence.

Under the new arrangements processors such as fish and chip shops, restaurants and hotels will not be required to be registered if they obtain their supplies from sources other than direct from licence holders, ie from wholesalers and distributors. However, they will continue to be required to maintain written records of fish transactions. It is understood that as very few retailers obtain fish direct from licence holders, there will be a minimal impact on this industry in general.

The proposed arrangements are consistent with the report of the Government Adviser on Deregulation who conducted a review of statutory licences in South Australia, with the objective of reducing unnecessary government impact on business operations.

With regard to compliance by the fish processing sector, fisheries officers have the power to enter registered premises without a warrant where it is suspected that the premises are being used for, or in connection with, an activity regulated by or under the Fisheries Act. The proposal to remove the requirement for retailers to be registered would mean that officers would no longer have the power to enter such premises when urgent action is deemed necessary. In order to restore flexibility it is proposed that the Act be amended to allow fisheries officers to enter unregistered fish processor premises (other than domestic premises) without a warrant. Industry has indicated that it supports the proposal.

It is proposed that the Fisheries Act be amended to empower fisheries officers to enter unregistered fish processor premises (other than domestic premises) without a warrant.

2. Production of identification

Where a fisheries officer reasonably suspects that a person is engaged in an activity regulated by or under the Fisheries Act, the officer is empowered to request the person to state his or her name and address.

If action is to be taken in respect of an offence, whether by way of a warning letter, expiation notice or prosecution, the outcome is dependent on having the person's correct name and address. A number of offenders deliberately provide false names and addresses to fisheries officers when apprehended, in the hope of avoiding prosecution. This results in considerable non productive time as officers attempt to resolve the matter.

Unfortunately more and more persons are becoming involved in illegal activity and are prepared to provide false names and addresses.

It is proposed that the Fisheries Act be amended so that a fisheries officer may require a person to produce evidence of the correctness of his or her stated name or address. In most cases this should not cause any difficulty as individuals would have ready access to documents such as a driver's licence, credit card, Medicare card, passport etc.

It is proposed that the Fisheries Act be amended to empower fisheries officers to request evidence of the correctness of the name or address of persons engaged in activities regulated by or under the Act.

3. Unlawful possession of abalone

Following the House of Assembly Select Committee inquiry into the abalone industry in 1991, penalties were substantially increased for the unlawful taking, possession, purchase and sale of abalone. These penalties are intended to combat the organised criminal groups which strip the State's abalone resources without regard to the management controls aimed at ensuring long term sustainability of the fishery.

Section 44 of the Act provides that where a person sells, purchases or has possession or control of abalone taken without a licence, that person is guilty of an offence. However, the same section also provides that where a person sells or purchases, or has possession or control of abalone *for the purposes of sale*, the person is liable to higher penalties than for simple possession or control.

As a result of prosecution action since the penalties were increased, the Crown Solicitor has advised that in order to secure the higher penalties, it must be proven that the person in possession of unlawfully taken abalone was intending to sell it. In a number of cases it has proven difficult, if not impossible, to prove that the offender was intending to sell the abalone even though the circumstances of the cases led to such a conclusion.

If the increased penalties are to be used effectively to counter criminal elements, the problem should be addressed. It could be done by specifying that possession of more than a quantity of abalone prescribed by regulation is presumed to be for the purposes of sale unless the alleged offender proves to the contrary.

It is proposed that the Fisheries Act be amended so that the possession of more than the prescribed quantity of abalone is presumed to be for the purposes of sale unless the alleged offender proves to the contrary.

4. Aquaculture management

In 1992, agreement was reached between the government and the fishing industry that integrated fisheries management committees be established to manage the State's fisheries resources. Committee membership could include representatives of commercial and recreational fishing interests, the South Australian Research and Development Institute (SARDI) Aquatic Sciences (or any other research agency) and the Department of Primary Industries—Fisheries. It was also agreed that the role of the committees be acknowledged in the fisheries legislation.

In 1993, amendments were made to the Fisheries Act whereby the Act recognised the existence of integrated fisheries management committees, and provision was made for the committee structures, functions, powers and procedures to be formalised by regulation.

Since then, representations have been made by the aquaculture industry to have similar arrangements in respect of marine and freshwater fish farming. Operating as an integrated management committee would bring together, on a formal basis, all relevant interest groups to consider management arrangements that would be beneficial to the industry. At the same time, such a forum would assist in resolving any conflicts that may occur between user groups. The net result would be coordinated management of the aquaculture industry.

It is proposed that the Fisheries Act be amended to provide for management of the aquaculture industry by way of integrated aquaculture management committees.

5. Additional penalty for any offence

Where a person is convicted of an offence that involves the unlawful taking of fish, the court, in addition to imposing any other penalty under the Fisheries Act, is required to impose an additional penalty equal to five times the wholesale value of the fish or $30 000, whichever is the lesser amount.

This provision applies specifically where the offence involves the taking of fish. However, there are a number of conditions imposed on fishery licences which limit the operations of licence holders. For example, licence holders are prohibited from taking snapper by net. Where a licence holder takes snapper by net, the offence is a breach of licence condition. In such a case the court would be unable to apply the additional penalty provision.

In 1993, the Fisheries Act was amended to, amongst other things, increase the penalty provisions relating to the unlawful taking of abalone. This followed the recommendations of the Select Committee referred to earlier.

The Crown Solicitor's Office has advised that there is an anomaly insofar as the taker of abalone is liable to both the increased penalty and an additional penalty, whereas a receiver of the same abalone is liable to an increased penalty but not to the additional penalty. Indeed, this anomaly pertains to all fish species.

The additional penalty provision has long been recognised as a strong deterrent to offenders who breach the legislation. However, as the provision currently stands it applies only where an essential element of the offence is the taking of fish. The receiving of unlawfully taken fish is outside the scope of the existing provision, as is the purchase or sale of unlawfully taken fish, or any other offence involving fish unlawfully taken.

By way of comparison, under the criminal law the maximum penalty for housebreaking and larceny is exactly the same as for someone who receives stolen goods knowing them to have been stolen. The identical penalties are in place to act as a deterrent to someone who would act as a receiver of stolen goods.

It is proposed that the Fisheries Act be amended so that the additional penalty provisions apply to all offences against the Act involving fish taken unlawfully.

6. Evidentiary provisions

The evidentiary provisions of the Fisheries Act specify particular matters that may be the subject of a certificate signed by the Director of Fisheries for the purposes of proceedings for offences against the Act.

In particular prosecutions undertaken by the Crown Solicitor, the evidentiary provisions in relation to the preparation of a certificate were not specific enough to cover two instances. The Crown Solicitor has identified the need for a certificate to—

- state whether the Director gave consent to any fishing activity that may have been undertaken outside the scope of the licence; and
- state the wholesale value of fish (which would be used by the court in imposing the mandatory additional penalty based on wholesale value of the fish).

Clarification of these two items in the evidentiary provisions would facilitate the production of relevant documentation to the courts and would help in the presentation of the facts of each case.

It is proposed that the Fisheries Act be amended so that the evidentiary provisions allow for Director's certificates to specify whether the Director's consent was given for any fishing activity, and to specify the wholesale value of fish in proceedings for an offence against the Act.

7. Offences committed by agents

In some fisheries, licence holders may engage agents to conduct fishing operations pursuant to the licence. Where an agent is convicted of an offence, the Fisheries Act provides for the licence holder to be liable to the same penalty as is prescribed for the offence committed by the agent. This provision ensures that licence holders are responsible for the actions of their agents, and that the licence is subject to suspension or cancellation in the event of multiple convictions within a three year period.

At present there is an anomaly insofar as the offence must be committed by the agent while on board the boat for the licence holder to be liable to the same penalty. Where the offence is committed on shore, there is no scope for the licence holder to be liable.

There are some operations that are part of a fishery which are conducted on shore, e.g. weighing of catch, shucking of abalone and completion of catch and disposal record documentation. This anomaly should be rectified in order to ensure licence holders engage fit and proper persons to act as their agents.

It is proposed that the Fisheries Act be amended so that a licence holder is liable to the same penalty for an offence committed by an agent, regardless of whether the agent was on board a boat or on shore.

8. Proceedings in respect of offences

Offences against the Fisheries Act are summary offences and proceedings must be commenced within twelve months of the day on which the offence is alleged to have been committed.

The current Fisheries Act was promulgated in 1984. Since then, major changes have occurred in the way fisheries are managed. In particular, quota systems have been implemented in the Abalone and Southern Zone Rock Lobster Fisheries. In the Marine Scalefish Fishery, limited quota arrangements have been implemented, and it is likely that such arrangements may be phased in to a greater degree than at present.

In order to ensure the success of any quota system, there must be comprehensive monitoring of catches landed by licence holders. This is done by way of a catch and disposal record which is completed by the licence holder and validated by the fish processor receiving the fish. Then the documentation has to be submitted to the Department for reconciliation. This critical process is essential not only to secure compliance by licence holders, but also to secure compliance by fish processors who obtain the fish.

An important factor in the prosecution of those operating outside quota arrangements is the need to properly audit catch documentation and compare it against sales dockets. This process can often take considerable time because the fish may be sold within the State, interstate and overseas.

Experience has shown that obtaining sufficient evidence can, in some cases, take more than twelve months because of the ability of offenders to tamper with documentation. Also, it has become evident from licence holders and/or fish processors attempting to avoid compliance with the quota system that they seek to delay proceedings by not being able to locate documentation and present it for examination within a reasonable period of time.

It is proposed that the Fisheries Act be amended so that the twelve month time period for commencement of prosecution action in relation to an offence against the Act be extended to three years.

9. Cost recovery—issue of permits

At the present time, numerous permits or authorities are issued by the Minister or Director each year for fishing activities that are not covered by existing licensing arrangements. For example, authorities have been granted to licence holders and non-licence holders for the taking of pilchards under a developmental fishing plan. The preparation of such authorities may require considerable input by departmental staff, for which there is no provision to recover any of the costs incurred by the Department.

Under existing arrangements, licence holders are contributing towards the costs of managing their particular fishery. This follows an agreement between industry and the government after developing general cost recovery principles. However, the principles only address activities conducted pursuant to a licence, not activities conducted pursuant to a permit or special authority—for which no fee can be charged.

Making provision for the Minister or Director to charge a fee in such circumstances would be consistent with the agreed principles of cost recovery, and would be based on a user pays system. Furthermore, a number of duplicate authorities or licences are issued when the original has been lost or mislaid by the holder of the authority. In such cases it would be appropriate for a nominal charge to apply to cover administrative costs.

It is recognised that some permits or authorities should not be subject to a fee, eg a permit to collect a limited number of specimens for scientific research, or for a school as part of a marine science education program. In circumstances such as these the fee would be waived.

It is proposed that the Fisheries Act be amended so that the issue of exemption notices or permits, or duplicate authorities, by the Minister or Director be subject to a fee to recover the administrative costs of processing such transactions.

In providing the above explanation of the proposed amendments, I advise that the South Australian Fishing Industry Council (SAFIC) which represents the interests of commercial fishers, and the South Australian Recreational Fishing Advisory Council (SARFAC) which represents the interests of recreational fishers, have been consulted and have indicated support for the proposed amendments.

I commend the measures to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s.5—Interpretation

This clause generalises the definition of 'fishery management committee' to 'management committee' to cover fish farming management committees as well as committees established in respect of wild fisheries.

Clause 3: Amendment of s. 20—Objectives

This clause simply replaces the reference to 'fishery management committees' with 'management committees'.

Clause 4: Amendment of s. 23—Delegation

This clause also replaces the references to 'fishery management committee' with 'management committee'.

Clause 5: Amendment of s. 28—Powers of fisheries officers

This clause amends section 28 of the principal Act to expand the powers of fisheries officers. It amends the section to empower a fisheries officer to require a person to produce evidence of their identity as well as stating their name and address.

The clause also amends the section to make it an offence for a person to state a false name or address or produce false evidence of their identity and to allow a fisheries officer to arrest without warrant a person who fails to state truthfully their name or address or to produce true evidence of their identity.

A new provision is included to make it an offence for a fisheries officer or a person accompanying or assisting a fisheries officer exercising powers under the section to address offensive language to any other person or, without lawful authority or a reasonable belief as to lawful authority, to hinder or obstruct, or use or threaten to use force in relation to, any other person. The maximum penalty is a division 6 fine ($4 000).

The clause further amends the section to make it clear that a warrant is required to allow fisheries officers to enter residential premises and to allow officers to enter non-residential premises without warrant if the premises are used by a fish processor for fish processing activities (whether or not the premises are registered).

Clause 6: Amendment of s. 44—Offences with respect to sale, purchase or possession of fish

This clause amends section 44 of the principal Act which makes it an offence for a person to sell or purchase, or have possession or control of, fish taken in contravention of the Act, protected fish and fish of prescribed classes. Offences involving abalone attract higher maximum penalties.

The amendment inserts an evidentiary provision for cases where an offence of possession or control of abalone for the purposes of sale is alleged. If it is proved that a person had more than the prescribed quantity of abalone in his possession or control, it will be

presumed, unless there is evidence to the contrary, that the person had possession or control of the abalone for the purposes of sale.

Clause 7: Amendment of s. 48C—Non-application of Development Act 1993

This clause amends section 48C of the principal Act to update the reference to planning legislation.

Clause 8: Insertion of s. 50A—Regulations relating to fish farming management committees

This clause inserts new section 50A to enable the making of regulations establishing management committees for prescribed classes of fish farming.

Clause 9: Amendment of s. 53—Leases or licences to farm or take fish

This clause amends section 53 of the principal Act to remove a reference to repealed legislation.

Clause 10: Amendment of s. 58—Review of decisions relating to authorities

This clause amends section 58 of the principal Act to rectify an error in the wording of the section.

Clause 11: Amendment of s. 66—Additional penalty based on value of fish unlawfully taken

This clause amends section 66 of the principal Act so that an additional penalty must be imposed for all offences involving fish taken in contravention of the Act, not just taking offences.

Clause 12: Amendment of s. 67—Evidentiary provisions

This clause amends section 67 of the principal Act to allow the use of certificates given by the Director as evidence of the wholesale value of fish, or whether a consent was given by the Director under section 34 to the use of a boat other than the registered boat, or for a person other than the registered master to be in charge of a boat.

Clause 13: Amendment of s. 69—Offences committed by bodies corporate or agents or involving registered boats

This clause amends section 69 of the principal Act to ensure that registered owners are liable for acts and omissions of a registered master while the master is not on a boat, in relation to fishing activities conducted by use of the boat. It also ensures that registered masters and registered owners are liable for act and omissions of their agents while the agents are not on a boat, in relation to fishing activities conducted by use of the boat.

Clause 14: Amendment of s. 70—Summary offences

This clause amends section 70 of the principal Act to increase the time within which a prosecution for an offence against the Act can be commenced from 12 months to three years.

Clause 15: Amendment of s. 72—Regulations

This clause amends section 72 of the principal Act to enable the making of regulations prescribing fees payable on application for a permit or exemption under the Act or for the issue of a duplicate authority and providing for the payment and recovery of such fees.

Mr CLARKE secured the adjournment of the debate.

DAIRY INDUSTRY (EQUALISATION SCHEMES) AMENDMENT BILL

The Hon. J.K.G. Oswald, for the Hon. D.S. BAKER (Minister for Primary Industries) obtained leave and introduced a Bill for an Act to amend the Dairy Industry Act 1992. Read a first time.

The Hon. J.K.G. OSWALD: I move:

That this Bill be now read a second time.

I insert the second reading explanation in *Hansard* without my reading it.

The Dairy Industry Act 1992 replaced two former State Acts, namely the Metropolitan Milk Supply Act 1946 and the Dairy Industry Act 1928. As a result of the new Act, the Dairy Authority of South Australia replaced the Metropolitan Milk Board and, for the first time, the dairy industry across the whole of South Australia was covered in the one Act.

The introduction of this Act was in line with the direction being taken in all States to reduce legislation in the dairy industry by giving more responsibility to industry for its own pricing mechanisms and quality control. Under this Act the removal of all price controls past the farm gate has occurred to the point where the only regulated price is the farm gate price. South Australia now leads other States in deregulation of the dairy industry.

Provision was made in the Act that market milk, no matter from where sourced or sold, was paid for at the declared farm gate price. This provision was to ensure national discipline as agreed to by all the States.

The Act also allowed for the establishment of a price equalisation scheme for market milk. Under the current Act, the Minister may establish a price equalisation scheme if an industry based voluntary price equalisation scheme is currently not operating.

Currently the dairy industry in South Australia operates a voluntary milk price equalisation scheme through a representative body known as the South Australian Market Milk Equalisation Committee. This Committee consists of three milk processors and three dairy farmer representatives and employs a Secretary/Treasurer.

This voluntary scheme has been in place since January 1994 and replaced a similar scheme which operated for many years in the Adelaide metropolitan supply area of the State. The objective of the scheme is to allow the dairy industry to operate a State-wide price equalisation scheme so that all farmers in the State have an equal share of the volume of market milk processed in South Australia. This involves a notional transfer of milk rather than the physical movement of milk between regions.

This scheme in South Australia is financed and directly operated by the dairy industry, whereas schemes in other States have fully legislated market milk equalisation schemes and Government staff are employed to administer them. If South Australia did not operate a market milk equalisation scheme, national levy arrangements would be under threat. During the first year of operation of the scheme, industry has questioned the validity of the scheme in two areas.

Firstly, there is a risk that the agreement formalising the arrangements of the voluntary price equalisation scheme may contravene the Commonwealth Trade Practices Act. To avoid this risk, this Bill defines 'authorised price equalisation schemes' and permits price equalisation schemes to be approved by the Minister by notice in the *Gazette*.

The second issue relates to possible technical breaches of section 25 of the Dairy Industry Act. Payments to dairy farmers under the Agreement take into account the administration costs of the scheme and the costs associated with notional transfer of milk between regions of the State. All market milk payments received by dairy farmers are therefore not at the farm gate price even though raw milk is purchased by wholesalers at the farm gate price.

This issue has been addressed in the Bill by including amendments to the Act exempting the sale of milk under an authorised price equalisation scheme if the price paid for the raw milk by the wholesale purchasers under the scheme is at least equal to the farm gate price for milk.

I commend the Bill to members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s 3—Interpretation

This clause inserts into section 3 of the principal Act the definition of an authorised price equalisation scheme.

Clause 3: Amendment of s. 25—Guarantee of adequate farm gate price

A new subsection (6) is proposed which provides that section 25 does not apply to the sale of milk under an authorised price equalisation scheme if the price paid for raw milk by wholesale purchasers under the scheme is at least equal to the farm gate price for the milk.

Clause 4: Substitution of s. 26

Section 26 of the principal Act is repealed and a new section is substituted.

26. Authorised price equalisation schemes

The new section 26 provides that the Minister may, by notice in the *Gazette* published on the recommendation of the Authority—

- establish a price equalisation scheme or vary or revoke a price equalisation scheme established under this proposed section; or
- approve a voluntary price equalisation scheme or an amendment to a voluntary price equalisation scheme.

An authorised price equalisation scheme—

- is, subject to any provisions of the scheme providing for withdrawal, binding on dairy farmers and wholesale purchasers of dairy produce of a class stated in the scheme; and
- may impose a surcharge on licence fees, on a basis set out in the scheme, on licensees who are bound by the scheme.

The terms of a price equalisation scheme established or approved, and of amendments made or approved, under this proposed section

must be published in the relevant *Gazette* notice and such a notice must be laid before both Houses of Parliament and is subject to disallowance in the same way as a regulation.

For the purposes of the Trade Practices Act 1974 (Cwth), an authorised price equalisation scheme, and all acts and things done under the scheme, are authorised by the Dairy Industry Act 1992.

Mr CLARKE secured the adjournment of the debate.

ADELAIDE FESTIVAL CENTRE TRUST (TRUST MEMBERSHIP) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 February. Page 1679.)

The Hon. M.D. RANN (Leader of the Opposition): This is an area in which both the Minister for Tourism and I have a strong personal interest. The Opposition supports this Bill. As the Minister in another place said when introducing this Bill, essentially it does two things. As the Act stands, one member of the Adelaide Festival Centre Trust is a trustee of the Adelaide Festival. We all know that things have changed and that, as the trustees have now been abolished, the organisation of the festival is now the responsibility of a newly constituted Festival Board. The Bill replaces that member of the Adelaide Festival Centre Trust with a nominee of the newly constituted Festival Board.

I have some concerns about the political independence of the Festival Board, because now it is being treated basically as some kind of extension of the Department for the Arts and Cultural Development. Whilst I understand there has been no interference thus far in Mr Kosky's activities or the activities of the board, that will need to be guarded carefully. The independence and integrity of the Adelaide Festival must be maintained: it cannot be used simply as a fiat of the Minister. As the Festival Board is largely composed of ministerial nominees, this will allow the number of trustees who are nominated by the Minister for the Arts to be increased.

Previously, the festival trustees had only one ministerial nomination among about 18 members, so the person selected by the festival trustees to represent them on the Festival Centre Trust was unlikely to be the sole ministerial nominee. The new Festival Board has a majority of members who are chosen by the Minister and, while they are representatives of other groups, I think the majority is, in fact, chosen by the Minister. So it is highly probable that the representative of the new Festival Board on the Adelaide Festival Centre Trust will be a ministerial nominee—is that not right, Minister—as is the majority of members of the Adelaide Festival Centre Trust anyway.

This has the potential to dilute community representation on the Festival Centre Trust and increase the number of members nominated by the Minister. However, for all that, obviously some change to the Act had to occur. One cannot have legislation that provides for a non-existent entity to choose a member of the Adelaide Festival Centre Trust. I am delighted to see that Mr Bill Cossey has been appointed as Managing Director of the Adelaide Festival Centre Trust. He is an outstanding public servant and will serve the trust well. The legislation also ensures that the trustees of the Adelaide Festival Centre Trust are appointed by the Governor. I do not have any problem whatsoever with that. Being appointed by the Governor means, first, that the appointments are approved by Cabinet and then they are formally appointed by the Governor in Executive Council. I do not oppose that procedure, and I assure members that, to my knowledge, the membership of the Adelaide Festival Centre Trust has always received Cabinet approval.

Certainly when I was a member of Cabinet for four years Cabinet endorsed the membership. So, while the effect of this amendment is to ensure that all members of the Adelaide Festival Centre Trust are approved by Cabinet and not merely by the Minister without Cabinet approval, that has never happened before: membership of the trust has always been a matter for Cabinet consideration. It gives me pleasure to assist the Minister. There are a number of questions I would like to ask him in Committee, but I will save those until later in the privacy of his own room.

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

A quorum having been formed:

Mr LEWIS (Ridley): My purpose in contributing to this debate is to draw the attention of the trustees to some matters of which they need to be aware which are not explicitly stated in the legislation that establishes their position or, indeed, the trust itself. I refer, in particular, to the conventions related to the access which Parliament has to the space currently occupied by the Festival Centre car park, which comes under their control as defined in law and which has been vested in their control on the understanding that so much of the space as required shall be made available to the Parliament for the purpose for which it needs to use it from time to time.

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

A quorum having been formed:

Mr LEWIS: Put simply, those conventions require the trust to respect the fact that the Parliament provided the property which it now has the responsibility to administer, especially when it comes to parking cars. There was a time years ago when members had stables and mews on that site. The Government Printer was there and so were the city baths, but there was always space available for members' vehicles. We still need that space. The secure car park that we have on the top deck of the car park facility came about as a consequence of the arrangement that was made at the time. Rather than being fussy about it, the Parliament decided to leave it to the administration of the trust, but the trustees need to be left in no uncertain frame of mind as to the right of Parliament to continue to use that space as a car park.

It is not a fringe benefit. It is a piece of Crown land, provided as part of the messuage attached to the Parliament. The area concerned is now underneath the Festival Plaza. So what! The important thing is that, if we have not needed the parking space from time to time, we have left it to the trust to hire it out to the general public who want to use it. That is commonsense, and we have done it for years.

In recent times, the letters between Sir Lyell McEwin and the first administrators of the Festival Centre Trust about car parking space have disappeared. There seems to be some belief that the obligation has disappeared with them. Well, it has not. I have news for anyone who thinks it has. I also have news for anyone who thinks that the Parliament ought to be paying for that space to provide car parking for the vehicles in which staff and members travel to get here to work: that will not happen. As the work associated with this place increases and the number of people required to do that work increases, we need to increase the amount of space in that area for people to park their cars.

I am sure that members of the trust know that they need to bear in mind that, when we politely make the request, they

should politely respond and generously accede, otherwise they could find themselves the subject of a motion of this House. As someone who knows about and has seen the documentation backing up the original arrangement, who has been involved with the Joint Parliamentary Service Committee work for longer than any other member, and who had a friendship with the late Sir Lyell McEwin, who told me about it, I want to put on record that this arrangement must be respected.

Mr CLARKE: I draw your attention to the State of the House.

A quorum having been formed:

Mr CLARKE (Deputy Leader of the Opposition): Like the Leader, I support the second reading of the Bill. However, in Committee I will put a number of questions to the Minister. The concerns I have relate to the potential for the interference nonetheless with the running of the Adelaide Festival of Arts. It is a great institution in this State and, therefore, the appointment of trustees to run it is of critical importance. As the Minister for Tourism would well appreciate, the Adelaide festival is a focal point every alternate year for a dramatic increase in tourism and generation of money within our community, and it is much looked forward to not only by the general public in South Australia but, more particularly, by our hoteliers, restaurateurs and the like who receive a great deal of revenue from it. The conduct of the festival is very important, and the people who are appointed to run it should be persons who are not only familiar with the arts but have the absolute confidence of all sides of politics and of the community generally.

The point about only two of the eight trustees being female does surprise me somewhat. To have only one quarter of the number of trustees women is a bit light on. I can understand that, perhaps in some industries that are male oriented because of sheer numbers or something of this nature, the argument could be made that, because there are not sufficient numbers of qualified people to serve in those positions—and I do not necessarily embrace the idea—at least half the number of trustees should be women. I would have thought that, in the arts field in particular, a number of outstanding women in our community have served as trustees in the past and no doubt will do so in the future.

The Government could have more than adequately provided for at least half the number of trustees being male and half being female. This is a field in which there is a super abundance of well qualified people within our community, and I cannot see any justification for a guarantee as regards the number of trustees that it should be limited to just one quarter. The Minister may well say, 'That's our aim in any event, and no doubt we will exceed the minimum quota provided for with respect to the composition of the trust.' However, if that is what the Minister says will happen in any event, why not legislate for it in totality? Instead of making it one quarter, we should go for one half. I believe very firmly in affirmative action in this area, as the Minister appreciates. We in industries should give effect to it where we can, rather than just simply saying, 'We'll go for the lowest common denominator and use our discretion in the future.' When we get into Committee—

Mr Evans: When did you last do maths? The lowest common denominator is one.

Mr CLARKE: I enjoy the interjections from the member for Davenport; he does not do it to me too often. I look forward to hearing his contribution on affirmative action in the second reading debate. I am sure he is a strong adherent to that line within his own Party. Whilst I join the Leader in supporting this legislation going forward, nonetheless we do want to quiz the Minister somewhat in Committee.

The Hon. G.A. INGERSON (Minister for Tourism): We ought to deal with the last comment of the Deputy Leader first, because one of his major problems in this House has been his lack of understanding and, in most instances, getting things wrong. The actual constitution of the trust is four men and four women. Whilst the Act provides that at least two should be men and at least two should be women, one of the fundamental things this Government is doing is not just insisting on quotas but actually applying them. It is a pity that the learned gentleman opposite did not bother to go and find something out, because he has been proved wrong again. I thank the Leader of the Opposition for his support. He made a few comments which need to be addressed, and one was about political independence. One of the things this Government has guaranteed and moved towards is independence of bodies. We are very strong on the need for this group in particular to be independent.

Mr Kosky's appointment was one effected by our Government. It is a strong appointment that has been supported, and we want to make sure that he gets a board that, in essence, has business integrity and is able to run the festival in the best possible way for our State. It is most important that he is supported and backed by the Festival Centre Trust Board and the general board itself. It is important that the Minister for Tourism for the first time has a say in nominations for the body responsible for managing the festival. We as a Government recognise the importance of having tourism directly involved with marketing and promotion, particularly as it relates to the festival.

I would also like to comment on another point raised by the Deputy Leader. It never ceases to amaze me at how members opposite, as members of the former Labor Government, stand up and say how well they ran things. It is a pity that they did not put money into the arts and supported the festival to the extent that it should have been supported to make it the greatest festival of arts in Australia. That is one of the biggest failings of the previous Government: it used to come up with all the wanky ideas and failures in tourism and many other areas, but when it really came down to major events, like the Festival of Arts, it never properly funded them. When we get that sort of hollow criticism from members opposite it warrants comment. I also note the comments of the member for Ridley, and I will ensure that the Festival Centre Trust Board is made aware of them.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Composition of the trust.'

Mr CLARKE: In his second reading reply the Minister pointed out some errors that he said I made. Quite frankly, he must have spoken a little too quickly or I was a little slow on the uptake. The Minister said that, of the eight trustees, four must be men and four must be women.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I thought that in the Minister's second reading reply he said that four men and four women were already guaranteed. I could not follow that, because paragraph (c) only provides that two must be men and two must be women.

The Hon. G.A. INGERSON: I know that the Deputy Leader always has difficulty with simple facts. If you have eight people on the board and you have four men and four women, four plus four equals eight. This clause provides that at least two of the trustees must be men. Instead of having at least two, we have four. It also provides that at least two trustees must be women, and we have four instead of two. So, four plus four equals eight, and that is the number of people on the board. It is still exactly the same as the clause stipulates. I cannot put it any more simply than that. If the honourable member cannot understand that, I can see why he cannot understand industrial relations.

Mr CLARKE: I grant that my knowledge of the arts is probably somewhat less than that of the Minister. However, in relation to industrial relations, as has been shown, it is immeasurably greater than the Minister's. I refer to the trustee to be appointed by the Tourism Commission. Is it the Minister for Tourism who will make that appointment, or will he do so in consultation with the Minister for the Arts? If it is the responsibility of the Minister for Tourism to appoint that trustee, what qualities will the Minister look for in the person he appoints?

The Hon. G.A. INGERSON: It is not usual for a Minister to have to answer questions that are not related to a specific Bill. However, as I understand it, the honourable member opposite is not *au fait* with how these two bodies work. The Adelaide Festival Centre Trust manages the buildings. Its principal role is in the management of the festival and some other major events, for example, Womadelaide. The festival board itself is entirely different and is not covered at all by this Bill. However, it is to that board that the Minister for Tourism has a direct appointee. That person, who is a member of the Tourism Commission, is a very able person who is fulfilling tourism's role on the festival board and is also adequately representing the promotion and marketing of tourism.

Mr CLARKE: In his second reading reply, the Minister referred to the value of and was quite critical about former Labor Administrations. In 1996 how much extra funding will the Adelaide Festival enjoy from the State Government? What increase, in both absolute and percentage terms, will the Adelaide Festival enjoy in 1996 compared with what it received in 1994 under the former State Government? I would like that information so that I can more accurately ascertain whether or not the Minister's statements in respect of the level of support of the Liberal Government will be realised?

In addition, I would appreciate the Minister's view of the importance of extended daylight saving hours in March that I understand were brought in specifically for us to enjoy the Adelaide Festival. Of course, the Minister will be aware of the member for Giles's views and of the private member's Bill debated in this House with respect to daylight saving. No doubt he is also aware that the member for Custance and the member for Eyre declined to vote or were not in the House at the time of the vote.

The CHAIRMAN: I remind the honourable member that the financial status of the Festival Centre is not an integral part of the composition of the trust. If the Minister wishes to respond, he may. However, the Minister would be responding outside the ambit of the clause.

The Hon. G.A. INGERSON: I agree with you, Mr Chairman.

Clause passed.

Title passed.

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

That this Bill be now read a third time.

Mr CLARKE (Deputy Leader of the Opposition): I do not want to take up too much time—

Members interjecting:

Mr CLARKE: Whilst my questioning of the Minister in the Committee stage may have strayed a little from the clause, I would have thought that the Minister in his second reading reply, when he was waxing lyrical concerning the failure of the former Labor Government to finance properly the Adelaide Festival, would have jumped at the opportunity to point out to some of the advisers from the Arts Department and elsewhere the significant expenditure that the State Government will grant to the festival for 1996. If that is so, we would, of course, welcome it. Given the Government's current stringent financial conditions and the fact that it is offloading as many public servants as it can, I frankly doubt very much whether the Minister's boasting will be met in reality.

We will not know that in finality until the budget papers are handed down in June this year. The Minister for Tourism, who has never been shy to hide behind his own bushel or to jump forward in the glare of publicity, particularly if it is a good news story, would have leapt at the opportunity to berate the Opposition and I and put on the table exactly how much extra money he will be able to get out of his tight-fisted friend the Treasurer to substantially upgrade the 1996 festival. I am sure that I am not the only one in this Chamber or in the arts community who waits with bated breath for the Minister for Tourism's triumph in his negotiations with the Treasurer in being able to secure a magnificent coup of a significant increase in funding for the festival when every other department and every other agency is going through dramatic cost cutting affecting health, education, industrial relations inspections, health and safety inspections and the like.

Bill read a third time and passed.

MINING (NATIVE TITLE) AMENDMENT BILL

Returned from the Legislative Council with amendments.

ADJOURNMENT

At 4.22 p.m. the House adjourned until Tuesday 14 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 7 March 1995

QUESTIONS ON NOTICE

SCHOOL FEES

157. **Ms WHITE:**

1. Has the Minister sought and received legal advice on whether schools have a legal right to levy and collect fees from students and, if so, what was the nature of the advice?

2. Has the Minister advised schools of their right, or otherwise, to collect fees and does he agree with the involvement of debt collectors?

3. If fees can be levied, will the Minister provide schools with guidelines outlining how fees can be levied and for what services they can be levied, and will he require schools to advise parents of the items their school fees are funding?

4. What is the Minister's policy with regard to the exclusion of students from school activities if fees are not paid?

The Hon. R.B. SUCH:

1. Over recent years, the legal position in relation to the payment of school fees or levies has been somewhat confused. Advice was provided to a previous Minister in 1989 by the Crown Solicitor's Office that schools did not have the power to impose school fees or to recover them. That advice has been reconfirmed on a number of occasions since then. However, it has only recently been confirmed by a small number of schools that they have been able to win cases in the Small Claims Court against parents who had refused to pay school fees.

As a result of this information I have discussed the issue with the Attorney-General and we have agreed that this issue should be referred to the Solicitor-General for his consideration and advice.

2. A letter dated 27 September 1994 was sent to school principals with the first instalment of the 1995 support grant. In relation to school fees this letter stated:

> Existing guidelines are being amended to allow schools to use debt collection agencies where all previous avenues and strategies have been used and exhausted, and where it is considered reasonable that the parent has the capacity to pay. Court action however will not be allowed.

3. The Financial Management in Schools manual, and Principal's Training documentation, already outlines how fees can be set via a Financial Sub-Committee of the School Council; thereby parents can be represented, advised and involved. Identification of the items their school is funding is part of this process.

4. Section 5.2.7(1) of the Financial Management in Schools manual states 'students should not be disadvantaged educationally if their fees are unpaid'.

MODBURY HOSPITAL

159. **Ms STEVENS:**

1. What rate of interest will the Government be required to pay on funds provided by Healthscope to upgrade public facilities at Modbury Hospital?

2. Who will be responsible for the maintenance of public facilities and equipment at Modbury Hospital after the transfer of management to Healthscope and how will this maintenance be funded?

3. If Healthscope is to be responsible for maintaining publicly owned equipment and buildings at Modbury Hospital during the term of its lease, will this cost be included in the contract price for management of the hospital or will the Government be required to pay additional fees for this purpose and, if so, on what basis?

4. What was the number of patient services provided to public patients at Modbury Hospital by the following departments during 1993-94 and what are the number of services expected to be provided to public patients in these departments during its first year of Healthscope management:

(a) Accident and Emergency;
(b) Outpatients;
(c) Obstetrics;
(d) Woodleigh House (Public Psychiatry);
(e) Paediatrics;
(f) Special Care Nursery;
(g) High Dependency Unit,

and if fewer public services are expected to be provided under Healthscope in any of these departments, will this be a consequence of private clinics at Modbury Hospital absorbing public patients and, if so, how does Healthscope propose to re-direct public patients to those private clinics?

5. Will all clinics and services currently provided to public patients at Modbury Hospital remain under Healthscope management and, if not, which, if any, clinics and/or services will close?

The Hon. M.H. ARMITAGE:

1. As has been acknowledged to the Parliamentary Public Works Committee, the SA Health Commission and the Modbury Public Hospital Board analysed whether to utilise private sector funds or funds from within the South Australian capital works program to upgrade public facilities at Modbury. After analysis of the two options the decision has been taken to utilise funding from the 1994-95 capital works program to carry out minor upgrading within the public hospital.

2. Healthscope is responsible for the maintenance of Modbury Public Hospital buildings and equipment during the term of the management contract. Funding equivalent to that which has historically been provided in the Modbury Public Hospital budget for these purposes is incorporated in the funding provided to Healthscope under the services contract. Special financial reporting and audit arrangements relating to these areas of expenditure are incorporated in the final contracts as a guarantee that facilities and equipment will be fully and properly maintained and upgraded during the life of the contract.

3. Refer above. These costs are included in the contract price for management of the hospital and are subject to special financial monitoring and audit arrangements.

In the event that Modbury Public Hospital should require major capital upgrading of a type and cost normally funded from the SA Health Commission capital works program, the Modbury Hospital Board of Management, Contract Manager and Healthscope will make application to the Health Commission for capital funding in accordance with established Government processes for application for such funding. Should a capital funding application be made for Modbury Public Hospital during the term of the contract, the Government will neither discriminate against nor in favour of the application: it will be treated on its merits for capital funding in the context of Government priorities for public hospital projects and other health sector capital requirements.

To all intents and purposes, Modbury Public Hospital property and facilities will be treated in exactly the same way under Healthscope management as they were under public service management of Modbury Hospital and all other incorporated public health units.

4. The number of public patient services at Modbury Hospital in 1993-94 for the listed departments was as follows:

1993-4 activities			
(a)	Accident & Emergency	38 874 visits	
(b)	Outpatients		
	Medical	9 728	
	Surgical	13 638	
	O&G	12 939	
	Paediatrics	2 103	
	Psychiatry	2 915	
	Allied Health	21 594	62 917 occasions of service
(c)	Obstetrics		1 679 admissions 946 births
(d)	Woodleigh House (Public Psychiatry)		449 admissions 1 677 day patients
(e)	Paediatrics		1 796
(f)	Special Care Nursery (Neonatal)		321
(g)	High Dependency Unit	1 020 admissions	

Health Services provision is driven by need and demand. Activity levels for all departments of public hospitals throughout Australia vary each year. Accordingly, it is not possible to predict accurately the number of patient services which will be provided to public patients at Modbury Hospital under Healthscope management in 1995 and beyond.

However, the following points which have been negotiated and agreed with Healthscope are relevant to this question.

1. Increases in activity during any given financial year under Healthscope management will be absorbed up to an agreed per-

centage level of increase by Healthscope without additional cost to Government;

2. The final legal documentation contains a payment system which will guarantee that the cost of provision of services to public patients at Modbury Public Hospital under Healthscope management will always be below Government casemix benchmark prices or any future relevant Government benchmark;

3. In the event that during the term of the contract, the Government of the day should plan a reduction of any particular service at Modbury Public Hospital in the context, say, of a public sector rationalisation of services in the metropolitan area, Healthscope has agreed that the service fee will be reduced accordingly. This is part of the overall contract arrangements under which the Government will at all times have full and direct control over the definition of services to be provided by Modbury Public Hospital for public patients;

4. The cost savings associated with transfer of Modbury Public Hospital to Healthscope management, do not entail any shifting of public services to private clinics. Accordingly, the ancillary question as to how does Healthscope propose to refer public patients to private clinics is irrelevant.

5. Modbury Public Hospital will at all times be managed in accordance with the Commonwealth/State Medicare Agreement which requires that services be provided to any person presenting to a public hospital for treatment.

There are no proposals to close any clinics or services at Modbury Public Hospital, under Healthscope management.

OPERATION PENDULUM

168. **Mr ATKINSON:** What action does the Government intend to take following Operation Pendulum to tighten regulation of second-hand dealers and pawnbrokers to deter the movement of stolen goods through these businesses?

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

In reality, this question would be best directed to the Minister for Emergency Services rather than to myself as Attorney-General and Minister for Consumer Affairs.

It is important to remember that there are two discrete aspects to the issue raised. In the first instance, there is the issue of any alleged involvement of second-hand dealers and pawnbrokers in the movement of stolen goods.

Operation Pendulum related to the retrieval of stolen property from a variety of sources. The responsibility for dealing with criminal activities must by its nature remain the province of the police and the provisions under the Summary Offences Act 1953.

In relation to the issue of stolen goods, it is my understanding that, in January this year, the Police Department formed two Command Response Divisions—one to cover the northern areas of Adelaide and the other for the southern areas of Adelaide. Each Division comprises 47 officers. Database records of second-hand dealer transactions will be compiled and checked against details of all break-ins. Their purpose is to investigate thefts of less than $25 000 and to ascertain who is receiving these stolen goods.

Secondly, there is the issue of controls on the activities of all traders and retailers, including pawnbrokers and second hand dealers, from a consumer protection point of view. Existing legislative protections such as the Fair Trading Act 1987, the Consumer Transactions Act 1972, the Goods Securities Act 1986 and the Consumer Credit Act 1972, concentrate on the business processes of traders, such as advertising and contracts. These are consumer issues which are dealt with by the Office of Consumer and Business Affairs.

I am very reluctant to contemplate introducing a new licensing regime in relation to pawnbrokers and second hand dealers. It is not a question of licensing to control the stolen goods market—licensing will have little if any impact on that. It is more the enforcement put in place in relation to policing which has the most important consequences for detecting breaches of the law. There is provision in the Summary Offences Act for anybody who does not comply with the regulatory provisions of that Act to be disbarred, suspended or forbidden by a court from carrying on business as a pawnbroker or second hand dealer if those circumstances are established. In terms of the Uniform Credit Code, as with the present Consumer Credit Act, pawnbrokers are not regulated, except in respect of the provision of the legislation to allow harsh and unconscionable contracts to be the subject of review.

A number of meetings have taken place between myself, the Commissioner for Consumer Affairs and the Pawnbrokers Guild on the matters of regulation and stolen goods. At all times, I have stressed the importance of differentiating between regulating the industry and the incidence of criminal activities relating to stolen goods.

I also understand that there have been ongoing discussions between the South Australia Police Department and the Commissioner for Consumer Affairs on matters relating to pawnbrokers and second hand dealers and that co-operation will continue.

PRISON INDUSTRIES

170. **Mr ATKINSON:** Further to the answers to Questions Nos. 122 and 148, which of the prison industries listed in the answer to Question No. 148 produce goods for sale and which produce goods for consumption in the prison and at which prisons do each of the industries listed produce goods for sale or consumption within the prison?

The Hon. W.A. MATTHEW: Prison Industries that produce goods for sale are:

Yatala Labour Prison—Joinery, Engineering, Sheetmetal, Spray Painting, Brickyard, Laundry

Port Augusta Prison—Joinery, Sheetmetal

Mobilong Prison—Joinery, Sheetmetal

Port Lincoln Prison—Joinery, Sheetmetal

Northfield Prison Complex—Textiles, Poultry

Cadell Training Centre—Fruit and Vegetables.

Prison Industries that produce goods for internal consumption are:

Yatala Labour Prison—Joinery, Engineering, Sheetmetal, Spray Painting, Brickyard, Laundry

Port Augusta Prison—Vegetables

Mobilong Prison—Bakery

Port Lincoln Prison—Animal Husbandry, Beef Cattle, Poultry, Sheep, Pigs, Vegetables

Northfield Prison Complex—Textiles, Poultry, Vegetables

Cadell Training Centre—Fruit and Vegetables, Milk.

Goods produced for and consumed within the prison system, contribute towards self-sufficiency. This can be towards meal requirements such as vegetables, fruit, meat and bread or for prison capital maintenance and improvements.

Goods sold direct to the public from prison industries are becoming less common. Prison Industries manufacture to private sector client specifications with a focus on replacing imports or satisfying niche markets.

SCHOOL BUSES

176. **Mr ATKINSON:** Does the Minister intend to stop school buses in country areas, such as Meningie, from carrying so many pupils that some must stand in the aisle while these buses travel at high speeds on country roads?

The Hon. R.B. SUCH: As a result of a large number of letters received from school councils the Minister for Transport has asked that an investigation be instigated by officers of the Passenger Transport Board in conjunction with other departments concerning the matters raised by the honourable member. When the Minister has received the results of the investigation, she will report the findings.