HOUSE OF ASSEMBLY

Wednesday 26 July 1995

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

PUBLIC TRUSTEE BILL

Her Excellency the Governor, by message, intimated her assent to the Bill.

SOUTH AUSTRALIAN HEALTH SERVICES BILL

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

That the sitting of the House be continued during the conference with the Legislative Council on the Bill.

Motion carried.

EUTHANASIA

Petitions signed by 142 residents of South Australia requesting that the House oppose any measure to legislate for euthanasia were presented by Messrs S.J. Baker, Brindal, Brown and Meier.

Petitions received.

PROSTITUTION

Petitions signed by 579 residents of South Australia requesting that the House uphold and strengthen existing laws relating to prostitution were presented by Messrs Andrew, S.J. Baker, Becker, Leggett and Meier, Mrs Rosenberg, Messrs Rossi, Scalzi and Venning.

Petitions received.

A petition signed by 18 residents of South Australia requesting that the House amend existing laws relating to prostitution offences was presented by Mr Brindal.

Petition received.

VEGETATION PROTECTION

A petition signed by 80 residents of South Australia urging the House to ensure that effective legislation is enacted to protect urban trees and/or bushland from destruction was presented by the Hon. G.A Ingerson.

Petition received.

X-LOTTO

A petition signed by 322 residents of South Australia requesting that the House support the application to establish a X-lotto agency at the Thebarton Foodland was presented by Mr Becker.

Petition received.

INTERNET

A petition signed by 26 residents of South Australia requesting that the House pass legislation to ensure that the internet is not used to transmit obscene or indecent material was presented by Ms Greig.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

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

District Council of Mallala—
- By-Law No. 1—Permits and Penalties.
- By-Law No. 2—Moveable Signs.
- By-Law No. 3—Streets and Public Places.
- By-Law No. 4—Garbage Removal.
- By-Law No. 5—Foreshore.
- By-Law No. 6—Fire Prevention.
- By-Law No. 7—Caravans and Camping.
- By-Law No. 9—Bees.

UNIVERSITIES

The Hon. R.B. SUCH (Minister for Employment, Training and Further Education): I wish to make a ministerial statement. South Australia's three outstanding universities are a key to this State's economic, social and cultural future. Now attracted to our State by forward thinking projects such as Technology Park Adelaide, international companies at the leading edge of research and product development in high-tech industries are unanimous in their requirement for highly trained, motivated and creative personnel able to take their place with the world's best. Our universities must be positioned so that they have the flexibility to respond to evolving needs of industry, not only in the area of information technology but across the spectrum of industries requiring staff who are skilled in research techniques and development.

After consultation with the vice-chancellors of Adelaide's universities, I am today pleased to announce the establishment of a Working Party on University Governance. To be chaired by Mr Alan McGregor, AO, a distinguished Adelaide company director, the working party will comprise a specialist consulting group, led by professor Jeremy Davis, of the Australian Graduate School of Management in the University of New South Wales, where he is also President of the Academic Board. Professor Davis enjoys an international reputation for his work in the fields of corporate performance and business policy, part of which was undertaken while he was engaged by the Boston Consulting Group, a leading international management consulting firm specialising in corporate strategy for large and diversified organisations. He is a fellow of the Australian Institute of Management, Chairman of Alcan Australia Ltd., and holds directorships of the Australian Stock Exchange and AIDC Ltd.

The specialist consulting group will additionally comprise Professor Nick Saunders, head of the faculty of Health Science and Dean of the School of Medicine at the Flinders University of South Australia, and formerly of the University of Newcastle and the Harvard Medical School; Mr Geoff Fry, Chairman of the South Australian Ports Corporation, who has a wealth of experience in the operation and management of large businesses, and has had first-hand experience as a member of a university council; and Ms Jan Lowe, currently Director of Home and Community Care within the Department of Family and Community Services, and a long serving member of council of the University of South Australia and its predecessors.

It will be the task of this outstandingly well qualified specialist group to consult widely with the community, and particularly with academic and non-academic university staff, involved employee bodies, and students at undergraduate and

postgraduate levels. I am pleased to say that representative organisations for each such grouping of vitally interested persons have all nominated spokespersons who will be consulted by the specialist group, indicating broad support for the concept of the working party's review. For those nominations and for the willingness of those people to contribute to the consulting process of the working party, I am thankful.

But the working party will spread its information gathering net well beyond the university community. For example, the specialist group will be keen to hear from employers of university-trained personal, particularly on ways in which styles of university governance are seen to impact upon the quality of tertiary training offered, the relevance and priority of research programs, the ability of universities to respond quickly to emergent training needs, and their capacity to develop and oversee particularly innovative educational programs.

The working party will consult using the following terms of reference:

· the form of governance universities require;

· whether the composition, functions and powers of councils as currently established are consistent with that form;

· whether different universities require different forms of governance of different council compositions: and

· to what extent, if any, there should be changes in the composition of councils.

It is intended that this working party will consult over a limited time frame, and produce a report and recommendations within three months of its establishment. It is expected that the working party's conclusions will give a clearly focused snapshot of the community's expectations from universities' governing bodies, and will assist South Australia's university councils to consider their performance in light of the findings of the review.

Members will be aware that, in June this year, the Federal Minister for Employment, Education, and Training, the Hon. Simon Crean, MP, announced the appointment of a Higher Education Management Review Team. The broad responsibility of this team is to study and report on management and accountability processes in universities across Australia, with emphasis on their financial performance in the utilisation of Federal-sourced funds. The working party in South Australia will not focus on our universities' management practices but will identify best practice in university governance and seek out indicators of ways in which our universities might be best equipped to continue their role in our State's social, cultural and economic future.

I conclude by correcting an inaccurate report in today's *Australian* which suggested that the Vice-Chancellor of the University of Adelaide, Professor Gavin Brown, was concerned about this inquiry. This morning, he rang me to say that he was fully supportive of this review. He said that the reported statement attributed to him in the *Australian*, about which he was not consulted, is incorrect.

PUBLIC WORKS COMMITTEE

Mr ASHENDEN (Wright): I bring up the eleventh report of the committee on the Mount Gambier TAFE campus redevelopment and move:

That the report be received.

Motion carried.

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

That the report be printed.

Motion carried.

QUESTION TIME

SCHILLING, MR MICHAEL

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Premier. Has Mr Mike Schilling, the former Chief Executive Officer of the Premier's Department, been dismissed from the Public Service and can the Premier now inform the House of the details of Mr Schilling's pay-out? On Tuesday 4 July, the Premier advised this House that Mr Schilling's contract would be terminated. The Premier told the House that the pay-out conditions that applied were quite specific, that they were detailed in Mr Schilling's contract and that negotiations would occur during the following week or so. The following day the Premier told the House that under his contract Mr Schilling would be eligible for less than one year's salary. The Opposition has been told that Mr Schilling's contract has not been terminated, that he has not been dismissed, that he is on leave at home on full pay and that his combined superannuation and retrenchment benefit may be well in excess of what the Premier told Parliament. What is the Government offering Mr Schilling and when will he be retrenched?

The Hon. DEAN BROWN: I do not know who has informed the Leader of the Opposition, but it appears that he has been ill-informed to say the least. When I sat down with Mr Schilling I formally handed him a letter terminating his contract, and that was on the evening before I announced it to this Parliament.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Premier is answering the question.

The Hon. DEAN BROWN: Mr Schilling's contract has been terminated. The basis of the pay-out is still being negotiated with the Crown Solicitor; certain points have been made to the Crown Solicitor by Mr Schilling and they are being discussed at present. As I indicated the day after—

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: His contract has been terminated. Under the contract he is entitled to receive payment for a certain period in lieu of notice.

The Hon. M.D. Rann: How long?

The Hon. DEAN BROWN: I will get the details. As I said, his contract has been terminated. I personally handed him the letter terminating that contract, and that letter was prepared by the Crown Solicitor.

CONSUMER PRICE INDEX

Mr SCALZI (Hartley): Can the Treasurer please inform the House of the latest consumer price index outcome for Adelaide, and how do we compare with other States?

The Hon. S.J. BAKER: I have good news and bad news. First, the bad news is that the inflation rate for the year ending the June quarter 1995 has hit 4.5 per cent. I said at the time of the budget—and I have made the comment on a number of occasions—that there were two great dangers to sustained economic growth in Australia: one was the current account deficit and the other was the underlying inflation, which has crept up a bit. That would not please anyone, and we would expect that the pressure will not come off interest rates because of those two factors. I find that very disappointing, and it lays at the feet of those in Canberra.

The inflation rate for the year ending with the June quarter is up to 4.5 per cent, and that indeed has hit what was supposed to be the average level for the 1995-96 year. So I would suggest that the people in Canberra got it awfully wrong. In terms of the South Australian performance, after three years (which were principally under the former Government) of being well above the national average in terms of inflation, we are now at the lowest level, and we have come in at 3.8 per cent. That is not by accident: that is because this Government has pursued a consistent policy to make us the best State in which to live in terms of the cost of living. The official ABS figures show that South Australia is at the bottom of the list in terms of the consumer price index increase for the past year.

We are pleased with that result. We will continue to work on it in those areas over which we have capacity for decision-making. As I said, there is good news and bad news. The only message I have is that, when we get rid of the Government in Canberra, perhaps we will have good news all the way.

EDS

The Hon. M.D. RANN (Leader of the Opposition): Does the Premier intend to sign his $700 million EDS deal on his forthcoming trip to Texas as indicated to journalists and, if so, will he meet the EDS deadline for the finalisation of negotiations by 28 July, just two days away? The Opposition has been informed that EDS negotiators are aware that the Premier is anxious to make a media announcement during his visit to Dallas, even if this means concluding a smaller deal with fewer benefits to South Australia than previously announced by the Premier.

The Hon. DEAN BROWN: Again, the Leader of the Opposition seems to be misinformed. He must have some pretty good friends or enemies because they keep ringing him up and saying, 'Look, Mike, we have a new bit of sensational information: the former head of the Premier's Department has not had his contract terminated after all.' I have already pointed out to the House that, in fact, I did terminate that contract. I know of no deadline given to the Government by EDS of 28 July, just two days away, as the Leader of the Opposition would suggest. He is wrong again. I indicate to the Leader that the Government continues to have fruitful discussions with EDS.

DAY SURGERY

Mr CAUDELL (Mitchell): Will the Minister for Health indicate to the House what the Government proposes to do to ensure that the phenomenal growth in day surgery does not jeopardise the quality of health care?

The Hon. M.H. ARMITAGE: I thank the member for Mitchell very much for his question about something that is revolutionising health care around Australia, and in South Australia particularly. Since 1991-92 there has been an explosion of day surgery: Flinders Medical Centre has increased its day surgery rate by 57 per cent; the Queen Elizabeth Hospital by 31 per cent; and Noarlunga Hospital by a staggering 130 per cent. In the 12 months to April 1995 overall across the sector day surgery has increased by 12 per cent. Of course, this is how the Government has been able to drive the sector to be more efficient, to increase overall activity by 4 per cent and to decrease waiting lists whilst, at the same time, returning a dividend to the taxpayer. Yet, we believe that there remains considerable scope for further growth in this area.

In the United Kingdom, for instance, the British Royal College of Surgeons has set a target for the United Kingdom of 50 per cent of surgery to be done as day surgery by the year 2000. In the United States day surgery rates are already at 50 per cent, and yet in South Australia only 30 per cent of surgery is done on a day surgery basis. I expect that within five years approximately half of our surgery in public hospitals will be done as day surgery cases. This is exactly what the patients want. They find it is much more convenient, in that they are able to go home and hence return to work much more quickly. The surgery is much less invasive, and accordingly a lot of older people who are unable to submit themselves to demanding and traumatic surgery are able to have their operations as day surgery, and indeed the whole experience is less stressful.

If 95 per cent of all the gall bladder operations performed in Australia were done as day surgery cases, approximately half a million extra work days would occur in the system as a result of people returning to work more quickly. Obviously, with all these benefits, we are very keen to promote day surgery. One of the ways this is being done is through capital planning. Obviously, equipment needs to be provided, and certainly we need to have the particular areas, surgeries and so on.

Different protocols are required to make sure that day surgery is done properly, as well as increasing the number. Through the University of Adelaide, the Queen Elizabeth Hospital and the Royal Adelaide Hospital, we are leading the way in monitoring the effectiveness of day surgery. A couple of days ago I was delighted to release the first guidelines on day surgery prepared by the Health Commission with input from a team of experts. Those guidelines are entitled 'Guidelines for the conduct of day surgery in South Australia—a best practice initiative'. I am sure that they will lead the way towards much more effective and efficient provision of health care, which is good for the budget, which is obviously good for the taxpayer but which is good primarily for the patients.

EDS

Mr FOLEY (Hart): Will the Premier confirm that the EDS deal cannot achieve the $140 million savings to South Australian taxpayers over the life of the contract as originally promised by the Premier, and what is the minimum level of savings to be achieved for that deal to be considered worthwhile? On 19 October 1994, the Premier told the House that the deal would save taxpayers at least $140 million. However, a report by the South Australian Centre for Economic Studies which was prepared for the Government criticised the quality of the data used to arrive at that $140 million savings estimate and further revealed that the deal could actually cost taxpayers money.

The Hon. DEAN BROWN: I thought that the member for Hart would have heard the answer to the previous question on this theme and applied a bit of logic to it. Whilst one is having discussions with a company about a contract, it is impossible to say what the outcome will be, and that is exactly what the position is.

MOUNT GAMBIER PRISON

The Hon. H. ALLISON (Gordon): Will the Minister for Correctional Services advise the House of the progress being made in the management of the new Mount Gambier Prison by Group 4 Correctional Services?

The Hon. W.A. MATTHEW: I thank the honourable member for his question and his ongoing interest in this matter. As the member responsible for the Mount Gambier district, he has been pleased to assist in the opening of that institution and in advising the community of the benefits that its presence has brought them. I am pleased to report to the House that the hand over of Mount Gambier Prison to the management of Group 4 is moving ahead of the previously announced schedule. The first 28 prisoners from the old Mount Gambier Gaol moved into the institution on 28 June. While the opening of any prison is a process or a transition rather than an event, that transition has been going particularly well and it has occurred without incident.

Reports from the three Department for Correctional Services staff who work at the institution suggest that the prisoners have settled in extremely well. As a consequence, the initial settling-in period of six weeks which was to be allowed has been shortened by one week so that next week a further 27 prisoners will be transferred from other correctional institutions to the new Mount Gambier Prison. Following that, just one week later again, an additional 27 prisoners will be moved into the new institution. Those prisoners, together with the local remanded prisoners from Mount Gambier, will take the prison population in that institution to about 90 prisoners in just over two weeks' time.

At the same time, the movement of prisoners to the new Mount Gambier Prison has freed up space in the rest of the prison system, particularly at Yatala, to enable fine defaulters to be accommodated in that institution. I am sure that Labor members of Parliament will be pleased to know that that move will enable their embarrassment, namely, the fine default centre, or Labor's Camp Holiday or Stalag 13, as it has become known—the only prison in Australia that prisoners have broken into rather than out of—will be closed once and for all as a fine default facility.

Former Correctional Services staff who are now employed by Group 4 have also successfully completed their transition from being Government employees to employees of the private sector. I have been pleased to find that those staff and the three staff who are working permanently at the Mount Gambier Prison as correctional services officers have integrated very professionally into the management team. During a recent visit to the prison, I took the opportunity to speak with all the staff and I was particularly impressed by the positive attitude of all staff at the institution, including the former Correctional Services employees. Those employees volunteered to me that their personal decision to join Group 4 had already been well and truly vindicated.

Beyond that, what also impressed me was the attitude of the three Correctional Services staff who are at the institution—two of those working as supervisors and the other as a manager. Not only is their attitude extremely positive but the two supervising Correctional Services employees have requested that they be allowed to wear Group 4 uniforms, even though they remain employees of the Correctional Services Department. That is an example of the staff unity which has been engendered at that institution.

Members interjecting:

The Hon. W.A. MATTHEW: Well may members opposite knock. Despite the negative knocking of the Labor Party and its hypocrisy in attempting, through the auspices of the Upper House, to block the management of this prison by the private sector, even though that same Party—the Labor Party in Government—was going to have Mount Gambier prison privately managed, and despite its criticism, negativism, knocking and fabrication, the private management of the Mount Gambier prison is proceeding and is doing extremely well.

FAMILY AND COMMUNITY SERVICES FUNDING

Ms STEVENS (Elizabeth): My question is directed to the Minister for Family and Community Services. Now that managers of district offices within his department have been told that their budgets will be cut by 5 per cent (or a total of $800 000) this year, will he confirm that about 27 field staff will be cut from these offices with a consequent reduction in the caseload handled by his department of almost 500?

The Opposition has been informed that large Family and Community Services offices, including those at Marion, Noarlunga, Woodville, Enfield, Salisbury and Elizabeth, will lose three to four field staff as a consequence of budget cuts. The Opposition understands that services to adolescents, support services for families in child abuse situations, and child abuse investigations will be particularly hard hit by these cuts.

The Hon. D.C. WOTTON: No, I certainly will not confirm that that is the case. I think the honourable member needs to get her facts right on this issue. Budget details have been issued for individual offices, but I point out that the field services budget is higher than last year's budget. That is something that the Opposition, time after time, conveniently decides to forget. Members opposite have been reminded of this, and I remind them again that that is the case: our field services budget is higher than it was last year.

Any issues concerning the budget currently are being discussed between the staff and the Chief Executive Officer, and it is appropriate that that should be the case. I am having discussions with the Chief Executive Officer and I will continue to do that. I remind the honourable member that we are about providing more services to more people, and that includes the country region, which the Opposition neglected for decades. If we can do more, and do it more cost effectively, we will. That is a responsibility that we have.

The decisions have not been made lightly. I have explained in some detail to the honourable member and to this House the reasons why those decisions have been made. They have been based on sound information, planning and policy. I remind the honourable member again that much of that policy is the same policy that was endorsed by the previous Labor Government. Again, that is a matter that the member for Elizabeth conveniently decides to forget.

I will not confirm that that is the case. Those discussions will continue to take place between district offices and the Chief Executive Officer, and I have made quite clear to the Chief Executive Officer that I want to be kept informed of those discussions as they take place.

LEIGH CREEK TO PORT AUGUSTA RAILWAY

Mr KERIN (Frome): Will the Minister for Infrastructure advise the House of any progress made with the Federal Government on the purchase of the Leigh Creek to Port

Augusta railway line so that the ETSA Corporation is in a better competitive position to enter the national electricity market?

The Hon. J.W. OLSEN: ETSA has been placed in a nigh impossible position in its dealings with Australian National and its owners the Federal Government on the coal freight issue involving the Leigh Creek to Port Augusta railway, and the South Australian Government has initiated discussions with the Federal Government to resolve a workable position that is fair and beneficial to both parties.

There have been four occasions in the past 50 years when arrangements have been negotiated between Australian National and the South Australian Government. The last occasion was in 1987. For the past three years the Electricity Trust of South Australia has been endeavouring without success to negotiate with Australian National a fair and reasonable deal on Leigh Creek to Port Augusta freight rates. Something like 2.7 million tonnes of coal per year is freighted from Leigh Creek as the principal power source for the Port Augusta power station. For the record, coal has been railed since 1940 from Leigh Creek, which is the only customer for that 250 kilometre length corridor monopoly line.

For the Port Augusta power station to maintain its operations using brown coal, rail is the only viable haulage option, hence the absolute necessity for AN's monopoly position to be dismantled. AN is operating an imprudent monopoly that is contrary to the national competition code and in direct contradiction with the Federal Government's own competition policy.

An independent industry review of rail freight charges concludes that AN's charges exceed a commercial return on the cost of its operations on that route, and ETSA believes that the level of over-charging by AN exceeds $8 million per year. ETSA's advice indicates that a commercially competitive charge would be less than $6 per tonne, involving operating costs of about $3.75 per tonne, and to date AN has not disputed those estimates. Current charges comprise about one-third of the cost of coal delivered to Port Augusta. The cost of coal as a fuel for the Port Augusta station has significant implications for ETSA's competitive participation in the national electricity market.

Indeed, AN's view is that its capital recovery charge component must reflect 16 per cent real rate of return on assets. That is a nonsense argument and a 16 per cent real rate of return is totally unrealistic for this type of business, particularly with the low risk involved, the monopoly and the captive market it has. The Bureau of Industry Economics and the 1991 Industry Commission report into rail transport are critical of AN's position and recognise these excessive costs. AN is most certainly not participating in world's best practice (certainly not on that line) and it is intransigent over its negotiating position between itself and ETSA regarding a fair, reasonable and equitable freight rate for that fuel source to the Port Augusta power station.

It is about time AN recognised that it has some obligations and responsibilities to Australia. It also ought to recognise that it has some fundamental responsibilities to comply with the Federal Government's competition policy, and it is about time that in a realistic way it sat down and was prepared to negotiate a fair and reasonable rate with the Electricity Trust.

Failure over three years to get a reasonable position has meant that the South Australian Government has now taken up the matter with the Federal Minister (Laurie Brereton) to see whether he cannot break the impasse between AN and ETSA. Failure to get a reasonable outcome will severely disadvantage ETSA Corporation in its responsibilities to the national electricity market and in maintaining a competitive base for power generation in the next decade in South Australia.

CHILD ABUSE

Ms STEVENS (Elizabeth): Is the Minister for Family and Community Services concerned that an increasing number of child abuse complaints are not being properly investigated by his department, and what percentage of child abuse complaints are the subject of write-offs by his department? The Opposition has been informed that up to 60 per cent of child abuse complaints received at FACS offices are not properly investigated. In these cases, the parents or guardians of children the subject of the complaints are sent what are called write-off letters inviting them to make an appointment at the office with a social worker. The Opposition has been informed that in an increasing number of cases there is no follow-up to the sending of these letters.

The Hon. D.C. WOTTON: I say at the outset that I am appalled at the increase in child abuse or, indeed, abuse of any kind within families, and there has certainly been an increase in child abuse in recent times. The Government has been very clear about its concern in this matter, and the Chief Executive Officer of the Department for Family and Community Services has been very clear about the concern within the department and the necessity to prioritise. We have never said that that is not the case. However, we must be sensible about this. In almost every area there is a need to prioritise.

Obviously, some cases need more and quicker attention than others, while some cases will take longer than others to investigate, because we need to pick up on the subtleties in order to see the real picture—and I hope that the member for Elizabeth realises that. Some cases are not as obvious as others, and often it is not possible to make an instant decision or to intervene immediately in these matters. I do not think there is any argument about that, and it needs to be recognised. There would be an argument if the priorities were not looked at, but I am sure that is not the case.

The department is satisfied that the most serious cases are being addressed. Some of the less serious cases are taking longer. Again, that has been said publicly by the Chief Executive Officer, and I have said so publicly on a number of occasions. I regret that that is the case. We will continue to put resources into that area, because this is a matter of significant importance to the department and the community throughout South Australia. I do not walk away from the fact that there is a need to prioritise, and that will continue to be the case.

MINERAL EXPLORATION

Mr VENNING (Custance): My question is directed to the Minister for Mines and Energy. As a result of aeromagnetic surveys, I am aware that there is an increase in exploration activity in South Australia. Will the Minister indicate when we are likely to see some value adding in industries associated with mining resulting in new jobs for South Australia?

The Hon. D.S. BAKER: I thank the honourable member for his interest in this matter. I have previously reported to the House the success of aeromagnetic surveys and how it is at the leading edge of world technology in exploration activity, as well as outlining what that has done for South Australia.

I have also reported to the House that we are now getting some benefits from that, and I think I have described it in the past as the pay-back period. The recent very promising anomalies found at Tarcoola, although having yet to be proven up, are a positive result from the $20-odd million spent thus far on that aeromagnetic survey. The House is also aware of the Ausmelt process which the State Government is examining and the potential for one of the largest iron ore deposits in Australia, namely, in the Coober Pedy area, which is yet to be proven up, the outer limits of which are now showing that it may be bigger than the Hamersley iron ore deposit in Western Australia. So, there is a lot of potential there yet to be proven up.

It is interesting to note how that exploration activity is bringing other business to South Australia. As announced in the past couple of days, Austrahose, a Western Australian company, will locate its eastern Australian office in Adelaide, from which it will service South Australia, Victoria, New South Wales and the Northern Territory. Austrahose says that, in its opinion, it will feature prominently this year in BRW's top 100 listed companies in respect of growth and development. This shows how, as exploration activity picks up, it attracts other people to South Australia, and it is part of the Government's growth phase for South Australia which has really accelerated over the past couple of years.

DOMESTIC VIOLENCE

Ms STEVENS (Elizabeth): Does the Minister for Family and Community Services expect perpetrators of domestic violence in country areas to restrict their abuse to the hours of 9 a.m. to 5 p.m. on Monday to Friday? New FACS funding allocations have been sent to women's shelters in country areas. The guidelines state:

> The proposed level of funding is allocated in order that your agency provide a women's shelter for victims escaping domestic violence Monday to Friday, 9 a.m. to 5 p.m., with an after hours call-out service.

The call-out allowance is restricted to one per week. The Opposition understands that shelters such as those at Port Lincoln average three after hours call-outs per week and that the vast majority of domestic violence incidents occur after hours and on weekends.

The Hon. M.H. Armitage interjecting:

The Hon. D.C. WOTTON: As the Minister for Health says, it is interesting to look back at the lack of action that was taken by the previous Government regarding domestic violence.

Ms Stevens interjecting:

The Hon. D.C. WOTTON: I will tell you what we are doing. At the invitation of the member for Flinders, I will visit the Port Lincoln centre next weekend to talk about some of these issues.

An honourable member interjecting:

The Hon. D.C. WOTTON: No, it will not be after five, but I will be interested in talking to them about that issue. As the honourable member knows, I have had ongoing discussions with a number of centres regarding domestic violence. As I said earlier, I am appalled at the reports that we are continuing to receive about domestic violence in this area. Only a week ago, I announced that extra funding would go into providing additional services. We were criticised by the member for Elizabeth for reducing funding in some metropolitan areas to enable us to put more funds into other matters such as domestic violence in rural areas. As I have said on numerous occasions, the previous Government absolutely neglected these areas, whereas this Government has indicated that it acknowledges that responsibility. I have had ongoing discussions with the shelters and will continue to do so. We have made available additional funding in country areas to deal with a number of these issues.

I am keen to talk to members of the Port Lincoln Women's Shelter and also to other shelters about after-hours operation. I have already had discussions with some of them. If that is a major problem, I am keen to sort that out with them. I make the point again: it is no good the member for Elizabeth and members opposite continuing to criticise the Government.

Members interjecting:

The Hon. D.C. WOTTON: Well, what did you do about it? All you did is bankrupt the State, which means that we do not have the money to spend that we should be spending, and you know it. The honourable member stands up here day after day—

Mr ATKINSON: I rise on a point of order, Mr Speaker. The Minister persists in using the second person when he should be referring to the honourable member as the member for Elizabeth. I ask you, Mr Speaker, to caution him accordingly.

The SPEAKER: Order! The Minister is aware that he should refer to members by their district.

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker. The Minister was subject to a tirade of abuse from the other side of the House, and that is unparliamentary.

The SPEAKER: Order! I suggest to all members that Question Time is for members to ask questions and seek information. If they do not want to listen, the Chair will arrange it so that they are no longer here to cause disruption.

Mr Atkinson interjecting:

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

The Hon. D.C. WOTTON: I was just making the point that the member for Elizabeth continues to blame the Government for the lack of funds in some of these very critical areas. The previous Labor Government is the reason why the funds are not available.

Mr Clarke interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition.

The Hon. D.C. WOTTON: Extra funding has been made available for country areas. I will continue to talk to the people who are affected. I will be pleased to come back and provide information to the House following those discussions.

AGED PERSONS

Ms GREIG (Reynell): My question is directed to the Minister for the Ageing. What is the current status of aged services planning in South Australia? South Australia *per capita* has one of the highest ageing rates in Australia, requiring specific attention to be directed towards the local and individual needs of communities throughout the State and, in particular, country areas.

The Hon. D.C. WOTTON: I thank the member for Reynell for her question and also for, not very long ago, providing me with the opportunity to spend some time in her electorate, to meet with some of the older citizens in Reynell. I appreciated the opportunity to meet with them and discuss many of the issues that are of concern to older people in the honourable member's electorate. As the honourable member

has indicated, we all realise that South Australia has an ageing population. The number of people aged 75 and over will continue to grow much faster as we proceed into the next century. Planning is an important part of ensuring that the needs of an ageing population are met. As part of this Government's 10 year plan for ageing services, which was announced earlier this year, a series of community consultations is being held both in the metropolitan area and in country regions to gain input into the way Government and non-Government organisations and the community can address ageing issues.

Some of the matters being raised include local communities having control of aged services in their region so that local needs can be satisfied, the issue of families in the country being split up through employment and economic factors and access to housing, transport and a range of support services. There is also interest in the area of public and private housing design, particularly in the creation of new subdivisions and developments to ensure purpose-built accommodation is available that adapts to ageing requirements right from the very start. This includes adequate wheelchair access, ensuring there are smoke detectors, adequate heating, safety railings, security provisions and communications, all as a matter of course to allow for optimum independence, because I am sure we would all want to see that occur.

I indicate to the House that a leading international authority on housing options for the aged, Mr Nigel Appleton, will visit South Australia next month. Members of the aged care sector and housing industry will meet with Mr Appleton to discuss developments in this field, and I look forward to meeting with him, also. Other areas currently being looked at are the interaction between schools and older residents, the provision of zebra crossings in public car parks, income support, access to recreation, provision of carers and addressing the inequity between services in the city and country, which is a most significant issue. With meetings being held already in Whyalla and Mount Gambier, the consultative committee will be in Kadina either today or tomorrow.

There are outstanding opportunities in the aged area in which the State can take and is taking a lead. Ultimately, we will be able to judge our commitment in this area when in years to come we all sit back and look at how well or otherwise we have done in making sure that older South Australians are able to lead active and satisfying life-styles. In conclusion, looking after and caring for the ageing, and having appropriate policies that recognise the needs of the ageing in South Australia is a very high priority for this Government. I look forward to working in a number of these priority areas for older people in South Australia.

SA GREAT

Mr CLARKE (Deputy Leader of the Opposition): Why has the Premier threatened the future of the SA Great campaign without informing its board of management, despite having a representative on that board? SA Great has released a statement saying that it was disappointed the Premier had announced his intention to review funding to SA Great in the media and claimed that market research shows that 80 per cent of South Australians support SA Great—and that is a lot more popular than going all the way.

The Hon. DEAN BROWN: Some months ago, through the Department of the Premier and Cabinet, because that is where the line of State Government funds come from for the SA Great campaign, we indicated that we were reviewing all our promotional campaigns. We were wanting to review our contribution to the SA Great campaign; I think it is $80 000 or $90 000. I have asked for a meeting with SA Great, which has given me an indication of the sort of role it sees for itself. We need to appreciate that the SA Great campaign, which was set up by a Liberal Government in about 1981, was specifically set up with a view, ultimately, of private industry running that campaign. It its funded largely by private industry.

The broad marketing campaign that we as a State Government have undertaken is funded to the tune of about $4.5 million, from the private media in South Australia. That is absolutely unique. Never has there been such a combined contribution from the private media of South Australia towards promoting South Australia in such a positive way. It just disappoints me that the Labor Party of this State is so negative in its thinking, having given the State the problems of the State Bank, that it cannot even think beyond the State Bank disaster.

RECYCLING

Mr ANDREW (Chaffey): Will the Minister for the Environment and Natural Resources update the House on the state of recycling in South Australia? I understand much attention is being directed towards recycling, particularly kerbside recycling in South Australia. Is it possible to gauge the success of current recycling initiatives?

The Hon. D.C. WOTTON: I thank the member for Chaffey for his question. He has always shown an interest in matters relating to the environment, and I am very pleased to be able to bring him up to date in respect of recycling initiatives within South Australia. Recycling certainly has become part of the lifestyle of South Australians, and I am delighted that that is the case. It is fast becoming a viable environmental industry in South Australia with new processes, markets and uses continually being developed. I am pleased to be able to inform the House that by October this year all metropolitan councils will have kerbside recycling programs in place. However, I recognise that there is a need for further work to be done in country areas. Yesterday I had the opportunity to meet with the Chair of the Local Government Recycling and Waste Management Board. One of the matters that we discussed was how we could be more effective in facilitating recycling in rural areas, and I am sure that we will be able to make considerable gains in that area.

Latest figures show that South Australia certainly appears to be leading the recycling race. The recycling of glass in South Australia is currently around 65 to 70 per cent compared with the national figure of 43 per cent; the recycling rate of beverage glass is 92 per cent; the recycling rate of aluminium cans is now around 89 per cent compared with a national tally of some 61 per cent; the recycling of milk and fruit juice plastic containers is around 30 per cent, which is on par with the national average; and it is interesting to note that a 20 per cent recycling rate has been achieved on plastic milk bottles in South Australia compared with only 5 per cent nationally. The recycling of plastic beverage containers in this State is currently 70 per cent compared with the national average of 25 per cent. Newsprint, which of course now

attracts very high prices, also is being recycled at a very significant rate.

I believe that South Australians are well and truly catching on to the recycling message. Market demands appear to be coming on stream, and further options in products and markets continually are emerging. It was only a couple of months ago that I had the privilege of opening Recycle Park, which is an initiative of this Government where we will be encouraging overseas companies to become involved in recycling in South Australia. A number of advances and challenges are being presented to the industry, one of which is the potential to recycle green waste. I also would like to commend the Local Government Recycling and Waste Management Board, which is now known as Recycle 2000 and which actively promotes new initiatives and helps in the significant area of public education. Finally, I think that, particularly with the advent of Recycle Park, it is important to see that recycling is not only a way of life for many people but that it is part of an emerging environmental industry providing economic spin-offs for this State, and that too is very important.

RURAL HEALTH

The Hon. FRANK BLEVINS (Giles): My question is directed to the Minister for Health. Has a decision been taken to centralise health care provider education? The editorial in the July edition of the Centre for Health Informatics and Primary Health Care newsletter implies that a decision has already been taken to centralise all health care provider education.

The Hon. M.H. ARMITAGE: We have discussed this matter certainly on two and I think possibly three occasions before. I reiterate the same information that I have provided on each of those occasions, and that is that I have taken absolutely no decision on that.

The Hon. Frank Blevins interjecting:

The Hon. M.H. ARMITAGE: The member for Giles displays all sorts of things. The simple fact is that I have made no decision about that. However, I have indicated on each occasion that this Government recognises only too well the importance of health care in rural areas. The member for Giles has made—dare I say it—an impassioned plea in respect of rural education at Whyalla. We also have indicated that, from the point of view of educating rural professionals, we are intent on providing the best possible available facilities.

A case can be made for both sides of the story: one side of the argument is to centralise education, and hence make economies of scale and provide more education; and the other side of the argument is to decentralise it and provide the education with all the inherent infrastructure, administration, and so on which that might require at places geographically nearer to where people might live. Both are cogent arguments, and I am addressing them at the moment with the Country Health Services Division. However, I stress again, as I have on every other occasion—and I will continue to stress this until a decision is made—that no decision has been made, but we are fully cognisant of the importance of appropriate education for rural health professionals.

I would point out to the member for Giles that surely the most appropriate question is not where the education is provided but whether the education will be first class. That is of much greater concern to me, because there is no doubt that rural health professionals need the best possible training, and that is what we are intent on providing. We have provided something which the member for Giles, as Treasurer in the previous Administration, could have funded but for some reason chose not to, and I refer to a series of rural health scholarships for people who come from rural areas so that they can be educated; and, hopefully, they will go back into their rural communities and provide better health care. Why did the former Treasurer not fund something similar under the previous Government? Why did he not make representations to the Minister for Health of the day? Clearly, in those days it was not important. However, in our case it is important and, when a decision is made, I assure the member for Giles that he will be one of the first people to know.

COUNTRY FIRE SERVICE

Mr LEWIS (Ridley): Is the Minister for Emergency Services concerned about the level of debt foisted on the CFS board by 12 years of Labor Government policy and, if so, what proposals does he have in mind to address the matter?

The Hon. W.A. MATTHEW: I thank the member for Ridley for his question and for his ongoing interest in and support of the Country Fire Service. Few would disagree that the 18 000-strong dedicated group of volunteers who make up the Country Fire Service deserve good professional administrative support through their head office and also deserve to have an administration that ensures prudent financial management. However, the sad fact is that, particularly in the last 7 years of Labor Government (from 1986), the Country Fire Service was allowed to get itself into serious debt, bearing in mind the size of its budget. During that period the Country Fire Service was allowed to amass, with Labor Government approval, a debt level through borrowings of $15.2 million. Those moneys were essentially used as follows: $10 million to replace fire appliances and $5 million for computing and communications equipment.

Members may well recall that the expenditure of those moneys on fire appliances was particularly controversial at the time during Labor's Government because they were built by the Victorian Fire Authority. In other words, a Victorian Government-owned organisation was building fire appliances for South Australia.

An honourable member interjecting:

The Hon. W.A. MATTHEW: As the member for Custance interjects, it was a disgrace. The fact is that this expenditure took place without the former Labor Government putting in place any debt reduction strategy whatsoever. The debt was there, the interest payments were amassing, some 14 per cent of the CFS budget was going on interest and the money was not being paid back.

One of the first things that was done by this Government was to ensure that an appropriate debt reduction strategy was put in place. That strategy was put in place at the same time the moneys of the Country Fire Service were better utilised. In the past 18 months the head office structure of the organisation has been reduced by 20 per cent and many services have been progressively outsourced. A new Chief Executive Officer, Mr Allen Ferris, has been put in place to steer the new direction of the organisation. The debt reduction strategy is now starting to repay that debt that was amassed by Labor. As at 30 June this year the debt had been reduced from $15.2 million down to $14.9 million, and a further $500 000 is expected to be paid off the debt during this financial year. The interest cost on the debt is still expected to be $1.82 million—money on Labor's debt.

Further, the CFS board now has a balanced budget. There will be no borrowings during this financial year nor were there any borrowings in the past financial year. In addition, despite a more contained budget management process, the CFS has still been able to allocate funds without any change to service delivery to continue to replace fire appliances. But there is a difference with these fire appliances: the price is competitive. They are not manufactured in Victoria but in South Australia by Moores Engineering at Murray Bridge, indeed in the electorate of the member for Ridley. The initial feedback on those appliances from CFS volunteers has been excellent. The CFS will not cut any of its programs to replace the debt, but replace the debt it will while it continues to ensure that its services are provided to volunteers in a professional manner. This is yet again another example of this Government getting on with the job and fixing up Labor's mess.

LOCAL GOVERNMENT TENDERING

Ms HURLEY (Napier): Will the Minister for Housing, Urban Development and Local Government Relations consult with councils and their employees before the Government makes any decision to introduce compulsory competitive tendering for local government services, and will he ensure that the cost to local government of any new tendering processes and their impact on employment levels are thoroughly investigated before any decision is taken? The MAG report on local government recommends that compulsory competitive tendering be introduced in the same form that the Kennett Government introduced in Victoria. The MAG report does not provide any detail of the claimed benefits of competitive tendering but it states:

Where competitive tendering is not well managed, it can involve unnecessary costs.

The Hon. J.K.G. OSWALD: I thank the honourable member for her question. The MAG report was presented to all members of Parliament yesterday and the Parliamentary Liberal Party will be meeting in the next two or three weeks to consider the recommendations contained within it. The general thrust of the report has already been extremely well received. Given the response of the cross-section of mayors and members of the public who were canvassed in this morning's *Advertiser*, I would think that all members would consider seriously the contents of the report and make a very big effort to support particularly those areas that can bring about competition and a better economy in the State. It is the role of not just the State Government to do something about improving the economy of the State: local government has a very special role to play. The whole thrust running through this report is the involvement of local government authorities as part of the three tiers of government, that is, giving them a place in the sun, giving them a role and responsibility, and bringing about a reorganisation of their whole finances and functions so that they become a meaningful part of government.

When members of the Parliamentary Liberal Party sit down and consider the report—and bear in mind that members have had it for only 24 hours—we will look at this whole question of competitive tendering. We will look at all the areas of finances and functions of local government and make a decision for the future. I commend the report to the House. It contains enough material to get the public, the Parliament and the administrators in this State on the right track to consider a new direction for local government. We will consider it over the next few weeks and come back with a considered reply.

WOMEN, EMPLOYMENT OPPORTUNITIES

Mrs HALL (Coles): Will the Minister for Employment, Training and Further Education advise the House what the State Government is doing to promote more training and employment opportunities for woman?

The Hon. R.B. SUCH: I thank the member for Coles for her interest and support for greater participation by women at all levels in the work force. I recently reconstituted the ministerial advisory committee on training and employment for women. Under the previous Government, it reported to three Ministers and the committee spent more time trying to work out its relationship with the various Ministers than getting on with the job.

The new committee is much smaller and it comprises seven outstanding women from South Australia. It is chaired by Ms Rosemary Wallage, who is the human resources adviser to the South Australian Employers Chamber of Commerce and Industry. The other members include Ms Pamela Walsh, a member of the Australian Council for Private Education and Training; Ms Deborah Thiele, the chairperson of the Agricultural Training Committee; Ms Robyn Buckler, a training officer for the Liquor, Hospitality and Miscellaneous Workers Union; Ms Cathy Tuncks, the manager of the Employment Programs Unit of my department; Ms Lynley Cooper, a consultant and former executive officer of the Construction Industry Training Board; and Ms Lyn Leader-Elliott, director of the environmental and cultural tourism company Leader-Elliott and Associates.

Despite efforts in recent times to encourage greater participation, particularly in non-traditional areas, the success rate for women has not been as good as it should have been. I refer to last year's figures as at 30 June. For example in building, 1.5 per cent of all trainees were women; in engineering it was a massive 2 per cent; and in the vehicle industry it was an even higher figure of 2.5 per cent. These figures are not acceptable: it is not good enough to be wasting the talent of more than half of our population. The other important aspect is equity, that is, ensuring that women are not disadvantaged in terms of accessing non-traditional areas. We have various programs such as 'Tradeswomen on the Move' where we use successful tradeswomen to act as role models for young women. We also have a program called 'A Taste of TAFE' where we bring in young women to show them the whole range of activities within the TAFE sector. We have a long way to go in terms of ensuring that we use the talents of slightly more than half of our population. I am absolutely committed to doing that.

This high-powered group who will provide advice will assist in that function. I want to see some outcomes in tackling what has been a very difficult and deeply entrenched cultural problem in our society. We have had special advertising programs directed at young women to encourage them to consider electronics but, sadly, we are having difficulty at this stage filling a mid year intake for electronics trainees, despite extensive advertising and despite encouraging young women to consider that as a career option. I acknowledge that we have a lot of work to do, but this high-powered committee of seven excellent, talented women will assist in bringing about a greater utilisation and a fairer go for women in our society.

SOUTH AUSTRALIAN PORTS CORPORATION

Mr De LAINE (Price): My question is directed to the Minister for Infrastructure, representing the Minister for Transport in another place. With the transition from the Department of Marine and Harbors to the South Australian Ports Corporation, there has been considerable restructuring of the organisation. Has the restructuring process been completed; are any more staff to be cut; and what does the Minister propose to do to rectify the very low morale of employees of the Ports Corporation?

The Hon. J.W. OLSEN: I will seek to obtain a detailed response to the honourable member's question from the Minister for Transport and bring down a reply as soon as possible.

BIRD REPELLENTS

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for the Environment and Natural Resources, the Minister responsible for animal welfare. Will the Minister move to limit the availability of special bird repellents that have been blamed for the deaths of a number of birds in recent weeks? Bird care groups within South Australia have been complaining about the misuse of gel based products that can be bought to deter nuisance birds. These groups claim that birds are being physically stuck to buildings and left to die.

The Hon. D.C. WOTTON: My department has been looking at this issue for some time and I know that there is concern in the community about it. The product to which the honourable member referred consists of a gel with a hardening compound that is applied separately. The product creates a spongy type surface that birds will not settle on. It is used particularly to prevent birds from nesting on window ledges. The concern is that, when the substance is not used correctly, or when the hardening compound is not applied, the gel can stick to the birds, causing them to starve to death. It is a pretty serious situation.

My department has been working behind the scenes to encourage the removal of these products from shelves so they are not used by members of the general public. Pest control companies have reacted positively, I am pleased to say, to see that the product is used sensitively within their own industry. Now that there is limited availability of the substance because of the cooperation of stores, it is not my intention to move to ban the product, but I urge continuing proper education of those who use it on a professional basis. In conclusion, I point out that people who deliberately misuse the product can leave themselves open to prosecution under the Prevention of Cruelty to Animals Act.

MOUNT GAMBIER HOSPITAL

Mr ASHENDEN (Wright): I seek leave to make a personal explanation.

Leave granted.

Mr ASHENDEN: On Wednesday 19 July, the Deputy Leader asked a question about the Mount Gambier Hospital. During that question, I rose on a point of order and stated, 'It appears that there is a possibility of a breach of the privilege of a committee of this Parliament.' Shortly after Question Time, the Opposition provided me with a copy of correspondence from the Mount Gambier Regional Health Service, which I have been advised was the basis upon which the Deputy Leader asked his question. The Public Works Committee was not aware of that correspondence at the time the question was asked, or that the Opposition had copies of it. At its meeting this morning, the Public Works Committee accepted assurances by the member for Elizabeth and the member for Taylor that they were not aware of that correspondence at the time of the last evidence taken by the committee on the Mount Gambier Hospital and its funding. Having reviewed the correspondence, the committee accepts that the confidentiality of the committee has not been breached.

MEMBER FOR PEAKE

Mr LEGGETT (Hanson): I seek leave to make a personal explanation.

Leave granted.

Mr LEGGETT: Yesterday, 25 July, during the debate on the Road Traffic (Small-Wheeled Vehicles) Amendment Bill, it is recorded in *Hansard* that I referred to my colleague the member for Peake as having had too much to drink for dinner. In no way did I mean to imply that the honourable member was intoxicated. I have enormous respect for the member for Peake and we have a long-standing friendship. The comment was made in jest during the course of the debate. I withdraw that comment and apologise to the honourable member accordingly.

GRIEVANCE DEBATE

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

Ms STEVENS (Elizabeth): I refer to write-offs in terms of child abuse and my concern and outrage at the practice that is apparently occurring in a number of very busy FACS offices in the metropolitan area. I was interested in the Minister's response to my question, and I noted down some of the terms that he used. He said that he was appalled at the increase in the level of child abuse notifications—

The Hon. D.C. Wotton: Aren't you?

Ms STEVENS: —as I am. He said that obviously we need to prioritise and be sensible about this and that it is just not possible to make immediate decisions on all cases. He also said that he was satisfied that the most serious cases were being investigated. I have some doubts about that and I want to explain why. As to the question of write-offs, I will quote from a letter, which was issued from a Family and Community Services District Centre to parents of a child, as follows:

> Dear Mr and Mrs. . . our office received information about your daughter which we would like to discuss with you. Would you please telephone the office to make an appointment to meet with a social worker. Receiving a letter such as this can be distressing, and we will therefore arrange an interview with you within a day or so of your call. When you phone, could you please ask for the duty social worker. As we prefer not to discuss confidential matters over the phone, the information will be discussed fully when we meet. Our office is located at . . . and the phone number for social workers is . . .

The phone number is supplied. It must be noted that it is the parents who receive the letter saying that the FACS District Office has concerns about their daughter. If those people

choose not to follow it up, the case is written off and it is not dealt with. We must think very carefully about this. I speak with some experience and knowledge about this issue, as I spent a number of years as a secondary school counsellor and I dealt with many cases involving child protection and child abuse among students. In my time, a few years ago, FACS responded immediately. FACS officers came to the school, interviewed the child and conducted their investigation. Because FACS is overwhelmed with the increase in child abuse cases, the officers send letters to parents. Although the violence or abuse is quite probably occurring with the parents, they are the ones who are asked to call a FACS office to come in for a discussion. This is a complete disgrace and, as a result, many cases of child abuse will simply not be tackled. All this comes from a Government that says that it has a strong commitment to families, that it has a strong commitment to overcoming child abuse, that it is appalled—

The Hon. D.C. Wotton interjecting:

Ms STEVENS: And it is not enough, Minister; it is not enough. If the Minister has officers sending letters such as this to people in the community, asking them to make contact before FACS will investigate, where are we at in our community about getting rid of child abuse and standing up for the rights of the child? This is an absolute disgrace, and the sooner our community knows what is happening, the better.

Mr VENNING (Custance): I bring to the attention of the House a very serious matter. I am greatly concerned that constituents right across the State have been duped into very substandard and unprofessional jobs in relation to tennis and netball court resurfacing, mainly by a company that was placed into liquidation and no longer exists. I have been inundated with complaints and concerns from sporting clubs, netball and tennis clubs, and district councils about the problems they have been left with after their dealings with the company called Pride Australia Limited, which also operated under the name PB Coatings Pty Ltd. This company has gone out of business. Its work has been found to be completely unsatisfactory and it has left many organisations with no redress.

As members will appreciate, many of these organisations, especially sporting clubs, are still trying to raise the money to pay for a job which, in many cases, is not only dangerous but has left their courts unplayable. Some of these clubs have spent up to $30 000 on the project, only to be left with a complete and absolute mess. This matter was first brought to my attention by the Kapunda Tennis and Netball Club and, as my investigations have progressed, I have been horrified to learn of the number of clubs that have been affected by the unsatisfactory work that has been done by Pride Australia Limited and PB Coatings.

The problem covers the whole State, from Kalangadoo in the South-East, Wirrabara in the North, Wirrulla on the West Coast and extending to the Mid Hills Netball Association at Woodside. It is very widespread, and I have a very extensive file on the matter. The volunteers involved with these clubs have gone to great lengths to expose the problems they have experienced with Pride Australia and PB Coatings. Accusations have been made to different people about who recommended Pride Australia and PB Coatings, some of these accusations being made by people who had positions of trust—and I will not be any more specific than that at this time, although I will say that my investigations are continuing.

Some people were in a privileged position to know who was working on the courts, although whether or not these people unfairly used their position is speculation and still open to debate. These accusations have been made to me by more than one person and certain names have appeared on letterheads, which has also given me great concern. I have taken up this matter with the Minister and his staff in the Department for Recreation, Sport and Racing, as well as with the Department for Consumer Affairs, so that all are aware of the problems that have been experienced by many organisations.

I am very concerned that so much of this work was able to be done without solving the problems. This has raised my concerns about Consumer Affairs and other such departments being toothless tigers, because they should have been able to make this matter public and warn people that this unscrupulous activity was occurring, therefore alerting clubs and organisations to be careful.

Several quotes would be obtained, in most cases from very reputable companies, particularly where the surfaces were cracked or undulating, and the quotes were usually for a new foundation and a new surface. Pride Australia and PB Coatings would then give a cheaper quote and state that they would seal the court surface for the cracks and just put on a new top coat at about half the previous quote.

The cheap prices encouraged many sporting clubs to engage Pride Australia, and the work was carried out. The cracks have since opened up and the surface is loose and lifting off. There have been complaints of this company spraying on top of dirt and leaves and having a very poor standard of workmanship. I have a huge list of problems that others have experienced through this company; it is a very substantial file. Accusations have also been made to me, at this stage completely unsubstantiated, that some personnel who were involved in the Pride company are now operating under a new name.

Whilst it is true that a previous employee of Pride Australia and PB Coatings is working in the same industry but as a director of a new company, I am not prepared to say whether this company, which I am not willing to name for reasons of fairness, is carrying on with the old practices. I have a list of references which the new company supplies for people wanting to check on its standard of work. I have been telephoning every known person and organisation that has engaged the company and I have received some good reports about the new company. I received comments of concern in only one case and a problem with another but the organisation is confident its problem will be remedied by the company. So I feel it would be unfair to prejudge the new company until its performance can be fairly assessed.

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

Ms WHITE (Taylor): I refer this afternoon to a cut announced in the recent State budget that will have a particularly marked influence and impact in my electorate of Taylor, that is, the cut of 250 school service officers. On 1 June a Department for Education and Children's Services minute was circulated indicating to principals the size of these cuts and what it would mean to their school. For the benefit of the House I will repeat some of that information which details what could be expected at local schools. A high school with 45 teachers could expect a 33 hours per week reduction; an area school with 23 teachers could expect a 16 hours per week reduction; a primary school with 16

teachers, 11 hours; and a junior primary school with 12 teachers, 10 hours.

This involves 250 school officers—full-time positions—and, as recent discussions have indicated, this could translate into more than 250 actual teachers. That represents 10 per cent of all the school services officer positions, which is quite a significant proportion of that work effort. In the electorate of Taylor—and I expect this to occur in other electorates as well—I am aware of the impact, having spoken to each of the schools in my electorate, and that impact will be severe and affect each school in different ways.

School services officers provide a whole range of support services to schools both inside and outside the classroom. They provide support for teachers in learning situations in classrooms, provide library services, administration support in administration offices, medical aid and a whole range of ground and other support services. In my electorate a number of schools utilise the services of these SSOs for behaviour management, these officers being used to supervise and manage difficult children, thereby aiding teachers in handling their classroom loads.

They are an integral part of the program, and without the services of these officers teachers would not be able to deliver as fundamental a service as they currently do. In several of my schools these SSOs are the sole reason why courses and curricula activities can be offered to disadvantaged students and students with learning disabilities. They are the people who take students for out of classroom extra learning tuition and the like. Several of my schools have said that when those hours are cut they will no longer be able to offer the special education programs which they currently offer.

Another issue that has been raised is that school services officers are the ones who administer medication to students, and in my area quite a number of students have asthma, which requires considerable medical attention every day in the form of medication and monitoring and controlling these students. That is done by school services officers; teachers do not have the time to do it. This is a short-sighted move. Without these officers the work will either not be done or must be picked up by teachers who are more highly paid at the moment than school services officers.

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

Mr ASHENDEN (Wright): I wish to draw to the attention of the House today a matter which has caused a constituent extreme concern. I would like to read into *Hansard* a letter which my constituent received from Adoption Jigsaw SA Inc, which states:

> Dear Mr. . .
> I am aware this letter may come as a surprise to you—
> that is the understatement of the year—
> but my wish is that it will cause no distress—
> and I can assure the writer that it certainly did—
> as that is not my wish or the wish of my clients. You may or may not be aware of the new South Australian adoption laws which came into effect on 17.8.89. The new legislation has given new rights to adopted adults and birth parents. My clients Keri and Kym were born to Catherine. . . and later adopted. Keri was adopted in October 1958, Kym in 1960. On tracing the birth parent it was found that she was deceased, but that there were other siblings. Acting on behalf of Keri and Kym I believe you are her son. Much deliberation has preceded the writing of this letter as I am unaware if you know of these two siblings.
>
> Because we cannot contact the birth mother, we are hoping that you may be able to help us with our inquiries and perhaps so knowledge of their birth mother and any relevant medical history. I look forward to hearing from you soon and that you will give this request your kindest consideration.

That letter came from Adoption Jigsaw to a constituent who was, to say the least, absolutely shocked when he received that letter because, as far as he was concerned, he was the natural son of his parents. This person is in his 50s and the mother is in her 80s. When the son received this letter his distress quickly turned to anger as he felt that his mother had not been honest with him in telling him that he was an adopted and not a natural child.

He therefore went to his mother (who I stress is over 80) and in anger, which I suppose is understandable, accused her of not being honest with him and telling him that he was an adopted son. I think all members in this House would fully appreciate the way that mother must have felt. In fact, she was put into a complete state of shock when accused of this by the son. She could not express herself well and the son then contacted his sister. It was the sister who was able to assure the son that there was absolutely no truth in the suggestion that he was anything but the natural son of the mother and father whom he had always regarded as his natural mother and father.

For any organisation to send a letter like this advising a person that he is supposedly not a natural born son, with the impact it had on that person and the impact it had also on the elderly mother, is absolutely unforgivable. I say to Adoption Jigsaw that in future it ought to jolly well do its homework, because the mother was so shocked that the daughter was extremely fearful that her mother's health, which is not good, could have deteriorated to such a degree as to result (and I am not exaggerating) in her death. The mother was absolutely shocked and required treatment.

This sort of nonsense has to stop. What right does Adoption Jigsaw have to write to people in this manner, putting forward suggestions which are absolutely not based on fact? If it is to get mixed up in the sensitive areas of adoption and natural birth, the least it can do is ensure that it first does its homework thoroughly. This letter and the action of Adoption Jigsaw, I repeat, in my opinion, are absolutely unforgivable. I can only hope that Adoption Jigsaw in future will bow right out of this area and leave this work to people who know what they are doing, because the harm it has done in this instance is immeasurable. I feel so strongly about this matter that I will be taking it up with the Minister.

Organisations such as this should not be allowed to operate, and I would hope that any Government organisation that works in this way ensures that it does its homework first. I am sure members can see how angry I am, but I have seen first hand the impact this letter has had on a family. Adoption Jigsaw ought to get out of it or lift its game and never cause this sort of hurt to any other people in future.

Mr De LAINE (Price): The Parks Community Centre, which is in my electorate, has been the subject of ongoing discussions regarding a proposal for the State Government to hand over this community centre to the Enfield council. These discussions have been continuing for many months and, despite meetings being set up involving the Minister in charge of this operation—the Minister for Housing, Urban Development and Local Government Relations—many have been cancelled at the last moment and nothing has happened. The staff of the centre do not know what is happening or how secure their employment is, and the contracts of employment expired on 30 June, which was regarded as the deadline for

the takeover by Enfield council. Nothing happened, as usual, and those people have had their contracts extended for six months in the meantime. This merely highlights the fact that this Government procrastinates and does not seem to know what it is doing about handing over this magnificent centre to the Enfield council.

I have used that preamble to set the scene for my main area of concern about what is happening in parallel with this situation. I refer to the outsourcing (the Government's favourite buzz word) of services at the Parks Community Centre ('outsourcing', of course, meaning jobs and services being put out into the private sector). The services in question being outsourced are the cleaning services, security, maintenance and grounds staff. These people, who have carried out these important tasks over many years, are faithful employees, most of whom are members of the local community, and although they have been paid for their services they have performed them as a labour of love. They are dedicated people and have given outstanding service over many years. It upsets these long-serving workers, and it also upsets me, that this outsourcing is being carried out without any sort of consultation or negotiation occurring with these people.

I am mainly concerned about two areas, the first involving security. A private contractor has been brought in to do the security work, but to keep the price down they do not cater for after hours work such as public holidays and weekends. In those areas they bring in the old faithful—the people who have done the job over many years. They do those sorts of jobs on weekends, after hours and on public holidays and the private sector picks up the cream. There has been no consultation. The people concerned have been pushed aside while these contractors come in and do the work.

The area involving the cleaners is the next main area with which I want to deal. A staff of cleaners have been there for many years, and they, too, have been pushed aside and local contractors brought in without any consultation to do the job. They have come in, and I believe there has been no tendering process. It makes one suspicious when contracts are let out with no tendering for them involved. Some of these long-term employees have got together and decided to form their own company and tender for the contract themselves. Who knows the job better than they do? However, they have been told that there are two problems: first, no tenders are to be called; and, secondly, even if tenders are called their bid will not be considered, which is very undemocratic and discriminatory.

Over the years these cleaners have waived certain conditions and penalty rates, in cooperation with the unions and the Government, to assist in the smooth running of this community facility. To facilitate the operation of the centre and to enable better local community access, people in areas such as the swimming pool have waived these conditions and penalty rates to help keep down costs and assist with the orderly running of the centre. These private contractors have told the administrators that there is no way they will be doing this—that they will do what they are paid for, no more and no less.

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

Mr ANDREW (Chaffey): I rise to continue arguing on behalf of the community the very determined case for retaining and upgrading the Cadell Training Centre. Given that the period for public consultation as provided by the Minister for Correctional Services closes in a few days, and given that this session of Parliament concludes presumably tomorrow, this will be the last opportunity I will have to put on the public record the continuing case for upgrading Cadell Training Centre. I particularly want to report on a public meeting held last Monday evening at the Cadell Institute where more than 300 local people from the Riverland West community came to voice their continued and strong protest at the potential closing and, more importantly, their positive argument in promoting the case for upgrading the centre.

I want to place on the public record my thanks to my colleagues the member for Custance and the member for Eyre, who were in attendance on the night, and also, as I did on that night, the Riverland community. Whether from Cadell, Morgan, Waikerie or the broader Riverland community, they sent letters of support to the Premier and various members of the Cabinet. I particularly want to thank the specific groups involved in this campaign, whether it be the business people in the local communities, the current staff of the training centre, both current and past inmates, and various individuals who have given me various pieces of information which have been particularly helpful in putting forward this strong case that we are putting to Cabinet on behalf of the local community. I also thank the local media who have been particularly supportive and active in this campaign over recent months.

The member for Custance, the member for Eyre and I passed on to the Party meeting on Tuesday morning the general motion that was passed unanimously at that meeting on Monday night by that group. We raised the issue again in the Party room, and we were given an immediate response by the Premier that he would agree to a forthcoming meeting between him, the Minister for Correctional Services and the members for Eyre and Custance and me to further discuss the current requirements of the community in this regard. I also want to place on record today, as I indicated at the public meeting on Monday night, my determination in terms of the support for the process of the campaign to date. I indicated to the meeting that I had just completed a specific written submission, which I have conveyed to all my Liberal colleagues, particularly the Cabinet members to whom I personally handed this submission.

In the brief five minutes available to me in this grievance debate, I want to summarise the three or four major concerns that I focused on in the submission to the Cabinet members. It focuses on the devastating impact that any potential closure at Cadell would have, the loss of over 60 jobs, and the loss of between $3.4 million and $5.2 million in terms of gross regional input in that area. My case focuses on the inadequacies of the current report brought down by the Department for Correctional Services in May this year. That report in many ways failed to address the future potential of Cadell and was rather inadequate in terms of its failure to highlight the under resourcing that has gone into the Cadell Training Centre, particularly in terms of horticultural development opportunities and the potential for producing additional income for the State. The report focuses also on the successful outcomes of inmates, the very successful outcome of records that inmates have in terms of their involvement with the community and the way in which that is reflected in their rehabilitation back into the community.

I have made special mention of the staff. I recognise that the staff at the Cadell Training Centre would be some of the most cohesive and committed staff in the Department for Correctional Services and that, therefore, they provide the greatest potential for efficiency savings in terms of operating a centre of that nature. I also reported on an overseas visit to

British Columbian prisons and low security prisons in Canada a month ago. There is a very consistent approach in those areas where low security prisons are being redeveloped and in country areas in British Colombia. I also want to report that at that public meeting some examples were put forward by a range of people to reflect the human requirement, including the local parish minister who reflected the contribution in a two-way sense that local inmates have had in the community. I implore further support for the future of the Cadell Training Centre.

The ACTING SPEAKER (Mr Becker): Order! The honourable member's time has expired.

LEGISLATIVE REVIEW COMMITTEE0

Mr CUMMINS: I bring up the twenty-ninth report together with minutes of evidence of the committee and move:

That the report and minutes of evidence be received.

Motion carried.

Mr CUMMINS (Norwood): I bring up the thirtieth report of the committee and move:

That the report be received.

Motion carried.

RESIDENTIAL TENANCIES BILL

The Legislative Council intimated that it had agreed to amendments Nos 3, 47, 49 to 53, 55, 58 to 60, 64, 70, 72 to 74 and 77 made by the House of Assembly without amendment; that it had agreed to amendments Nos 45 and 46 with additional amendments and amendments Nos 43, 56, 57 and 65 with amendments; that it had disagreed to amendments Nos 1, 2, 4 to 42, 44, 48, 54, 61 to 63, 66 to 69, 71, 75, 76, 78, 79 and 80 for the reason indicated in the annexed schedule, but had made amendments in lieu of amendments Nos 1, 5 to 11, 15, 17 to 39, 44, 48, 54, 61, 66, 67, 78 and 80; and desires the concurrence of the House of Assembly to the amendments.

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986 and to insert further transitional provisions in the Workers Rehabilitation and Compensation (Miscellaneous Provisions) Amendment Act 1995. 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.

This Bill addresses a number of technical matters relating to the *Workers Rehabilitation and Compensation Act 1986*, all of which affect the implementation of the *Workers Rehabilitation and Compensation (Miscellaneous Provisions) Amendment Bill 1995* which was passed by this Parliament in April of this year.

Whilst the issues addressed in this Bill are technical, they are nonetheless of practical significance to the operation of the April 1995 amendments in the manner intended by the Government and this Parliament.

The matters raised in this Bill have been brought to the attention of a Working Party which was established during the April 1995 Parliamentary negotiations on the WorkCover scheme. That Working Party, which comprised the Minister for Industrial Affairs, the Shadow Minister for Industrial Affairs, the Leader of the Australian Democrats and a representative of the two key industrial stakeholders in this scheme (the Employer's Chamber and the United Trades and Labor Council) has primarily been established to develop consensus based legislation on the WorkCover dispute resolution process.

Whilst it has not been possible in the time available to date for the Working Party to finalise the details of its proposals in relation to the dispute resolution process (although agreement on 95 per cent of the issues has been reached), it is possible to introduce this Bill which is supplementary to the Working Party's agenda.

The principal matters in this Bill (concerning LOEC recipients and concerning section 38 reviews) have also been the subject of specific advice from the Workers Rehabilitation and Compensation Advisory Committee.

As these technical issues, if not addressed, would be prejudicial to the effective implementation of the April 1995 amendments, they have been introduced as a matter of urgency in this session so as to not delay the benefits of the April 1995 amendments to workers, employers and the WorkCover scheme.

The Bill amends the principal Act by inserting a proposed new section 38A. The April 1995 amendments clearly provided for a formal process for reviewing weekly payments under section 38. However, it was not intended that where weekly payments are to be discontinued or reduced under section 35 (as a result of a specific time period being reached) a section 38 review would need to be conducted. Advice received since a decision of the Supreme Court in the matter of Mitsubishi Motors Australia Limited and WorkCover v Sosa delivered on 8 June 1995 is that this unintended consequence could apply to future decisions, as well as past decisions, made under the previous legislation.

The Bill overcomes this unintended consequence by providing that where a worker's entitlement to weekly payments ceases or reduces because of the passage of time, WorkCover may implement that discontinuance or reduction without a formal review. WorkCover is still required to give notice to the worker and employer of the change in weekly payments. Despite the Supreme Court's interpretation, this amendment reflects what has been the policy intention of employers, employees and WorkCover since the commencement of the scheme. In order to overcome the potential of the Supreme Court decision being used to invalidate past reductions or discontinuances on technical grounds, the Bill proposes that this amendment apply to past and future variations to weekly payments (other than the Sosa case itself).

The Bill also addresses the issue of LOEC payments and their relationship with the new lump sum provisions and second year review provisions of the amended Act.

When the current LOEC provisions were retained in the existing Act by way of amendment to the Government's Bill in the Legislative Council in April 1995, it was the general intention of the Government to ensure that LOEC recipients were treated no differently to other workers in receipt of weekly payments for the purposes of redemptions of liability and the second year review process.

Advice received by WorkCover from senior counsel since the passing of the amending Act indicates that the re-inclusion by the Legislative Council of the LOEC provisions in an unamended form has compromised this policy intent.

This Bill amends the new redemption provision in section 42 to expressly provide that a liability to make a LOEC payment can be redeemed by agreement between the worker and the Corporation. The Bill also amends section 42A by consequentially incorporating the new second year review provision in section 35 for the former second year review provision which had applied prior to the April 1995 amendments.

These amendments to the LOEC provisions of the principal Act will ensure that LOEC recipients are treated no differently to other workers under the Act in relation to access and quantum of redemption entitlements.

This Bill also makes a number of amendments which arise from the recent Parliamentary process and debate.

These include an amendment to section 58B of the principal Act by striking out the provision of the amended Bill which excluded from the operation of that section after 2 years employers who employ 10 or more employees. Whilst the Government had initially proposed this exclusion in its April 1995 Bill, the Government had

agreed, during Parliamentary negotiations, to accept an amendment to section 58B which only excluded small employers with less than 10 employees. However, this amendment was not reflected in the final amending Bill in April 1995. This Bill now corrects that position.

This Bill also amends section 34 of the April 1995 Bill by inserting in the transitional clauses of that Bill two provisions maintaining the status quo in relation to medical fees and secondary and unrepresentative disabilities. These transitional clauses were intended to be moved in the Legislative Council in April 1995, but were inadvertently superseded by subsequent amendments to clause 34. This Bill also amends the reference to division 4A in section 63(3aa) of the principal Act. This amendment is consequential on re-numbering of Divisions in the April 1995 amendments.

This Bill, once passed by this Parliament, will enable the April 1995 amendments to be implemented in full and in line with the intended policy outcomes of the Government and the Parliament.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause provides for the short title.

Clause 2: Commencement

The Act will come into operation on a day (or days) to be fixed by proclamation.

Clause 3: Insertion of s. 38A

It is intended to insert a new provision in the Act to deal expressly with the discontinuance or reduction of payments due to the passage of time. For example, section 35 provides for a reduction of weekly payments at the end of the first year of incapacity, or for the discontinuance of payments when a worker reaches a certain age. The new provision will allow the Corporation to take action to reduce or discontinue the payments in such circumstances (as may be appropriate) without the need to proceed to a formal review of the worker's entitlements under another section. The Corporation will be required to give the relevant worker notice of the decision to reduce or discontinue weekly payments. Furthermore, subclause (2) will provide that a discontinuance or reduction under the principal Act before the commencement of the clause will not be liable to challenge if the discontinuance or reduction could have been validly made under new section 38A (assuming that it had been in force at the relevant time). However, the provision will not affect the rights of the respondent in Sosa's case.

Clause 4: Amendment of s. 42—Redemption of liabilities

This amendment will allow the redemption under section 42 of the Act of a liability to make a capital payment for loss of future earning capacity under Division 4B of Part 4 of the Act.

Clause 5: Amendment of s. 42A—Loss of earning capacity

This amendment is inserted to provide greater consistency between sections 42A and 35 of the Act in respect of the assessment of loss of future earning capacity of a partially incapacitated worker.

Clause 6: Amendment of s. 58B—Employer's duty to provide work

This clause relates to section 58B of the Act. Section 58B(1) places a duty on an employer to provide suitable work to a worker who is able to return to work after suffering a compensable disability while in the employment of the employer. Various exemptions are set out in subsection (2) of section 58B. The Bill will delete the exemption for an employer who employs 10 or more employees where the case involves a worker who has been incapacitated for work for more than two years.

Clause 7: Amendment of s. 63—Delegation to an exempt employer

This clause corrects an incorrect cross-reference.

Clause 8: Amendment of Workers Rehabilitation and Compensation (Miscellaneous Provisions) Amendment Act 1995

This clause includes additional transitional provisions in Act No. 35 of 1995 (so that two substantive provisions can be brought into operation without the need to make regulations immediately).

Mr CLARKE secured the adjournment of the debate.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

Mr CLARKE: The Opposition supports the motion put forward by the Minister both here and in another place. Basically, it reflects many hours of negotiation between the United Trades and Labor Council, the Government and the Opposition. It is true to say that the Opposition is not entirely happy with all parts of the agreement that has been entered into, but I guess that that is the nature of politics and of compromise and give and take. In particular, the issue surrounding the Employee Ombudsman acting as a representative, in effect, for non-existent workers in negotiations for a greenfield site enterprise agreement is one matter with which we do not agree in principle. However, with the Government's agreement we have inserted a number of safeguards with which we can live.

However, as a principle, we see the Employee Ombudsman's role being to represent the interests of employees. In the first instance, they should not be engaged in negotiating conditions of employment for non-existent employees, because at some later date the employees may come back to the Employee Ombudsman and complain about the terms of the agreement negotiated by the Employee Ombudsman. With those reservations, we will facilitate the passage of this legislation through both this House and the other place.

Motion carried.

ROAD TRAFFIC (SMALL-WHEELED VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 July. Page 2933.)

The DEPUTY SPEAKER: Order! The Deputy Premier adjourned the debate and, therefore, will conclude debate on the second reading if he speaks.

The Hon. S.J. BAKER (Deputy Premier): Mr Deputy Speaker, it was my intention to speak on my own behalf and then allow the Minister to sum up.

The DEPUTY SPEAKER: Order! I will clarify that. I was under the impression that the Minister was handling the debate formally but, if the Deputy Premier wishes to speak on his own behalf and for the Minister to conclude, that naturally leaves it open for anyone else to join in the debate.

The Hon. S.J. BAKER: In essence, I will speak on my own behalf and also sum up. The issue that is being debated has been very hotly contested in this House. There should be vigorous debate of important issues in the electorate, and we certainly have seen a vigorous debate in this Parliament in respect of this issue. I can understand the concerns that have been expressed by a number of members, because there have been incidents where they believe that certain misbehaviour on behalf of some youthful people has caused some difficulties. When this matter was first raised with me personally, I had some extreme reservations. I had to be convinced that what we were doing here was taking this State in the right direction.

Members interjecting:

The Hon. S.J. BAKER: Members opposite have had the opportunity to debate this issue, and they held up this House for a fair while. I appreciate that they expressed—

An honourable member interjecting:

The DEPUTY SPEAKER: Order! I remind the honourable member that he has been warned once today by the Speaker, and he should not challenge the Speaker's ruling.

The Hon. S.J. BAKER: I will re-phrase that for the benefit of the member for Spence. During the debate, members put their views very vigorously and, in some cases, very succinctly. I will withdraw the term 'held up' because that was an inappropriate choice of words. The issue is complex because, as all members would appreciate, until there is legislation, the *status quo* will remain. Let us look at the *status quo*, because it is worth reflecting on in this debate. The *status quo* is that young people will do what they will when they wish to do it. Many of the incidents that have been reported to this House have occurred under existing conditions. Members opposite—and some members on my side—suggest that we should not do anything about it. However, if the changes that the Bill seeks to put in place lead to improvement, I am of a different point of view. That is the issue. We will not solve the problem, but we certainly can put down some standards. No standards prevail. Everyone who has spoken in this House has reflected on some of the incidents that have occurred, either through someone informing them or some incident with which they have had some relationship.

The important thing is that members should try to think beyond a particular situation. We are in a chaotic position. Everybody knows that skateboards and in-line skates are used in some of the most inappropriate places. We also recognise that in the past there have been occasions where, due to youthful enthusiasm, other people have been put at risk. That is what prevails today. Members opposite say, 'Look, we don't wish to change that situation.'

Mr Atkinson: We do; we've got amendments.

The Hon. S.J. BAKER: I find that rather interesting. The honourable member said that, because they have amendments, they will be constructive about it. I heard nothing constructive from the member for Spence during the whole of the debate last night. Under those circumstances, I presume the member for Spence will support the second reading.

Mr Atkinson: No.

The Hon. S.J. BAKER: There you are. What a joke! On the one hand he had nothing constructive to say and then, on the other, he says, 'Hang on, there might be a way of improving the Bill.'

Mr Atkinson: And there is.

The Hon. S.J. BAKER: Now he is saying, 'Well, look, the Bill takes us in the right direction.' He says that he wants to make some amendments even though he opposes the second reading. What a clown! The issue raises emotions in people for what everybody would conceive are appropriate reasons. The point is that at present we have a chaotic situation. By this legislation the Minister is attempting to incorporate some level of regulation, of self-regulation and of greater responsibility in people's behaviour. That is to be applauded.

Mr Atkinson: How many constituents have you asked? How many have telephoned you and asked for them?

The Hon. S.J. BAKER: The member for Spence had his chance to speak in this debate. He has had his best shot. I ask him to be quiet and listen for a change. He would well remember that, when we were kids, we could cycle down main roads without fear of being knocked over. As school kids, we used to go to Unley High School in our droves, with minimum risk. Today many of my constituents and students still ride to school, but they ride on the footpath for fear of being knocked over by a car, and then the question of illegality arises. There are some complex issues here. The member for Spence and some of his colleagues have taken a very simplistic view of life.

Mr Atkinson: And that side!

The DEPUTY SPEAKER: Order! The member for Spence has made a substantial contribution.

The Hon. S.J. BAKER: I would not say substantial, Sir; he just made a contribution. Let us get it quite clear: what the Government is in the process of doing is saying, 'We can do better than we are doing today.' I think everybody would applaud that. I would like to put something on the record, and if during the Committee stage the member for Spence can refute it I will be happy to hear about it. It is generally acknowledged that there is a need for specific legislation in South Australia, and the proposal before us is supported by the South Australian Council for the Ageing, the older members of our community, the South Australian Retired Persons Association, the South Australian Police, the Youth Affairs Council and other user groups, all of whom were represented on the Minister's working group. So, we have the full spectrum of people—

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order! The member for Spence will have every opportunity to speak in Committee. The honourable member is very close to being warned.

The Hon. S.J. BAKER: I would like to finish this contribution without the inane comments of the member for Spence, who has had adequate opportunity to express his views. The need for legislation clearly is established: there has been an increased use of in-line skates, skateboards and roller-skates and there is a necessity to clarify the current legislation. This need first was recognised by the former Government which convened a working group composed mostly of Government department representatives to examine the issues in 1993. Over the past 20 years there would have been various working parties formed by the police and other groups in relation to bicycles and how you handle them when there are risk situations and whether they should be allowed to use the footpath. The issue has been around for 20 or 30 years: it is nothing new.

The Road Traffic Act currently bans the use of these devices on the carriageway of public roads, while vehicles are banned on public footpaths, as everyone would recognise. Crown Law advice is that small-wheeled vehicles are not defined as either vehicles or pedestrians under the Road Traffic Act, therefore the legal situation for their use is not clear. Police are reluctant to prosecute because of the uncertainty of the legislation. So we have clarifying legislation. Who could ask for more than that?

In terms of the interstate precedent, the South Australian legislation has been modelled on the New South Wales legislation, which has worked well since its introduction. Initially, there was opposition to this type of legislation in New South Wales. My understanding is that the same fears that have been expressed in this Parliament were expressed in New South Wales, and I would expect that same situation to prevail anywhere.

People envisage that once we pass this legislation we are going to see thousands of people using the areas designated by this legislation. That has not been the experience in other States: in fact, quite the opposite has occurred. So, the concerns that are being expressed in this Parliament are the same concerns that were being expressed in New South Wales at the time it passed similar legislation. Indeed, that was experienced by members of Parliament at the time they debated the Bill. However, I have been advised that in New South Wales those concerns have not materialised and that

the use of these vehicles is not an issue in that State. I understand also that the ACT is enacting similar legislation.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The local councils have responsibility for regulating the use of toy vehicles in Victoria, as the member for Spence may recognise. Queensland has had legislation since 1993 which allows free access to footpaths. The proposed Australian road rules advocate national uniform road rules for users. The issues and concerns for older people clearly are recognised and we believe that this legislation will assist. When the question of personal liability was canvassed in another place, it was pointed out simply that the same conditions prevail whether you are on a bicycle, on in-line skates or on a skateboard. Also, there are issues relating to whether the councils themselves bear liability and we will debate that matter further. Certainly, we have said that councils should have limited liability in these situations.

In terms of the designation of prohibited areas, the criteria for prohibition signs will be specified within the regulations of the Road Traffic Act in the code of practice for the installation of traffic control devices. The criteria will take into account safety considerations for all road users, including small-wheeled vehicle users, the likelihood of compliance, and the design and placement of signs. Guidelines for areas to be designated as prohibited areas will be spelt out in regulations under the Road Traffic Act. Councils have sufficient flexibility under the legislation to designate areas where deemed necessary.

As I said, this legislation is supported by the Council for the Ageing, the South Australian Retired Persons Association, the South Australian Police, the Youth Affairs Council and other groups that were members of the Minister's working group. I guess they cannot all be wrong.

Mr Atkinson: Yes they can.

The Hon. S.J. BAKER: The member for Spence continues to interject. I would like to make a number of points. In his contribution, the member for Spence seemed to get more wrong than right. He said that no other States have footpaths covered in their legislation but that is wrong: legislation in relation to skates in all States includes footpaths. In regard to the issue of speed limits, if you have a vehicle speed limit that equally ought to apply, but I find that an absurdity in itself. The honourable member suggested that we are taking away police powers but of course he is wrong: we are clarifying police powers. The submission that the working party report recommended more facilities is quite correct but, as the member for Mitchell pointed out, that has not happened. When I was president of the community association at Bellevue Heights I worked for skateboard facilities and, indeed, Mitcham actually did put in some skateboard facilities at that time. However, we have not seen councils grasp the nettle in that regard and provide this amenity. The honourable member says that the LGA's liability concerns have not been addressed but that is quite incorrect. They have been addressed.

Mr Atkinson: The LGA opposes the Bill.

The DEPUTY SPEAKER: If the member for Spence wishes to remain to move his amendments he would be well advised to be quiet for the rest of the debate.

The Hon. S.J. BAKER: Thank you, Sir. It would be terrible if the honourable member was named and could not contribute to the Committee stage. The issue of bike lanes was raised, and I understand that bike lanes have been excluded because they are associated with—

Mr Atkinson: Bikes.

The Hon. S.J. BAKER: Their special aim is to protect cyclists but, importantly, because of the delineation provided in this Bill, these are the roads on which the Bill would not allow skating because they are major roads which are marked by a centre line or median strip. However, that situation obviously can be reviewed in the future. As a number of members have said, the issue in relation to the liability of councils has been satisfied under the Bill.

The issue of whether the regulations, section 10.07(2), cover situations in which skaters, roller-bladers and skateboarders are prohibited from riding on footpaths was raised by the member for Florey. The Bill is aimed at legalising what is an accepted practice and imposing conditions on them, such as the use of helmets and no use at night. One of the issues in relation to this Bill is that we have a free-for-all on the streets at the moment; yet the Minister has said, 'We can do better than that. We can impose conditions which say that, if they operate at night or without a helmet, they are out of bounds.' That has to be a big improvement on where we are today.

Mr Atkinson: Punished how?

The Hon. S.J. BAKER: I do not know what the member for Spence is going on about, because simply by saying that they shall not be able to operate at night provides that an offence will be committed if they do, and he would recognise that there are a whole range of ways of dealing with those offences. The member for Spence has probably had one or two of his youngsters break loose; they have not finished in the courts, but they certainly have had some dialogue with the police.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Obviously the member for Spence does not have any young people committing offences in his area. I have had them in my area and my area relatively is free of serious crime. His electorate must be unusual, and I must ensure that his next electorate letter states that the member for Spence says that there is no crime in the area. The member for Napier asked why did people need to use skates and skateboards? If she wants to prohibit their use, she should write to her electors and say that she wants skateboards and in-line skates banned. I am nonplussed by some of the contributions from members opposite. A member from my side of the House mentioned a fatality that occurred in New South Wales. On that occasion the person crashed into a bus and no-one else was injured so the aspect of putting other people at risk was not the prime issue in this situation.

The member for Taylor referred to signposting for use. This would result in a proliferation of signs, as we would all recognise. We tried this approach with the cycle legislation. Of course, the councils have not acted accordingly. A number of other contributions were on the same theme. The Bill takes us one further step. It provides that there are rights and responsibilities: some behaviour is unconscionable and should be deemed to be an offence. There are issues about good management and responsibility and I urge all members to support the second reading.

The House divided on the second reading:

AYES (25)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Baker, S. J. (teller)
Becker, H.	Brindal, M. K.
Brown, D. C.	Buckby, M. R.
Caudell, C. J.	Evans, I. F.
Greig, J. M.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.

AYES (cont.)

Lewis, I. P.	Matthew, W. A.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Rossi, J. P.	Such, R. B.
Venning, I. H.	Wade, D. E.
Wotton, D. C.	

NOES (15)

Ashenden, E. S.	Atkinson, M. J. (teller)
Bass, R. P.	Blevins, F. T.
Clarke, R. D.	Condous, S. G.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hall, J. L.
Hurley, A. K.	Leggett, S. R.
Rann, M. D.	Stevens, L.
White, P. L.	

Majority of 10 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Road closing and exemptions for road events.'

Mr ATKINSON: Will the Deputy Premier explain the necessity for this amendment?

The Hon. S.J. BAKER: I understand it is a tidying up amendment to get the common terminology of what is a pedestrian, rather than a person walking.

Clause passed.

Clause 6 passed.

Clause 7—'Use of small-wheeled vehicles.'

Mr ATKINSON: I move:

Page 2, line 22—Leave out 'designated road or part of a road' and substitute 'road or part of a road other than a playstreet, playfootpath or bikeway'.

This amendment introduces the notion of a playstreet or playfootpath. During the debate so far the Government has been wont to criticise the Opposition on being unresponsive to the wishes and needs of young people. The Government has said that we are being killjoys in seeking to amend its Bill. However, the truth of the matter is that the Parliamentary Labor Party wishes to make provision for people who use skateboards, in-line skates and roller-skates.

We wish to make provision under this Bill, and for that purpose, we seek to amend it to introduce the notion of a play street, which we have borrowed from the United Kingdom. In the United Kingdom, provision is made for suitable streets to be designated by resolution of the local government body as suitable for play. The street might be a *cul-de-sac* or dead end street. It might be a street with a very light traffic load. It would be a street in which the residents are happy to have the street used for the purposes of play, in this case, for skating.

The Government has had no difficulty with similar concepts. In fact, last year the Government introduced a Bill into this place for shared use zones. The Deputy Premier might even remember it. One of those shared use zones was the mall at Salisbury shopping centre. The Government was happy to agree to that. I do not see why the Government should resist the notion of a play street. What the Labor Party is saying is that, if the local government body decides that one of its streets or footpaths is suitable for skating or for other play, such a street can be designated by resolution of that local government body as a play street. It can then be signposted by the council to say that it is a play street. Everything would be clear and it would be at the option of the local representative body.

Unlike the Government, the Parliamentary Labor Party is willing to trust the judgment of local government in these matters. We feel that, if there is a demand for skating facilities under the Bill, local government will respond to it. There is nothing at all to stop the parents of a child who wants to skate in the local area approaching the ward councillor and asking respectfully for a street or public place to be set aside as a play street. It seems to me that, with turnouts in local government elections very low—indeed, as low as 17 per cent average in the metropolitan area—there is every reason for a ward councillor to respond favourably to such a representation from parents or groups of parents or, indeed, children themselves.

Instead, the Minister wants to reject the Labor amendments for play streets because she wants to make every street and footpath in South Australia a play street. She wants to say that every street and footpath is a play street until such time as local government passes a resolution excluding that footpath or street as a play street and signposting it or stencilling it. That is what we object to. We believe that the Bill is too liberal in introducing play streets because it makes every footpath a play footpath and nearly every road a play road. We oppose that, and so do large sections of the Government backbench.

This amendment introduces the concept of a play street. It can be chosen by local government on local advice and with local input. That is the sensible way to go and, whenever I have discussed this in public with constituents and groups of constituents or on the talkback radio at which the Deputy Premier turns up his nose—when I have talked about it on the Christopher Cordeaux, John Fleming, Bob Francis or Rex Leverington programs—the people say unanimously that the concept of a play street is a good idea, that it is the way to go.

The Hon. S.J. BAKER: I take exception to the honourable member saying that I turn up my nose at talkback radio. I know that the honourable member is a prolific contributor to talkback radio programs and, if I have reflected on talkback radio, I have reflected on the contribution of the honourable member rather than on the utility and enjoyment that talkback radio brings to hundreds of thousands of people in South Australia.

In relation to the honourable member's argument, I will make three points. First, should we have a play street for bicycles? Is the honourable member saying that his bicycle should be ridden around on a play street? Is that what he is saying? It is exactly the same principle. He wants to designate play streets for bicycles. Looking at the honourable member—and looking only at him—I think that sounds like a wonderful idea because it would get him off the roads. It would reduce the hazard that he creates when he gets on the roads and is thinking of other things. In a wider debating mode, I would suggest that a lot of these small-wheeled vehicles—or pedal power, as I call it—are used—

Mr Atkinson: There are no pedals on them.

The Hon. S.J. BAKER: Well, the issue is whether they are used as a form of enjoyment or as a form of transport. As the honourable member would recognise, many of the children he sees on skateboards and many of the people he sees on in-line skates are using them to get from one place to another. For them, it is a practical way of moving from one place to another.

Mr Atkinson: I can't say that I've ever seen it.

The Hon. S.J. BAKER: The honourable member interjects, but I will answer the interjection. I have seen articles in the paper. Indeed, I remember seeing a picture in the *Advertiser* of someone in-line skating to work from about 10 kilometres away.

Mr Atkinson interjecting:

The CHAIRMAN: Order! The member for Spence has made a more than sufficient contribution.

The Hon. S.J. BAKER: Yes, Sir, he is struggling, so all he wants to do is make a noise. If the member for Spence believes that these items are there purely for enjoyment, he is saying that he wants only specific areas made available for these people. Obviously, he wants bicycle provisions to go the same way. I presume that is what the honourable member is saying. I should like him to take that matter out to the electorate and test it. What is practical today? As the member for Spence would recognise, this is happening all around the world. Some jurisdictions are more liberal than others, and some jurisdictions are more restrictive than others, depending on the circumstances. In some American cities, in-line skates are used as a method of getting to and from the workplace without getting into a car or on a bus.

The debate has to be broadened beyond the thinking of the member for Spence. I know that some youngsters in my area often skate up the back streets to the shopping centre, as the member for Spence would recognise. They skate around the Mitcham shopping centre and then go home again. Some of them travel one, two or three kilometres on their skates. The same thing happens with in-line skates. The honourable member's thinking on the issue of skateboards and in-line skates is restricted to one aspect, which is purely enjoyment, and that is not the practical issue in this case. Unfortunately, the Government cannot accept his amendment. It recognises that the honourable member is making a valiant attempt, but it does not address the wider range of issues.

Mr CLARKE: The member for Spence's amendment basically allows councils to determine areas where skateboarders and in-line skaters can do their joy-riding. If the Government does not favour that amendment, has it calculated the cost to local government of signposting every street in which a council determines it does not want skaters? If we take just one council area as an example—the City of Enfield—does the Minister have any idea of the cost of signposting every road and footpath that that council deems should not be used for skateboarding? What is the cost of the signs and what is the cost of their maintenance?

The Hon. S.J. BAKER: There are a number of options here, as the honourable member has quite rightly pointed out. If you put a pole in the ground and erect a sign, the approximate cost would be $90: that is the estimate that we have received. Obviously road stencilling would be much cheaper. Road stencilling is used, as the member for Spence would recognise, in the City of Unley. That council's upright signs did not do quite the job that was required, and now it has gone to painting signs on the roads, which seem to be more effective.

Councils can determine whether they want to adhere to the general guidelines laid down here and put up no signs at all. They might find, after considering the general guidelines and the regulations, that the whole council area fits within the guidelines and be more than happy with that, so that under the provisions the main roads are not involved. There are a number of ways of approaching it.

Mr ATKINSON: I am delighted with the Deputy Premier's reference to bicycles. If I heard him correctly, he said that I was supportive of bicycles being able to be ridden on footpaths designated as play footpaths, and that I was supporting not only skates on the pavement but bicycles on the pavement. He challenged me to explain to the Committee that I did not really support that. That is a remarkable thing for the Deputy Premier to allege, because the Minister for Transport supports just that.

If the Deputy Premier looks carefully at the Minister's public statements he will see that she is a supporter of bicycles being ridden lawfully on footpaths. It is her frustration that councils have failed to take up the option offered to them by Parliament, I think from about 1993, for designating footpaths as suitable for bicycle riding and that has caused her to adopt the legislative model she has on skates. In about 1993 the Parliament passed an amendment to the Road Traffic Act that would enable councils to designate footpaths as suitable for bicycles, and if councils designated such a footpath cyclists such as I—because I do not drive a motor vehicle—could ride lawfully on those footpaths. The model that was legislated by Parliament is exactly the same model that the Parliamentary Labor Party proposes to use for skates. Why is the Minister not supporting our amendments and our model?

The Minister for Transport has made herself quite clear on this. She is deeply annoyed that no local government body in South Australia has accepted Parliament's offer to designate a footpath as being suitable for the riding of bicycles—not one. So the Minister says that, because councils have failed to take up that offer from Parliament and use that model, we cannot have that model again in respect of skates because, if we did, no local government body would take up the offer. I guess the Minister has some reason for thinking that, because the Mayor of the City of Hindmarsh and Woodville (Mr John Dyer, who also is the President of the Local Government Association), of which I am a ratepayer, has said that if this Bill goes through his municipality will take steps to exclude skaters entirely from footpaths and roads in the municipality. That is his attitude. He is an opponent, on behalf of local government, of the Bill.

If what the Government is proposing is the same model that was used for bicycles then the Parliamentary Labor Party would support the second reading and the Bill because the Parliamentary Labor Party, along with the Parliamentary Liberal Party, supported the bicycle model back in 1993 and would have no difficulty supporting the same model for skates. So I am very glad the Deputy Premier has raised the matter of bicycles. In answer to his question whether I believe cyclists should be allowed to ride on footpaths, my answer is, 'Yes, if the local municipality has deemed that footpath to be suitable for cyclists.' The answer is 'Yes'—I take up his challenge.

There are some differences between bicycles and skates. Bicycles have bells on them so that cyclists can warn a pedestrian that they are about to pass. That is one difference. The second difference is that bicycles have brakes thereby enabling cyclists to stop within a very short distance—within a much shorter distance than skaters can stop because skateboards do not have brakes. That is the reason why the Parliamentary Labor Party has opposed the legislation for dealing with bicycles and skates a little differently.

Nevertheless, if at this late stage of the debate the Deputy Premier and the Government are willing to treat skates the same as we treat bicycles at law, I am willing to accept his offer. My question is, 'Why does the Government treat skates

more liberally, more generously, than bicycles which have bells and brakes?'

The Hon. S.J. BAKER: The comment I made previously was really questioning the honourable member as to whether he wanted play streets for bicycles.

Mr Atkinson: No.

The Hon. S.J. BAKER: There you go; he said 'No'. He is saying, 'I want you to make a big point here. I want to say that bikes can go anywhere and do anything'—and they ride illegally on footpaths now as the member for Spence has also agreed—'but we want these designated streets for these particular users.' I did not know that I was taking the debate to the extent that the honourable member did: I simply turned it around and asked the honourable member, 'Are you suggesting that play streets be available for bicycles only and that they are not allowed to go anywhere else?' and I indicated that he would have a very interesting debate within his own constituency and cause himself some difficulty because he might have to buy a fare on a train, for example, which would cause him some financial embarrassment. I was simply asking the honourable member to exercise a little logic.

In fact, it is discriminatory. The honourable member can get on his cycle and go down the carriageway on the middle line of the road, which skateboarders cannot do under this legislation. So there is a level of discrimination. If you like, we are taking a lot more risk with bicycles—

Mr Atkinson: Bikes have brakes.

The Hon. S.J. BAKER: Goodness gracious, bikes have brakes! I had brakes on my bicycle, too, and I do not know that they succeeded on all occasions. I have seen skateboards stop very quickly and much faster than I have seen a bicycle stop, by clamping down the back end of the skateboard. Again, it relies on the skill of the user. There are skilful bicycle users and there are skilful skateboard and in-line skate users, and they are equally capable of stopping, as the honourable member would recognise—and he himself has seen it happen. He has seen those skates and skateboards stop very quickly.

I have seen them out here on King William Street, and I can guarantee that they have stopped a lot faster than a bicycle would stop under the circumstances. Again, the honourable member draws a thin line of distinction. I was really asking him to apply his logic to bicycles. Is he content to have a play street available here and there which cyclists can use and go nowhere else? That was the issue that was raised previously.

Mr CLARKE: Frankly, I am amazed that the Government has been so helpful to us as an Opposition by introducing this sort of legislation in the first place. I thank the Government for helping us on our way back to government. As I understand it, the Road Traffic Act now provides that, if you are a disabled person using a wheelchair, or a postie going about your lawful business, you cannot travel at more than 10 km\h on a footpath and, if you do and you get caught, you can be given a traffic infringement notice to the value of $78. As I understand it, the legislation imposes no speed limit on skaters or roller-bladers. Those people can get up to quite some speeds, particularly if any sort of slope is involved, yet a disabled person or postie going about their business can go at a maximum speed of 10 km\h or be hit with a fine.

It is part of the Minister's argument that the police cannot enforce today's total ban on skating on footpaths and roads because they cannot issue traffic infringement notices to people under the age of 16 years. How will the police enforce the partial ban on skating on those roads signposted by local government? Under this Bill the Minister does not give the police the power to issue traffic infringement notices to skaters under 16 years who skate in defiance of no skating zones, which the Minister herself proposes.

How will officers effectively police these laws when councils may have different attitudes to skateboarders and in-line skaters? When travelling through different council areas the police will have to carry a ready reckoner to help them work out whether or not a council permits skateboarding on footpaths. Many council areas, including the Town of Thebarton, Hindmarsh-Woodville and Port Adelaide, are in close proximity to one another. How will the police know the relevant rules for each council area when they try to enforce the relevant law in regard to in-line skaters and roller-bladers?

The Hon. S.J. BAKER: On the issue of why limits are imposed, I point out that a wheelchair is a bulky conveyance and the person is at great risk, so it was felt that they should be subject to a speed limit.

Members interjecting:

The Hon. S.J. BAKER: I do not think that either the member for Colton or the Deputy Leader, who is of no small frame, will get on a skateboard as they may break their neck. The issue in respect of posties is covered by regulation under an agreement that goes back in time between the Government and Australia Post (or whatever it was called then) to ensure that there was a code of conduct. They now have motor bikes, which are capable of considerable speed across the pavement. Compared with skateboards, they have less chance of stopping quickly. In terms of the capacity to apply a penalty, obviously things can occur if certain behaviour is deemed to constitute an offence. If a young person is not doing the right thing, there are ways in which their parents can be informed of that behaviour.

Mr Clarke: How can that be done under this legislation?

The Hon. S.J. BAKER: I have been advised that it is possible under the legislation.

Mr Atkinson: Which part?

The CHAIRMAN: Order! Members must stop harassing the Minister. The level of interjection is becoming intolerable.

The Hon. S.J. BAKER: I have been informed that, if an offence is committed under this legislation, it is feasible and proper for the police to visit the offender's home and inform the parents of the transgression. I am told that it is possible that the offender could be involved in an aid panel-type discussion to address that behaviour. Currently we have no rules that even attempt to modify behaviour. I understand that an offender can be prosecuted under the legislation but that they cannot be handed a traffic infringement notice, so there is a penalty.

Mr ATKINSON: There is no finer spectacle for the Opposition than a badly briefed and badly advised Minister. Let me tell the Deputy Premier why the Bill is in this form. The Minister for Transport has said that people under 16 years, that is, youths, cannot be issued traffic infringement notices. She says that the current ban on skating on footpaths and roads cannot be enforced because the police cannot issue youthful offenders with traffic infringement notices. So, being a 'small l' liberal, what does the Minister do? She says that it is all too hard to enforce, so she will let them skate pretty much wherever they like, and the Parliament of South Australia will say that they can skate on most footpaths and most roads without penalty. That solves the problem.

The Brown Liberal Government solves the problem by abolishing the offence. That is how it solves the problem. That is what the Minister is doing: if there is a problem with youths skateboarding on footpaths and roads, she makes it lawful for youths to skateboard on footpaths and roads. Members should recall that the reason for this Bill, as stated by the Minister, is that it is no good having the old law that bans skates because it cannot be enforced and the police cannot issue traffic infringement notices to people under 16 years of age. The Minister says that it will all be okay because councils will have the power to designate a road or a footpath as being unsuitable for skating.

If local government takes up the Government's offer and designates a road or footpath as unsuitable for skating and erects any number of $90 signs to indicate that it is an offence to skate on that footpath or road, how will the police enforce it because the Minister has not provided that the police can issue traffic infringement notices to people under 16 years who violate this new Bill? The question of enforcement is not solved by the Bill. It is solved only in as much as what was unlawful conduct is now made lawful. However, in respect of that conduct which is unlawful under the Bill, should local government take up the offer of being able to prohibit skating in certain areas, there is no enforcement. The Deputy Premier cannot answer that question: his advisers in the Chamber cannot give him an answer because there is no answer. The Deputy Premier probably will not remember the question by the time I conclude, so I will summarise it for him then.

The second part of the Bill which the Deputy Premier cannot for the life of him explain to the Committee is how the people who will have to enforce the Bill will know what the law is in any particular area. For instance, say that I am a constable in a patrol car travelling through Torrensville while in the town of Thebarton. I cross the Torrens River and I am in the City of Hindmarsh and Woodville. I keep going up South Road and eventually I am in the City of Enfield. Let us say that I am in a patrol car and I am travelling around the side streets in those three council areas. It may be that under this Bill the town of Thebarton decides to designate some streets and footpaths, but by no means all of them, as areas unsuitable for skating. So, certain streets and footpaths in the town of Thebarton are unsuitable for skating, and they are stencilled accordingly.

The patrol car then goes into the City of Hindmarsh and Woodville, where I have the honour to live. As an aside, I inform the Government that that council will ban skating completely from all its streets and roads—there will be no skating on footpaths in the City of Hindmarsh and Woodville, because the Mayor has said so, and the councillors with whom I am associated will support him. The patrol car then goes into the City of Enfield, which, for the sake of argument, let us say is relaxed about the Bill and designates no streets or footpaths as unsuitable for skating. On its tour the patrol car sees any number of skaters. How am I, the police officer, to know what is the relevant law that applies in each area? How am I to know whether I am in the town of Thebarton, the City of Hindmarsh and Woodville or the City of Enfield and, if so, what policy has been adopted in each of those municipalities?

I put to the Minister that, in order to enforce this Bill, each patrol car will have to have a very powerful computer to tell it not only which municipality it is in but the relevant law that applies in that area. So, my second question is: if the Deputy Premier becomes Constable Baker, how will he know the relevant law for each council area that he passes through while on patrol? My third point is that, under section 61 of the Road Traffic Act, the Government maintains a $78 fine for disabled people in wheelchairs who travel at more than 10 km/h. The Brown Liberal Government also maintains a $78 fine on a postie who on his red bicycle travels on a footpath at more than 10 km/h, but there is no speed limit in this legislation for skaters. Why not?

Let me summarise my questions for the Deputy Premier. First, how will this new law be enforced against skaters who skate on areas designated by councils as not suitable for skating given that, if they are under 16 years, a traffic infringement notice cannot be issued against them and the Minister herself says that taking offenders to the Children's Court would be too severe and over-reactive? So, my first question is: how will the law be enforced against those who break the law, such as it is? My second question is: how will a constable in a patrol car know what is the relevant law on his patrol if it winds through three or four municipalities? My third question is: why is it an offence for a disabled person in a wheelchair or a postie on a bike to travel at more than 10 km/h on a footpath when it will not be an offence for a skateboarder to do the same?

The Hon. S.J. BAKER: The honourable member has got himself into a lather. I hope that he will go back through the *Hansard* and reflect on his contribution after the event, because he might say, 'What a silly little goose I have been'.

Mr ATKINSON: I rise on a point of order, Mr Chairman.

The Hon. S.J. Baker: The little fellow's sensitive.

The CHAIRMAN: Order! The honourable member has a point of order.

Mr ATKINSON: Standing Order 1 provides that in the absence of a relevant Standing Order the rules of the House of Commons as described in Erskine May apply. According to Erskine May, it is unparliamentary for a member to refer to another as an animal of any kind.

The CHAIRMAN: Under the Standing Orders of the House, the honourable member need simply rise and take exception to a term which has been used against him.

Mr ATKINSON: I take exception to being referred to as a goose.

The CHAIRMAN: The Chair is therefore obliged to ask the Deputy Premier to withdraw the use of the word 'goose'.

The Hon. S.J. BAKER: I do not wish to prolong the debate, but I think my exact words were that he may reflect that he has been a silly little goose. I did not call the honourable member a goose.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That's exactly what I said. Have a look at the *Hansard*.

The CHAIRMAN: I ask the Deputy Premier to withdraw.

The Hon. S.J. BAKER: If the honourable member is sensitive, I will withdraw. The issue is that, at the moment, it is a free-for-all, and the honourable member says that he does not want to change that. An offence does not exist today. Why cannot the honourable member understand that?

Mr Atkinson: Yes, it does exist.

The Hon. S.J. BAKER: Well, I'm told that it doesn't exist.

Mr Atkinson: Well, you are badly informed.

The Hon. S.J. BAKER: There is lack of clarity in the law. The police have said that they do not believe that they can take any action against skateboarders or in-line skaters. That is the information with which I have been provided. I am informed that it is not an offence at the moment. I do not know what the member for Spence is getting excited about.

We are now giving a clear direction as to how this matter should be treated. The logic—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Just hold on a second. On occasions, the logic of the member for Spence fails me, and on this occasion he has excelled himself. Regarding the issue of how to handle an offence, as I understand the New South Wales situation, if a person transgresses that person is warned and told to smarten up, just like any good police officer would do today.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: As I understand it, they don't and they can't. So, the member for Spence is out of court. I have been given advice and, until the honourable member can produce a QC to tell me otherwise, I will stick with my advice which says that today it is not an offence.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I have consulted widely on this subject. The second issue involves what will happen when the police wander from one suburb or council area to another. Again, my advice is that in a practical sense the New South Wales legislation has not caused a dilemma. If councils—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I have just read the provisions, and they are identical with the New South Wales legislation. Of course, there will be regulations that cover particular issues that perhaps have been raised by the member for Spence. I am simply saying that if the member for Spence—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: There is not a problem because a council may say, 'That's the law; I'm happy with it.' It may well be that a particular council may say, 'We don't want that to happen in our council area', but, on reflection, I think the honourable member will find that that situation will not prevail. If it does, it will have to put some designation on its roads. I cannot understand what the member for Spence is talking about when he says, 'Let's continue in the same way as we have' or 'Let's restrict them to a little street,' as he would like his bicycle restricted to a little street. If he wants some clarification about what is and what is not an offence in relation to skateboards and in-line skates, I ask him to go outside, get someone else to carry on the debate and call Angas Street.

Mr Atkinson: This is Parliament; you're supposed to know.

The Hon. S.J. BAKER: Well, you're supposed to know, too.

Members interjecting:

The CHAIRMAN: Order!

The Hon. S.J. BAKER: I have given the member for Spence the definitive answer. The honourable member should not use his half-baked lawyer logic, as he does on occasions. He says, 'I've got a law degree, so that makes me able to understand the law.' He has not demonstrated that too often in the past. However, on occasion he has shown a rare understanding of the law. If the honourable member doubts what I have said, I ask him to check it.

Mr CLARKE: The Deputy Premier has not answered any of the questions. Why will a speed limit not be imposed on skateboarders and in-line skaters? We have all noted the speeds at which they travel. They are not all pint-sized, light weight children under the age of five. Some of them are large, bulky males who, if they travel at a considerable pace—which they can—and hit someone, will do significant damage to the person on the receiving end.

The member for Spence assures us that the City of Hindmarsh Woodville will ban across the board skateboarding and in-line skating. Members of my own council in the City of Enfield are very concerned about this issue. They wrote to me again today pointing out their total opposition to this legislation. Under this Bill, for a council to be able to ban skateboarding or roller-blading across the entire municipality, will every street have to be signposted, whether it be by putting a stencil on the kerbside or sticking a pole in the ground?

Can a sign be put up at one end of a street or does it have to be repeated several times, depending on the length of the street? As the Deputy Premier would appreciate, in some municipalities that could mean either a forest of poles or an absolute mosaic of stencils on the kerbsides. Can the council simply put a notice in the local paper, the *Advertiser* or the public notice columns to say 'No-one is allowed to skateboard,' and that is it? It is an absolute absurdity if councils have to signpost every street every few metres or put stencils along every kerbside. Surely, if the Government is going to do it that way, it will give local government some effective means by which to administer this law. If it wants to ban that activity it can do it simply by public notice in the *Advertiser* and also in the local throw-away rag that is distributed in the municipality.

The Hon. S.J. BAKER: Because of the movement on roads of cars and bicycles, it is easy to measure their speed.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The honourable member reflects on the wheelchair issue. Some constraints are obviously placed on wheelchair design standards to ensure that they cannot go too fast for a person to handle. That is why they put on them this 10 km/h limit. That was one of the reasons. I have already explained what happens with Australia Post. The capacity to identify the speed of roller-blades is very much reduced. The honourable member has made a reasonable point, and I am sure that that matter can be looked at. The essence is that in New South Wales they did not feel that it was necessary to put a limit on speed. My understanding is that that has not suddenly led to a proliferation of people reaching dramatic speeds downhill. There is some merit in the argument, but I will refer back to the Minister the issue of whether it can be practically addressed. Obviously, the honourable member would reflect that there is an anomaly in relation to that matter, and whether these things—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I am just saying that I don't know that there is a practical way. It is quite easy to say, 'You're on a carriageway; you're out of bounds.' It is not quite as practical to determine the speed. It is worthy of reflection and of consideration, even though it seems to have worked particularly well in New South Wales without that speed restriction being in place. Designating areas would be a matter of whether a council, by using its own by-laws, has the capacity to prohibit this movement. It could be deemed to be in conflict with State legislation. As the honourable member would understand, that would be the easiest way of designating the whole council area out of bounds. It may well be ruled that that is not appropriate.

The two practical ways of designating streets that have been mentioned are signs and stencilling on the road. I do not think that a whole council would put itself out of bounds. It would look at areas where the rules do not fit the occasion. The council would look only at those areas where it believes that, under these rules, there may be reason to exclude a few

areas for a reason. Obviously, that matter will be addressed in consultation with the authorities concerned. Once councils have had a chance to look at the New South Wales experience, they might say, 'My whole area will operate under this Act.' There may be some areas where they say, 'I've got a real concern if this area is used for operation.' That is what we believe will be the practical operation.

Mr FOLEY: I support my colleague's amendment. In doing so, I will make a comment about a contribution I made to the House last night. This matter has since been brought to my attention. I made some comments in a too flippant manner. I am a politician who, on reflection, is prepared to get up and apologise for comments I have made and to retract them. I made a flippant throwaway remark about a survey I had done in my electorate. I said that 78 per cent of all respondents to my survey were opposed to this matter and that the 22 per cent who supported it were under the voting age. I said that their views were not as relevant as the other 78 per cent. That was clearly a totally inappropriate comment by me as a local member. It was made in jest and as a flippant comment. It should not have been made. I apologise. I am aware of the consequences of it. As a local member, I do not operate with that view. I serve all people in my electorate, regardless of age. It is totally appropriate for me to apologise.

The CHAIRMAN: Is the honourable member speaking to the clause or is he making a person explanation?

Mr FOLEY: Having made that apology and the totally unconditional withdrawal of those comments, I ask the Minister whether, under this Bill, a council can ban skating from all its streets by a single regulation or must it ban street by street, footpath by footpath?

The Hon. S.J. BAKER: I am trying to get the best advice that I can on this issue. Obviously the Parliament would have to consider any regulation or by-law which was in conflict with the State law. On the best interpretation, which has yet to be challenged, it is the belief that, if this law allows a particular procedure to occur and if someone attempts to circumvent that procedure by having a blanket placed over their area, that procedure would be inconsistent with the Act. That is the best advice I can provide now without testing it. I do not know whether that then means that the council lists every street in its area, but the observation could be made that that also might be in conflict.

You can judge something like that only when it happens and not beforehand. So the council may well be right out of court if it says that it wants its whole area placed outside these provisions and that it wants a by-law or regulation which covers it and which effectively takes the whole council area from under this legislation. On the best advice that I have, that may well be deemed to be inconsistent; therefore the council might not have the capacity to do so. However, there may be other local by-laws which do not—

Mr Atkinson: Would you take them to court to stop them?

The Hon. S.J. BAKER: I am saying that the Parliament itself would have to make up its mind on that issue.

Mr FOLEY: Is the Deputy Premier saying that, for example, if the Port Adelaide Council made a democratic decision to ban skateboards and roller-blades from footpaths, the Government would take the Port Adelaide council to court?

The Hon. S.J. BAKER: Again, it is a matter of what comes first and whether the law actually stands up.

Mr Clarke: That is a great admission.

The Hon. S.J. BAKER: I am saying that if a person takes action you can judge the merits of it. However, if the council attempted to do that and the action was seen to be inconsistent, it would not be a matter of going to court: the council would be told that the actions were inconsistent with the Act.

The Committee divided on the amendment:

AYES (10)

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

NOES (29)

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

PAIRS

Quirke, J. A.	Baker, D. S.

Majority of 19 for the Noes.

Amendment thus negatived.

Mr ATKINSON: I move:

Page 2, lines 23 to 28—Leave out all words in these lines.

The reason why I seek to leave out these words is that they are the principal vice of the Bill. They are the words which allow all our footpaths in South Australia—and most of our roads—to be used by skaters, so it will not surprise the House that I seek to eliminate them. I put to the Deputy Premier what I think is the most dangerous situation that the Minister for Transport is creating under this Bill. The Deputy Premier, like me, comes from one of the older suburbs of Adelaide. In those older suburbs it is quite usual to have a high front fence made out of brush or brick. Of course, in the case of the Deputy Premier the fence is to keep the working classes from entering his premises in an unauthorised manner. Be that as it may, if a property does not have a high front fence—and I must confess mine does not have a high front fence—but it is on a corner, it is almost certain to have a high side fence made of corrugated iron. There are very few dwellings on corner blocks in Adelaide that do not have a side fence made of corrugated iron, which is likely to be about six foot high.

At my house my wife backs her car out of a side driveway through a corrugated iron fence with high gates, and from the driver's seat she has no vision at all of the footpath. She cannot possibly see the footpath because she does not have X-ray vision. Like most motorists she backs her car out until the boot is roughly over the join between the road and the footpath at the gutter.

The Hon. S.J. BAKER: You're required to toot.

Mr ATKINSON: You are required to toot, are you? This is something like the requirement to shout 'Passing' as one overtakes. I put on notice a question for the Deputy Premier: how many motorists in South Australia does he think toot

their horn as they back their car out of their driveway onto the road? Can any of the geniuses in the Department of Transport who have been advising the Government on this Bill tell the Deputy Premier what percentage of motorists toot when backing their motor vehicle from their home driveway onto the roadway? I am very glad the Deputy Premier raised it because I would never have thought of it. Do you know why? Because in all my travels in metropolitan Adelaide I have never heard one toot as cars have been backed out of a driveway onto the road.

It is normal for the motorist to stop his or her car at the join between the road and the footpath, namely, at the gutter, to see from the driver's side window whether any cars or bicycles are coming up or down the road. What the motorist never looks for is whether there are any pedestrians or cyclists on the footpath. As a pedestrian, I know the one thing that saves me from being run over by cars backing out of driveways is that I travel so slowly that I can just stop. That is the only thing that saves pedestrians. That is not my principal point, though. My principal argument is that, at the point at which the driver is backing the car out of the driveway onto the footpath, that person has no view of the footpath, and cannot have any view of the footpath in the common situation of the motorist having a high front or side fence. Now that the Deputy Premier will have a fleet of skaters on our footpaths, how will drivers when backing their cars out of their driveways be able to see a skater approaching at 90 degrees?

Mr LEWIS: May I help the Committee come to some clear understanding of the possibilities available to any motorist in this regard? Contrary to what the Deputy Premier suggests, honking would not be the best and most sensible way to do it. People can simply reverse their car into the driveway instead of reversing it out. People should be doing that, anyway. It is no more difficult to reverse a vehicle into the driveway than it is to reverse it out. Surely, it is the same driveway, it is the same width and it does not move around.

Amendment negatived.

The CHAIRMAN: The question before the Chair is the amendment standing in the name of the member for Spence, which offers some slight complication in that the Chair has to take into consideration other amendments standing in the name of the Deputy Premier. The next three amendments to clause 7 on page 3 clash with one another, and I propose that we proceed by allowing the member for Spence to move his amendment to page 3, lines 25 to 28—to leave out all the words in those lines and substitute certain other words. But, in order to safeguard the Minister's two amendments occurring within those lines, I will put only that part of the amendment of the member for Spence extending to where the Minister's amendments commence, that is, in line 25 up to the word 'liability'.

If the member for Spence's amendment is successful, the Minister's will be lost and I will put the remainder of the member for Spence's amendment. If the member for Spence's amendment is lost, then the rest of his amendment also fails and I will then put the Minister's amendments. In a sense, this procedure provides a test case for the member for Spence to put the first part of his amendment while still protecting the Minister's amendments. The honourable member may canvass the whole of his amendment at this stage.

Mr ATKINSON: I move:

Page 3, line 25, subsection (4)—Leave out 'A road authority incurs no'.

We move this amendment because we do not believe that the ratepayers of South Australia ought to pick up the tab for a very dangerous situation created by the Brown Liberal Government.

The Hon. S.J. BAKER: The issue of liability has been negotiated with the LGA. There has been a satisfactory outcome. This is not satisfactory, so we will oppose the amendment.

Mr ATKINSON: The Local Government Association is on record as preferring the position of the amendment moved by the Labor Party to that of the amendment to be moved by the Deputy Premier. While it will acquiesce in the amendment moved by the Deputy Premier, it would much prefer ours.

Mr CLARKE: I have received correspondence from the City of Enfield and it is totally behind the attitudes expressed by the member for Spence with respect to this issue of liability and far prefers the measure contained in the member for Spence's amendment.

Mr BECKER: I support the amendment and, in doing so, I appreciate the Minister for Transport's concern in what she is doing for young people. I received a letter from the Minister today in which she says:

Dear Heini, I wish to thank you for your spirited support of the Road Traffic (Small-Wheeled Vehicles) Amendment Bill in the House of Assembly last night. I recognise that changes proposed to clarify the law regarding the use of such vehicles has provoked concern among older people, the LGA and some of our colleagues. However, the proposed Bill is not unprecedented. It mirrors legislation that has operated in New South Wales since 1991 and subsequently in Queensland and Victoria, and it responds to recommendations of a working party reconvened at the request of the Local Government Association comprising representatives of the South Australian Council of the Ageing, the South Australian Pensioners and Retired Persons Association, and the Office of the Commissioner for the Ageing.

The Hon. S.J. BAKER: I am no lawyer, but I will make two points. The first is that the Local Government Association has negotiated what it thinks is an acceptable form of liability cover. I do not have a pure understanding of the law, but the honourable member's amendment states:

No action lies against a council, or a member or employee of a council, for any personal injury or damage to property arising out of the creation or form of construction of a play street or play footpath.

This is consequential, so I do not even know why we are debating it. Even if we took the words as they are and the honourable member scrambled the amendment, if it is not in the construction, there is liability for everything that happens to that footpath in the interim. It is not a competent amendment, anyway, because it talks about play streets, and the honourable member should have given way, as is his usual practice in this Chamber. The second point is that this would expose councils to far greater liability in the process, because a considerable area is left uncovered by his amendment. I do not know why we are debating the amendment.

Amendment negatived.

The CHAIRMAN: The remainder of the member for Spence's amendment therefore lapses. I invite the Deputy Premier to move his amendment.

The Hon. S.J. BAKER: I move:

Page 3, line 25—Leave out 'liability in negligence because of any failure' and insert 'civil liability because of any act or omission'.

This reflects the agreement that has been reached by the Minister with those concerned.

Amendment carried.

The Hon. S.J. BAKER: I move:

Page 3, lines 26 and 27—Leave out 'or proper account'.

Again, this is part of the package.

Amendment carried.

The CHAIRMAN: The member for Spence has an amendment on file to page 3, lines 30 to 36, to leave out all words in these lines. The member for Spence.

Mr ATKINSON: The purpose of this amendment was to remove what we saw as the iniquitous requirement to signpost a whole municipality. We examined the Deputy Premier earlier on whether a local government body could make a decision to exclude skaters entirely from the municipality, and we are still not clear on the answer to that.

The Hon. S.J. BAKER: I will clarify that. If it came to Parliament, we would expect that the answer would be that Parliament would reject it because it is inconsistent with the law, and the Minister would ask for it to be repudiated.

Mr ATKINSON: Let me indicate that, should a municipality pass a by-law or regulation that excluded skaters entirely from the footpaths of that municipality, the Parliamentary Labor Party on the Legislative Review Committee and in Parliament would support a local council's having responsibility for its own footpaths, and we would seek to uphold such a by-law. However, at this late stage I have to accept that our amendment will not succeed, so I will not proceed with it.

The Hon. S.J. BAKER: I move:

Page 4, after line 3—Insert—

'management' of a road includes placement, design, construction or maintenance of traffic control devices, barriers, trees or other objects or structures on the road;

This also results from questions raised in the other place. It is a comprehensive definition that satisfies all parties, and I understand that it tidies up the Bill.

Amendment carried.

The CHAIRMAN: We now have a further complication similar to the one that applied previously.

Mr ATKINSON: I will simplify that complication by not proceeding with my amendment.

The CHAIRMAN: The honourable member is a gentleman in removing a complication for the Chair. The Deputy Premier.

The Hon. S.J. BAKER: I move:

Page 4, line 8—Leave out 'other authority,'.

Again, this is a drafting improvement simply because two authorities are involved.

Amendment carried; clause as amended passed.

Clause 8—'Safety helmets.'

Mr ATKINSON: Although we commend the Government on its intention to require skaters to wear safety helmets when they are on public roads and footpaths, it is obvious, from the Minister's failure to answer earlier questions on enforcement, that this provision, well intentioned as it is, cannot be enforced.

Clause passed.

Clause 9 and title passed.

Bill read a third time and passed.

Mr ATKINSON: Mr Deputy Speaker, is it possible to go back to the third reading, because it was my intention to call for a division?

The DEPUTY SPEAKER: There is a problem with that, because the Clerk has read the title and the Bill has passed. I proceeded at the usual pace. We are now proceeding to the next item of business.

STATUTES AMENDMENT (RECORDING OF INTERVIEWS) BILL

Adjourned debate on second reading.

(Continued from 5 July. Page 2713.)

Mr ATKINSON (Spence): That was a nice little shonky one by the Government.

Members interjecting:

The DEPUTY SPEAKER: Order! There is a question of infringement of Standing Orders in that the honourable member is reflecting on a decision of the House by adverting to a matter which has immediately passed the House and by implying that the Government was carrying out improper practices when, in fact, it was the honourable member's own act of omission which caused the Bill to pass. The Chair did not proceed at any faster pace than usual. I am sorry, but the Chair has to draw the attention of the member for Spence to the fact that it was his own error of omission.

Mr ATKINSON: I point out to the Deputy Premier that there are certain courtesies when handling Bills, and he has not extended it on this occasion. I turn now to the Bill. Viewers of the Saturday night ABC police drama *The Bill* will find this legislation an affront to tradition, but nevertheless I urge the House to support it. The Bill requires police to videotape interviews with suspects who may be charged with an indictable offence—no more of DC Lines' verbalising a suspect's demeanour or gestures for the benefit of the tape!

South Australian police have had video facilities for interviews for at least three years. This Bill puts in statutory form a requirement to videotape interviews, makes some exceptions to this requirement and makes recommendations as to the admissibility of evidence. Rules about the interviewing of suspects are called the Judges' Rules and are inherited from the United Kingdom. If the police conduct investigations in breach of the Judges' Rules, the judges punish the police by refusing to admit the evidence at trial.

This Bill sees Parliament rewrite one aspect of the Judges' Rules. It is common for an accused to allege that police verballed him, that is, fabricated admissions on his behalf. Under the proposed new law, when a police officer suspects a person of having committed an indictable offence and proposes to interview the suspect, he must videotape the interview if that is reasonably practicable and, if it is not, he should audio tape the interview. If neither is reasonably practicable, the police officer should take a written record of the interview and later read it aloud to the suspect while videotaping. The suspect must be informed of his right to interrupt the reading and point out errors or omissions. The suspect must again be invited to point out errors or omissions at the end of the reading.

At the point in an interview where a police officer suspects a person of having committed an indictable offence, the officer must forthwith comply with these provisions. The suspect has a right to have the videotape or audio tape played back to him or his solicitor and to obtain a copy of the audio tape or an audio tape of the sound track of the videotape. Suspects may buy a copy of the videotape for a fee to be fixed by regulation.

An interview is inadmissible in court unless the police have complied with the terms of the Bill. An exception may be made by the trial judge if he or she believes that the interests of justice require admission of the interview despite non-compliance with the rules. If an exception is made by a

judge, he or she must warn the jury about the possible implications of police non-compliance. The Bill makes provision for the privacy of suspects who have been video-taped or audio taped. Although the Bill may be seen to make costly requirements, the technology is relatively inexpensive, simple to operate, portable, reliable and secure. It should save money by increasing the number of guilty pleas, extracting guilty pleas earlier, reducing the number of *voir dire* hearings in trials and requiring fewer police officers to attend court. The Opposition supports the Bill.

Mr BASS (Florey): I rise tonight to support this Bill. I will provide a few warnings in respect of what I have no doubt will happen when this Bill finally becomes law. I was an active police officer for 28 years and I saw many changes over the years. I can recall riding a motor bike—an old VSA—with no radio and every hour having to stop at a phone box to ring in. Today, police officers ride down the street on the latest BMW and are in constant contact with police headquarters, and they can even receive messages on a little computer.

I recall an inquiry when I was a detective at Elizabeth back in 1969, some 26 years ago. I commenced work on afternoon shift and had to investigate a sexual assault on a very young child. We worked through the night and early on the Sunday morning we located the offender up in an Adelaide Hills town. I drove up on my own to the suspect's address and, after identifying myself, I told him that I would like him to accompany me back to the Elizabeth CIB, which he agreed to do. When I got in the car, because I was on my own, I decided to have no conversation with him whatsoever. When I got back to the Elizabeth police station I got out the typewriter and set it up and proceeded to question him. I also included in my conversation the fact that I had not had any conversation with the suspect between the Adelaide Hills town and the Elizabeth CIB.

When we finally got to court with this offender, the late Frank Moran QC—an excellent lawyer and District Court judge—defended him. During the committal stage I was called to the witness box where I produced my evidence. There were no questions from the defence. When I walked out, Frank came up to me and congratulated me on my efforts and the way in which I had conducted the interview with his client. He said, 'If you stick to that, Bassy, you will never have any problems'. Over the years things have changed.

I can recall having interviews with offenders and meticulously recording every question and answer. At the completion of an interview I would ask the offender whether he or she would sign the record of interview as being true and accurate and to indicate that the record of interview was given quite freely with no coercion and no threats. When called to the witness box during the committal hearing later I was always subjected to *voir dire* examination on the matter of the record of interview. I point out that my interviewing of offenders in these latter investigations was no different from what I did with the offender that Frank Moran defended. However, lawyers always seem to find a way to attack police notes and police evidence. In 1969 and 1970—and before that time and before I was a police officer—detectives never seemed to get records of interview signed.

In my career I saw a situation of going from signed records of interview—to indicate that there was no coercion or violence and that the answers to the questions were given quite freely; and the police officer's notes being held up in court as good evidence—to, within 20 years, bun fights in court, *voir dire* hearings, and allegations that offenders signed the record of interview because they were being threatened with a lump of wood or a telephone book. What was good 20 years ago is not now. I know that this legislation provides for police officers to be filmed or recorded while interviewing a suspect. I can already imagine that in a *voir dire* hearing or police case within the next few years a defence lawyer will cross-examine a police officer and say, 'My client wanted to be interviewed on video and you refused to let him. My client wanted to tell the truth and you did not want the truth'. So, there will be a *voir dire* hearing in relation to that argument.

Members interjecting:

Mr BASS: I understand that it is a trial within a trial. That is what happens. You have a *voir dire* hearing and a defence lawyer will run his whole case on the legality of the police officer's notes. It gives the defence lawyer two bites at the apple. He goes through all the evidence during the *voir dire* hearing and, once the notes are deemed to be acceptable by the judge (and this is done with no jury present), the jury comes in and the defence counsel already knows what your evidence is all about.

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

Mr BASS: Before the break, I was discussing how over a period of time lawyers would find ways to challenge the evidence of the police no matter what steps were taken to try to prove the legality of the conversation. For instance, I have interviewed an offender over 10 typed pages of 'I said/he said'. The offender has read the interview through and written in answers to my questions, such as, 'Did you make this confession voluntarily? Did you read this and understand it?' The offender has written in 'Yes.'I asked, 'Was this made of your own free will with no threat?', and the answer was, 'Yes.' The interview would be witnessed by my partner, yet when we would come to the court case we would find a *voir dire*.

Notwithstanding the intent of this legislation, which I support, we must be careful because it will be only a matter of time before the legal profession of any ilk—it does not matter whether it is local, interstate or overseas—will find ways to challenge the evidence that is produced in a video or voice recording. As I said, the suspect does not have to appear in front of a camera to be interviewed. It is easy for a suspected offender to say, 'No, I don't want to be interviewed; I will take my right of silence.' Every suspect has that right, but when we come to the court case the story has turned. The defence lawyer says, 'My client wished to be interviewed; he had nothing to hide, but the police wouldn't let him,' and that is just not true. Of course, if the suspect had gone to the interview room and been interviewed on a video, his defence would have gone out the window.

I have no doubt that within a matter of years of this becoming law lawyers will find ways to challenge the legality of a video recording. I can see a suspect sitting there, meekly and mildly answering every question, cooperating to the full, but when we come to the court case the lawyer, as has happened many times, will say, 'My client was coerced into giving an interview. What you cannot see is that before my client went into this room he was threatened with bodily violence.' This is a standard defence which I find has crept into today's legal system. It is there simply to challenge good police evidence.

The second reading explanation of this Bill states that the legislation applies only in relation to persons who are

suspected of having committed an indictable offence and that the recorded interviews will be transcribed only in limited circumstances. I assure members that not one prosecutor or defence lawyer will not want videos to be transcribed. If the video is not transcribed, the lawyer will have to sit down and watch a replay of the interview between his client and the police. I know from experience that good police officers when typing questions and answers would normally be able to do five or six pages an hour.

In a video recording of an interview, police officers do not have to think of the second question as they type the answer to the first question. They type the first question; they ask the question from the record; the suspect answers it and, as they type the answer, good police officers are formulating the second question, and so on. It is an art.

What happens—and the legal profession will back me on this—is that when police officers get into a video situation they do not listen to the answer to the first question but tend to rabbit on. Records of interview are normally about five or six pages because officers think about what they are saying and have the time to think of the second question as they are typing the answer to the first question. However, when the interview is videoed that does not happen. Officers need to have some sort of training to handle this. Records of interview will increase from normally one hour's duration to an hour-and-a-half. I assure members that defence counsel will not go to court unless they have a record of interview in front of them. How can they advise their client if they do not have that?

Mr Clarke interjecting:

Mr BASS: No. How can you expect a prosecutor to see a video and then have to refer to that video when he addresses the court? He would have to take pages of notes from that video. It would take time for a prosecutor to watch and listen to a 90-minute video. However, if it were typewritten, he could skim through the pages and within 30 or 40 minutes he could get the feel of what his questions would be. This is a good idea: it should stop *voir dire* hearings—

Mr Clarke interjecting:

Mr BASS: *Voir dire*—I will explain it to you later, because I will have to do so in some detail. It should stop *voir dire* hearings and, in the interim, it should help cases to be dealt with as quickly as possible. As I said, the legal profession will find ways to attack that evidence. The modern courts of today, prosecutors and we as legislators should make sure that video interviews are not turned into a three ringed circus as happened from 1960 to 1990 when police officers who always typed the record of interview and got it signed wherever possible would find that it was still challenged in the court. I support the Bill and I look forward to when it is implemented and available to all police officers throughout South Australia.

Mrs ROSENBERG (Kaurna): I also support this Bill. The push towards the videotaping and audio taping of evidence by police has been occurring for some time. That has been acknowledged by the previous speaker. Principally, this push is the result of a series of reports which investigated police process and which recommended these changes, the most recent of those investigations being the National Committee on Violence in 1991. A large proportion of police time is taken up with the written recording of a statement, going back to the station and putting that statement on the word processor. Quite often, they must wait for a considerable time before they can get onto a word processor. Understandably, there is often a hold up. I have recently spent some time at the Christies Beach Police Station talking about the lack of equipment there. Police and CIB officers often sit for quite some time waiting to use the equipment. That is a complete and utter waste of their time when they could be out on the beat doing something more useful.

The court process itself has shown examples of why the recording of evidence is necessary. Too often the outcome of the case depends on the character witnesses, or the believability or the acting ability of the accused, in some cases. Law should not be judged via the conflict of an acting ability or the ability to express oneself in the witness box. Also, too often a case is put at risk because the judge has to warn the jury that the conviction cannot be made purely on the basis of an admission. Hence, if the admission has been made and signed in a written only situation, and if the accused then has a change of heart, he or she has a real ability to convince the jury of his or her innocence, particularly if other evidence is not corroborated and it is not strong enough to convict. Other States have taken the initiative, accepting improved technology and the cost savings associated with the saving of officers' time.

Allowance of recordings must also be associated with a set of guidelines or rules to protect the witness and also to protect the police officers who are conducting the interviews. The rules associated with this allowance must try to ensure that the process is visible, accountable and not open to abuse. Where there have been trials of this procedure in South Australia, it has been successful. This could be seen by the number of court challenges that have decreased over time.

In another place, the Hon. Carolyn Pickles expressed her hope that the cost of the tapes would not be too high, because people charged with indictable offences are among the community's poor. That is a curious statement, because no statistical evidence is available to support the comment that those crimes are committed only by the poor. I challenge that assumption. I venture to suggest that, if my freedom of some 10 years or so was at risk, I would probably scrape together the $25 or so to make sure I had a copy of that video. However, maybe I would not be so bothered if I were guilty. I have a further concern with the Hon. Carolyn Pickles' assumption, as stated in the other place that, even if the police had not stayed within the rules of recording, the judge would probably allow the evidence anyway if he thought the accused was guilty. So the tapes would add weight to that argument. The judicial system should look carefully at this assumption by the honourable member, because it makes a rather odd supposition about how the judges in South Australia perform their duties. I support this measure as I support any measure that puts beyond question the free working and unhindered work of our Police Force and the successful conviction of those rightfully accused. I support the Bill.

The Hon. S.J. BAKER (Deputy Premier): I thank all members for their contribution. It is a—

Mr Clarke: It's a constructive Opposition.

The Hon. S.J. BAKER: Indeed, it is. It's unusual, but we do find the time to congratulate the Opposition when it supports legislation which stands up to scrutiny and which will be welcomed by everybody concerned. It is pleasing that we are of one mind on this issue. The situation is unsatisfactory. The member for Florey outlined to the House some of the problems with the current procedures. One of the issues has always been, 'Does the transcript reflect the interview,

even if somebody has signed the interview and the defendant has signed off the interview form?'

The other issue is that, even if it does reflect accurately the interview, one could suggest, 'Well, it was under stress and pressure was being applied.' There are a number of advantages to video systems: first, it is a completely accurate, total recording of the event; and, secondly, any jury can judge the merits of the evidence that was provided and the way in which it was presented—the line of questioning. Unless tapes are doctored, which would be a serious breach of the law, juries, defence and prosecution will get the interview, warts and all. That is a healthy position. There are a number of advantages to having an integrated video recording system in this State. Other States have taken it on board and adopted the technology, and they have had considerable gain from it. I will dwell on that matter slightly.

Under our system of justice, police investigating the commission of a criminal offence face conflicting roles. On the one hand, they must thoroughly and efficiently investigate the occurrence, which often includes the questioning of suspects. On the other hand, police have a duty to treat suspects fairly. These dual functions can come into conflict, and the law of criminal investigation is all about putting them into a balance in the public interest. This legislation is a prime example of that balance. Many criminal trials are characterised by a contest between police witnesses (who allege a significant confession or admission by the accused) and the accused (who alleges that the confession or admission was fabricated or coerced). The evidence that concoction or coercion on occasion has happened cannot be disputed. As a result, the High Court has ruled that judges must specifically warn juries about the dangers of relying on statements made by the accused in police custody. That was another point made by the member for Florey.

It is clear that the criminal justice system places a great deal of importance—perhaps too much importance—on the value of confessions or admissions made by accused persons to investigating police. Quite often, these statements form the focus of the criminal trial and give rise to disputes about what was said, whether anything was said, and what prompted it to be said. There is the issue whether it was at the wrong moment, whether the person was under pressure or whether other circumstance prevailed at the time.

We believe that electronic recording of the police interview is the single most reliable corroboration of what took place. It protects the suspect from any abuse of police powers and it protects the police from unjustified allegations by suspects. We have all seen the television shows where the defendant is in a darkened interview room with a spotlight on them—and I know it does not happen in South Australia. I am sure it is all good television viewing, but almost weekly we see suspects being put under an enormous amount of pressure to make a confession. I do not believe that that situation prevails in South Australia but accusations have been made over time.

What we have then is a warts and all interview. The camera is set up properly; the interview is conducted; and it is turned on at the beginning and changed if the interview goes for longer than three hours. I presume that most will be well within that time frame. If it goes beyond three hours, obviously the tape will have to be changed. What we have is the total recording of the interview. Sometimes it is the facts that are given in that interview, not necessarily the conclusion, which become relevant in a trial. The facts as to where the person has been, under what conditions, whether that person was mobile at the time, and whether some other things were reported in that evidence can be very relevant to the outcome of a trial. It may be not the conclusion of the interview that is important but the facts that have been placed before the police.

Mr Clarke interjecting:

The Hon. S.J. BAKER: Actually, I am very enthusiastic about this. Importantly, the videotaping process reduces the likelihood of legal disputes at the trial about the accuracy and reliability of evidence and enables the court to assess much more accurately what was said, why it was said and what was meant. Electronic recording provides, in short, a sounder basis for decision making in the criminal justice system. It should be reiterated that there are a number of distinct advantages, one of which is reduced interview times. We believe that those times will be shorter rather than longer and that the whole process of the police officer's having to type the questions and answers as the interview proceeds, then think of the next question and type that, can be shortened.

We believe that there will be an increased number of guilty pleas, which again will shorten the process because defendants can hardly say that the interview was conducted under stressful conditions as the jury will be able to judge that directly. There will be an earlier indication of guilty pleas and, importantly, fewer police officers will be required to attend court. Enormous resources are wasted these days simply because there is a trial running and the police officer has to wait around until he or she is called. We can shorten the time because it will be necessary for the police officer to attend court only if the defence requires that officer to be called for corroboration. We will have shorter and more focused trials and fewer appeals and retrials. There are many strengths in the system, and I am sure that everyone thoroughly endorses the incorporation of new technology. We are working through the process of costing the system right now and we are in the process of deciding the type of system that we believe should be introduced in this State.

Two questions were raised by the member for Florey in his contribution. There was a suggestion that defence lawyers will require copies of the transcript. The provision of a videotape will allow any person providing legal advice or legal counsel to have a copy of the tape and therefore the opportunity to take a transcript from that tape, and I do not see why the Crown should then have to transcribe the tape.

The second matter raised was the issue of discipline in the conduct of the interview. As the member for Florey correctly pointed out, quite often in the recording of the interview the police officer has time to think of the next question. Significant training will be required to ensure that, first, the officers conducting the interviews have the capacity to fully apprise themselves of the facts before they start the interview and, secondly, to ensure that they have those skills which are necessary to ask the next question as soon as the previous question has been completed. So training will be needed but we believe that the police are capable of coping with that innovation and the need that will arise as a result of the introduction of video recording. We believe that this is a very essential and an important initiative which is being undertaken by the Government, particularly by the Attorney-General. It will add greatly to the dispensing of justice in this State and I thank all members for their contribution.

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

RACING (RE-ALLOCATION OF TOTALISATOR BETTING DEDUCTIONS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 July. Page 2843.)

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

A quorum having been formed:

Mr FOLEY (Hart): The Opposition will give the Government qualified support for this Bill; that is, we are prepared to support the Bill in the Lower House with a number of provisos that we will put to the Government tonight. We will assess the matter between now and when the Bill is debated in another place in the next sitting of the Parliament. The Opposition acknowledges that all three codes of the racing industry are in some difficulty at present and that the provision of more funding from the TAB to those codes would be a welcome and very worthwhile initiative. However, as shadow Minister for Racing I have stated quite often in recent months my view that in particular the galloping code through the SAJC is in need of significant reform, and a major part of my speech tonight will be centred on that.

I acknowledge that the greyhound industry is under enormous pressure from other codes, from other forms of gambling, such as poker machines, and from the array of opportunities available to people in terms of entertainment. The greyhound and harness industries have acknowledged those problems and have initiated inquiries to determine how they can get their industry into better shape, to be more profitable, enabling them to weather the current difficulties brought on by the onslaught of poker machines and the other pressures that they face. I understand that the greyhound industry, under the present Chairman, Mark Kelly, who is continuing the work of Des Corcoran, the former Chairman, has put in place a review of that industry which will report back with recommendations for reform and changes to that code.

In the harness industry for some time, as the Minister knows full well—and as he is always quick to point out—there has been significant inquiry and discussion about the fate of that industry. Of course, the significant Evans Mules inquiry laid out a number of reforms and issues that needed to be addressed by the harness industry. I certainly give the Minister credit for putting in place a further inquiry—and I accept that it is not a detailed inquiry; it is simply working on a lot of available information—to address the pressures which the harness industry faces. I welcome those initiatives by the industries and by the chairs of their representative boards, and I am quite happy to acknowledge the role the Minister has played in ensuring that those two inquiries get off the ground.

However, in relation to the galloping code and the SAJC, the Opposition and I as shadow Minister for Racing have not seen sufficient indication that adequate work is being done to address the very real structural and other problems facing that industry. I will draw the attention of the House, and particularly of the Minister, to comments he has made on this very issue. As early as April this year, in discussions with the *Advertiser* when the Minister talked about this whole issue of making increased moneys from the capital fund available, he referred to the real troubles and difficulties that all codes, and in particular the galloping code, are facing.

The Minister in that article did point out the need for further reform, further work and further initiatives to be undertaken at the SAJC level to put that code on a better financial footing. Indeed, when the Minister was before the Estimates Committee we talked about this issue. When I raised it with him during the Estimates Committee in reply to my questioning on this issue the Minister acknowledged a need for reform in all three racing codes. He went on to say:

> What I am saying is that in two of the codes we are well advanced in changing direction. In the galloping code, whilst I accept that Merv Hill and his committee have set some new directions for marketing and racing generally, it is my intention over the next few months before the legislation comes into the House—

that is the critical part, 'before the legislation comes into the House'—

> to ensure that the Government's view that the SAJC has to be more active in marketing is picked up by the SAJC committee. I am not about to insist that we put a Government representative on the SAJC committee, but I am of the view that the committee and the SAJC itself, as a body, have to look at the structure of its operation and become more market focused and promotion oriented.

The Minister made that contribution to the Estimates Committee and I endorse those comments. The critical point made by the Minister at the Estimates Committee was that those issues would have to be addressed before this legislation was brought into the House. As yet, I have not seen any of those initiatives. In relation to the provision of this money the Minister was quoted in the *Advertiser* on 7 July, as follows:

> Mr Oswald has also confirmed a push for reform within each of the three codes, which should guarantee bipartisan support from the Opposition for the legislation's passage through the Upper House.

Again, the Minister has indicated that he is looking for reform in the SAJC. I am prepared to accept this Bill and, therefore, the Opposition gives it unqualified support, but between now and when the Bill is debated in the Upper House I want to see those issues delivered. From both the SAJC and the Minister's points of view I want a clear demonstration that the SAJC is about reform and hard decisions and is improving its structure to get its own committee structure and operations more responsive to the pressures that it faces under the current difficulties and that it addresses the issue of its own profitability, cash flow and business viability between now and when we resume later in the year to debate this Bill in another place. I make that comment after quite significant discussion with a number of people within the industry.

It is also a long held view that whilst we can make more money available for the racing industry simply by reducing the TAB capital fund from 1 per cent to half a per cent—freeing up $2.9 million—that initiative alone, and in isolation from any attempt by the racing codes to get their own houses in order, is simply a bandaid approach to the problem. The old adage of chucking money at the problem will not be the solution. If anything, it is more a symptom of the problem facing the industry and not the solution.

The SAJC is facing significant pressures, many of which are not of its own making but are caused by the competitive nature and the competitive reality of the industry itself. Be it from the competitive pressures of the poker machines, be it from the competitive pressures of the other racing codes in South Australia, or be it simply from the pressures over the next 18 months with the introduction of pay television, the racing industry as we know it is facing dynamic change. For any member of the SAJC it must be somewhat of a daunting period ahead, as we do have this great unknown issue of pay television and the impact that will have on smaller States such as South Australia. How that whole issue pans out over the

course of the next 18 months may very well dictate the ability of the industry to survive as we know it today.

On that point, the SAJC should be commended for what has been good leadership for many decades but that, clearly, was at a time when it had the ability to draw strong crowds to local, country and regional racing meetings. Also, it was at a time when these other competitive pressures were not present and when the economy was perhaps healthier, disposable income was higher and generally the community was in better spirits. Of course, that lent itself to supporting the galloping codes as they existed. Clearly, those times have changed and many issues now confront the SAJC. I have always said that I am not an expert in this area—and the Minister is always very quick to point out that I am perhaps only a new player in the racing industry as such—

The Hon. J.K.G. Oswald: You are learning.

Mr FOLEY: —but I am learning, that is right.

Mr Becker interjecting:

Mr FOLEY: Not too many, no. Lennie Smith is still down there—a great trainer—but you are right, there are very few Semaphore Park trainers now. I do have some training and background in the area of management and economics which tells me that we cannot simply make more money available to an industry sector without that industry sector having a good hard look at itself. In the course of the past decade in this country we have seen significant reform in most industry sectors, be it the waterfront, manufacturing, the automotive industry, the textile industry, the whitegoods industry, the electronics industry, the technology sectors of our economy or within the rural sector. The words 'efficiencies', 'productivity' and 'profitability'; the terms 'world's best practice' and 'benchmarking'—all those great catch phrases—have been about industry having to become world competitive.

The racing industry is always wanting to portray itself—and as it should—as an industry and not simply as an entertainment or an amusement factor. In fact, it is an industry. Depending on how you measure the size of the racing industry, it is somewhere between the third and fourth largest industry in this State. I believe the racing industry should be looked at as a racing industry: it should not be looked at as an entertainment. It is an industry that employs people, generates real wealth and produces economic activity which helps drive this State's economy. That being the case, there is absolutely no excuse for hiding from the fact that it must face up to the tough questions that every other industry sector in this nation has had to face. Therefore, it will have to look at its own operation.

I have somewhat controversially flagged what I see as some of the issues. As I said, I am not the expert and I do not say that what I think should be done is necessarily the recipe, but these issues must be discussed. For example, in relation to the structure of country and provincial racing in this State, can we afford any longer to support the number of race meetings that take place in country and provincial centres? Can we afford through the Racecourse Development Board to continue to fund, to the extent that we have in the past, significant expenditure in regional and country South Australia where the returns are simply not there? I am not saying that we should not, in some way, support country racing, but we have to look very closely at whether or not we need to have some degree of rationalisation in the country. They are tough questions for a Minister and the SAJC to have to address, but nonetheless they have to be looked at. Equally, the regional centres will have to be looked at, and metropolitan racing should not and must not escape reform.

The future of Victoria Park has been on the book for many years. I am of the view that it is difficult to justify that a city of just on one million people can support, to the extent it does, three metropolitan racetracks. Whilst it has been a good feature of the racing industry in this city, perhaps it is a luxury and to the SAJC's good fortune to have the three venues. However, in any proper assessment in the short to medium term, there must be some question mark over our ability to sustain three courses. Whether that necessarily means that Victoria Park is the one under threat is an issue on which I do not wish to speculate or to offer an opinion.

That covers some of the issues that need to be addressed and, if reform is carried out, the operating costs of the SAJC would be reduced and its return would be maximised. Reform would mean the introduction of efficiencies and increased productivity. Overall, the racing industry would benefit from real profits, real surpluses, and some real operating income that gives it a chance to stand on its own two feet without the Government having to sit down with the industry every three to four years to work out ways to find extra income streams from TAB revenue. Simply giving this code the money without applying pressure to the SAJC for reform does not solve the problem. Chucking money at the issue is no solution: it is really the symptom. It just highlights the problem.

Having got to know a number of people on the SAJC, I should like to pay them a compliment. It was not that long ago that I learned that every single person on that committee, including the Chairman, works in a voluntary capacity. Short of a very small reimbursement for some minor out-of-pocket expenses, the whole SAJC is a voluntary organisation. Those people who have served on the SAJC over the years (I do not want to mention their names) have done a tremendous service to the industry, and, given the hundreds of thousands of hours of voluntary time these people have put into the industry, one can only think that the industry has been very well served. I have known only one Chairman of the SAJC, namely, Rob Hodge, and I should like to put on the record that I think his work has been commendable and, given that it has been in a voluntary capacity, I have to say that his service has been above and beyond the call of the chairperson of any organisation of such standing.

The voluntary nature and the sheer volume of the work may, at the end of the day, limit the number of people who are prepared to serve on the SAJC. Such a person has to be a unique individual who has self-supporting employment so that time can be made available. I believe that Rob Hodge would welcome some, if not all, of the comments that I have made tonight, and Rob and others are doing much to try to bring about some of the reforms to which I have referred. We have reached the point at which these ideas have to be crystallised or brought to a head so that we can bring about the reform that is needed. It is important that I put on the record the Opposition's appreciation of the excellent work that has been done by the SAJC. The direction and leadership offered by Rob Hodge is what the SAJC needs, and everyone, particularly members of this place, should get behind those within the SAJC who want to see reform, and that is one of the motivating factors behind my contribution tonight.

The Government has a unique opportunity to persuade the SAJC to consider change. The Minister should advise that money is available and that Parliament is prepared to legislate to make it available, but that it will not do so unless it is

satisfied that the SAJC has addressed its own house, that it has put in place mechanisms or structures that can deal with the issues that have been discussed. In my capacity as shadow Minister, all I can do is to point out how we think we should be dealing with this issue. That is not a criticism of the Minister's handling of this matter because I am not privy to his discussions and negotiations. However, if I were in his position, I would have said that money is available and that I was prepared to make it available to the code, but that I would not introduce legislation until the SAJC had come back to me and laid out in black and white terms exactly what it proposed. I make no apology for saying that because that is what I would do.

The Minister has asked that of the harness racing industry and I commend him for taking the initiative by putting in his own person to review that. In the greyhound racing code, it was put in place by the former Chairman and was also picked up by the present Chairman, and I commend them. However, it has not been seen in the galloping code and, although I accept that my earlier call for an inquiry may not be what is needed, I should like to see some demonstrable, hard evidence that the racing code is addressing the issues that the greyhound and harness racing codes are expected to address. I would have said, 'Show me that and you can have the money.' In the absence of that evidence, I would not be prepared to free up that money.

In essence, that is the Opposition's attitude. We will give qualified support to this Bill tonight, but that may be withdrawn when the Bill is taken to another place if we do not see sufficient evidence from the Minister and the SAJC that these issues have been addressed. We want to be a constructive Opposition and we want to be bipartisan. This is not an ultimatum for the industry: the Opposition is not putting a gun to its head. The Opposition is simply maintaining the consistent position which was outlined four months ago and which the Minister acknowledged as being not that different from his own position. If our expectations are met, this Bill will have our wholehearted support. If those expectations are not met to our satisfaction, we reserve our right to review our position and, if need be, withdraw support. I will make those decisions closer to the time that this issue is debated in another place. I hope that we will have further constructive meetings with the SAJC and, perhaps, with the Minister as we endeavour to put the racing industry on the soundest possible footing.

Notwithstanding the events of recent weeks, where possible I have wanted a bipartisan approach to racing issues in this State. My definition of 'bipartisan' is not necessarily doing what the Government wants the Opposition to do. In offering bipartisanship, I am not saying that the Opposition is here for whatever the Government wants to do. My understanding of bipartisanship is working with the Government and the industry, and supporting those initiatives that we agree are the right initiatives for the industry. That is my definition and that is what I offer in the way of bipartisanship to the Government.

I give my qualified support for the Bill. Over the next eight weeks I expect to see a decision by the SAJC and some reform of the industry, and I think no greater reform would be to look at the structure of the SAJC. To briefly touch on that, I think the structure of the SAJC, with its 11 members and the way in which those members are appointed to the board, does not sit with modern management principles or a modern dynamic industry.

With respect to the pressures put on boards in this day and age and the expectations of those boards, in recent years we have demanded that they comprise people of the highest calibre and with the right skills and, more importantly, that the boards are not the carriers of self-interest or which support the particular interests of an industry niche but which look at the good of the entire industry. That is not a criticism of past boards but an acknowledgment that, with the pressures facing the industry from pay TV, pokies, other forms of entertainment and because of the changing spending dollar, the industry really needs a board that is appropriately qualified with business, marketing, financial and entrepreneurial skills, and industry knowledge and know-how—they are the sorts of skills that the board needs.

The Hon. FRANK BLEVINS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr FOLEY: I always like to address the House in its entirety. I do not need to repeat what I have said: I think the Minister was hanging on every word. I was addressing the structure of the SAJC. I think the time is right for a smaller management committee and structure. The number of board members is too large. The way the board is appointed and elected is simply by picking up the various sectors of the racing industry, the galloping industry. I do not think that that is the sort of board structure the industry needs. It needs a smaller group of people with the important skills I mentioned earlier which is able to respond quickly to the dynamic nature and ever-changing face of the industry. For the next couple of years in the galloping industry it will be a roller-coaster ride, particularly with the advent of pay TV and the pressures that that will bring.

The Hon. J.K.G. Oswald interjecting:

Mr FOLEY: Have I said that? I am repeating myself. I give my qualified support for the Bill. I look forward to the Minister's contribution and the SAJC's response to my queries.

The Hon. J.K.G. OSWALD (Minister for Recreation, Sport and Racing): I thank the honourable member for his qualified support for this legislation. There is no question that the racing industry—and I refer to the three codes collectively—is in difficulty at the moment. If nothing else, this legislation will serve to stabilise stake money whilst the three codes undergo a review of their future. Members would be aware that Mr Mark Kelly is conducting an inquiry, which has been financed by my agency and has my support, into the greyhound code. In fact, with Mr Kelly I initiated that inquiry. Its purpose is to look carefully at the greyhound industry and come back and advise on the number of meetings right through to promotions and on-course attendances—the whole raft of matters that are worrying people in the greyhound industry.

Members also would be aware that I have just appointed Mr John Delaney to advise me on the status of harness racing. Everyone involved with the industry has received representations from all sides of the industry, from board level right through to the breeders, owners, trainers, reinsmen and punters. We have the knowledge of the Evans/Mules report. Heaven forbid we do not need a full-blown inquiry into harness racing but, rather, someone to sit down and do an assessment of where the industry is at and to start to pull together a few ideas.

I selected John Delaney because of his vast experience in harness racing. He is highly respected around the code, and

he will come back with what I believe will be very valuable information for the various interested parties to pick up and run with in a new direction. I intend to take careful note of what John Delaney puts forward and, once again, I hope it will be in the interests of the harness racing code.

As far as the galloping code is concerned, therein lies one of the biggest difficulties we have because we are dealing with a private club: it is a private club with principal racing club status. Indeed, it is the controlling authority of racing yet, historically, it is a private club. The SAJC knows that I have some concerns about the management of the galloping code and the mix of country, city and provincial racing, issues such as racing centres for the country and the number of courses that we will end up with in years to come, the number of courses in the metropolitan area and, in the long term, reducing the number to, say, three courses.

The biggest potential crisis for the three codes is the area the honourable member mentioned earlier—pay TV, Sky Channel and interactive betting. Whilst we may talk about maintaining Victoria Park—and that would be very nice—and the city council already is talking about putting money into the grandstand at Victoria Park, unless one understands what is happening in racing in the long term in this State, with interactive betting and so on, it may not be feasible. In three to five years we could have television screens in our homes where we can touch bet. All the information will be on the screen and, with telephone betting accounts, one will be able to watch the races in the comfort of one's home and not go near a racecourse. What will that do to on-course attendances?

I think that, if we are to start planning the future of racing in this State, we have to look ahead three to five years at the potential of touch screens and think about what it will be like on-course when we move to this new technology. There will not be too many people on-course and the whole concept of promotions and getting people on-course will change. The committees that run racing will have to be different to the committees we have at the moment. In three to five years there will be no place in racing for social committees which are controlling authorities but, rather, we will need very tight business, finance and market oriented committees.

I have a meeting with the SAJC: we have scheduled two hours on Friday morning when we will start addressing the important issue of city, country and provincial racing. We will start to look at the future role of the SAJC. I will quote from the current newsletter put out by the SAJC—a special message from the Chairman. It is very current. I will quote from towards the end of the newsletter, which went out to all members. Mr Hodge has put a few dot points at the end. He states:

> For the longer term I believe that we must go along these lines.

He has set out for members the fact that discussions are now starting to evolve between the Government and the SAJC, bearing in mind that it is a private club and must be treated differently from other codes. He states:

> · The financial arrangements between the club and the Government must be examined with a view to providing the best long-term structure for both parties, recognising the problems that can arise from lack of appropriate capital and other funding.
>
> · The financial arrangements between the club and other clubs in the State must be examined to ensure that the effect of revenue decline is being addressed at all levels.
>
> · The club will continue to examine its income and expenditure items to effect enhancements in savings.
>
> · Through its board representation the club must ensure that TAB incomes expenditure are carefully reviewed to optimise any returns to the industry.

Members on the SAJC committee are certainly very dedicated to ensuring that racing survives and that they do their best for the betterment of racing. By the same token, there is an acceptance, reflected in the Chairman's remarks, that the SAJC must start to think internally about reorganising itself.

The basis of that newsletter and of my discussions with the party that is meeting with me on Friday afternoon is that we will start moving in a dialogue (and I use that word carefully) between me (representing the Government) and the SAJC to see where we can chart a new course of involvement. I do not want to send out the message that we are contemplating a Government takeover of the SAJC, but I am looking at some form of arrangement between us that will certainly mean that, if I am going to be responsible for putting back a certain amount of additional funds into racing, at the end of the day the Government, with its huge investment in the racing industry as such, should have some say over how the money is spent. An example is the scheme of distribution. Concern exists already between the provincials and the metropolitan club about the scheme of distribution. That will also be a matter for discussion on Friday morning. I do not want to telegraph too much of the agenda, but we will be canvassing important issues on the future of racing at that time.

The whole question of bringing the capital account down from 1 per cent to ½ per cent is not a brand new issue. It has been around for some time. I will give members some information that would indicate that the matter was around back in 1992.

Mr Foley interjecting:

The Hon. J.K.G. OSWALD: You may have it, but the House may not. Other members are very interested.

Mr Clarke: The whole six of us.

The Hon. J.K.G. OSWALD: Many people read *Hansard*—it is the best read document in Adelaide. This letter was written by the chairpersons of the three codes and was signed by Dick Morton on behalf of the Jockey Club, Jack Wright on behalf of the Harness Racing Board and Des Corcoran on behalf of the Greyhound Racing Board. It states:

> We, the undersigned, request that you give earnest consideration to amending as soon as possible the Racing Act to provide for a reduction from 1 per cent to ½ per cent the proportion of turnover paid to the capital fund of the South Australian TAB.

I will not quote the whole letter, but I will refer to some relevant points. Under the heading 'The repercussions of a ½ per cent deduction', it states:

> In the perilous situation in which the three racing codes now find themselves, it is essential that stake money be maintained at the highest possible level. The clubs in all codes are experiencing financial difficulties due to a significant reduction in on-course tote turn over. This source of income has been vital to the individual clubs.

That still rings very true in 1995. It further states:

> It is patently obvious that injections of the magnitude outlined above into the three codes will have a beneficial effect, especially at this time when confidence in the future of the whole racing industry is at a low ebb.

It is interesting that the letter was written at a time whether the estimated TAB turnover was $497 million, which is close to the estimated turnover for 1995-96. It continues:

> The above analysis indicates that there is a rational argument to suggest that the capital fund deductions should revert back to ½ per cent, which operated at the time the 1976 Racing Act was introduced. If the decision to raise the proportion of the deductions from ½ to 1

per cent was correct, it is now equally correct to revert back to ½ per cent simply because turnover in real terms has doubled in recent years. In order that the best interest of both the South Australian Government and the racing industry of this State be served, it is hoped you will accede to our request.

That was a request to the Minister of the day (I think Kym Mayes) back in 1992. Here we are in 1995 and the circumstances have not changed—they are identical to the assessment then of Jack Wright and Des Corcoran. It is my assessment that the situation is the same and hence I have brought the legislation into the House.

I will keep any further remarks for any queries that may come up in Committee. I point out that the Government is sincere and genuine about reforming the three racing codes. I certainly have a keen interest to see that the codes survive. We are not fortunate like Victoria, with its massive TAB turnover, and New South Wales with an even greater turnover. We endeavour to do what we can with a $500 million turnover. If we are to inject further money (and this injection, assuming that the TAB turnover holds up, will be worth about $2.6 million) into the codes, in return I expect to see some reform and see the money spent wisely.

While I have two inquiries running into both greyhound and harness racing, I hope that my discussions with the SAJC on Friday morning will lead to significant change or to the injection of new people down there to provide Government input. I am not saying that those who are sitting in the SAJC's financial chairs are not working to the absolute limit and having a major input. In fact, the club is as good as it is because of the people on the SAJC's executive, and I applaud their voluntary work. They tirelessly put in hundreds of hours for which they are unpaid—they are totally dedicated to the industry and I thank them for that. As we are making this move, there is a public expectation that I use my position to ensure that the galloping code also understands that there is an expectation of management reform, and I will be urging it to do so.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Application of amount deducted by board under section 68.'

Mr FOLEY: I refer to the issue of reducing the TAB capital fund from 1 per cent to .5 per cent. That assumes that .5 per cent will be sufficient to provide the capital needs of the TAB for the foreseeable future, and I do not dispute that. For the Minister's information, I had a meeting with the Acting Chairman of the TAB, and he assured me that the reduction from 1 per cent to .5 per cent would not cause financial duress to the organisation. He is of the view that it is manageable, so I can only accept his word on that. In the light of that information, if there are pressures on the TAB in years to come for whatever reason (the introduction of new computer facilities, the TAB's role in pay television or office space and other matters), how does the Minister envisage that he will address the issue of the short-term capital needs of the TAB that may exceed the available funds?

The Hon. J.K.G. OSWALD: There is a section in the Racing Act which not everyone seems to be aware of. Section 69(1)(d) provides:

. . . payment of amounts approved by the Minister towards reserves of the Totalisator Agency Board, to be applied as the board, with the approval of the Minister, considers necessary. . .

Under that section, the board can apply for and the Minister can approve the setting up of reserves for various purposes. I invite the TAB board, if the occasion should arise and if it needs to create a reserve account for a purpose, to apply, and the Minister of the day can use that section.

Mr FOLEY: I refer to the issue of uncollected dividends. What is the current size of that fund? This might be a bit of a cheeky question because I suspect that the Government is still taking that money into its own balance sheet, as did the former Government, but I would like to know the size of that fund and whether consideration has been given to making some of that money available should the need arise.

The Hon. J.K.G. OSWALD: To my knowledge, at the moment it is about $1.2 million shared equally between the RDB and the Government. However, I would not like to be held to that figure. I will have it confirmed and report to the honourable member later.

Mr FOLEY: Regarding the issue of pay television, I know that recently there was a meeting of Racing Ministers. I have some fears, and my discussions with the SAJC have done nothing to allay those fears. There appears to be a real free-for-all amongst the States about how we should address the whole issue of pay television. It seems to be dog eat dog, and everyone seems to be out for the best deal to suit themselves. What does the Minister see as the best course of action for our industry, and what initiatives and steps are the Government and the Minister taking to ensure that we are not severely disadvantaged? It appears to me that the bigger States are quite happy. Looking at what New South Wales has done and at what Victoria has done with TAB Corp, it is not unrealistic to assume that at some point down the track—and I do not think it is far—if TAB Corp or the New South Wales TAB or the racing industry makes an arrangement with the major pay TV provider we could have, say, 50 000 punters in South Australia punting through TAB Corp in Victoria and totally bypassing the TAB in South Australia. That, of course, would marginalise the TAB in South Australia, and I suspect that there could be further potential damage to the revenue and cash flow of the TAB in that area than in respect of any other single issue. I see it as having a far more significant effect on the revenue of the TAB than poker machines.

It worries me that, if we do not get some national leadership, consensus and a bit of commonsense from all the jockey and racing clubs throughout Australia, we could have the ridiculous situation where VICTAB with its enormity of volume cuts a deal with Murdoch and New South Wales, the AJC or whomever, cuts a deal with Packer, while up in Queensland a deal is cut with Australis. You could then have this bizarre situation of such a diverse country as Australia having two, three or more providers of pay television services flogging their services to South Australia. If Foxtel has pay TV in Adelaide and if Optus in a linkage with Packer has pay TV in South Australia, I could be sitting at home punting through VICTAB while my next door neighbour could be punting through the New South Wales TAB and the little TAB in Adelaide would be getting nothing.

That is not a far-fetched position. It worries me, and it is one of my major concerns. I am interested in the Minister's comments regarding what he sees as the dilemma facing Australia and what he specifically is able to do about it. I acknowledge that South Australia is a small player, but I would even go so far as to suggest that the whole future of TABs in this country may well have to be addressed. We may not like it, but it may be forced upon us. Are we able as a nation to sustain a TAB in every State—to have State run TABs? Are we heading down the road of having some sort

of national betting agency? By no means am I suggesting the privatisation of TABs: I am simply asking what the structure of our TABs will be, because with pay television and interactive television, if our punters are sitting at home and plugging into the VICTAB or the New South Wales TAB or whatever, that will have a tremendous effect on our TAB here.

I think the time is ripe for having some sort of national leadership from the racing industry as a national body but also from the Federal Government through Michael Lee and the Federal Minister for Communications. As I said earlier tonight, this is a major national industry, one of the very few industry sectors that is not subjected to national leadership. The Federal Government seems quite relaxed and happy to see each State go off and do its own thing, but this is an international industry. We breed in this nation, we export our product, and we sell our product to major foreign markets, but there is no national leadership.

I do not want the Minister to think that I have a bent for inquiries, but I wonder whether the Industries Commission should be looking at the racing industry from a national perspective and trying to put into place a national policy of reform in this whole area of racing, because I think pay TV is the single biggest threat that the racing industry, as we know it, has. It will make poker machines and *TABForm* pale into significance as issues if we get this one wrong.

The Hon. J.K.G. OSWALD: I think the honourable member strayed a little from the Bill, but this is an interesting topic, and it is very important that the South Australian Parliament address the whole issue of pay TV, interactive TV, and the huge implication that it will have on racing codes in the future. This topic occupied some time in debate at the Racing Minister's conference in Hobart about four weeks ago. It was reported to us that, following the meeting of principal clubs, it was agreed that there would be a 90 day cooling off period, and that the AJC and the VRC, the main players in the scheme of things, would meet and come up with a new direction—a combined approach to this whole question of what we should do about pay TV. Of course, the whole scheme of the 90 day cooling off period went off the rails when the AJC signed up with Sky Channel for pay TV. It did not sign up for interactive television but it certainly signed up for Sky Channel. Last week in Sydney there was uproar over that. As a result, I understand that the AJC and the VRC will go back and hold further discussions to see whether they can achieve some equity base for the future of the industry.

Until these two main players resolve that issue, and certainly as soon as the meeting has taken place and the 90 days has expired, the Racing Ministers intend to meet again to see what came out of that discussion. Like Western Australia and Tasmania, we are a small State and a small player, but we have an enormous stake in ensuring that there is equity. The Victorian VRC, through its TAB Corp, was planning a national scheme, and there would have been benefit for us in this national scheme. At this stage, all I can say is that it is fluid. The AJC and the VRC are holding discussions. As I said, the AJC has gone off and signed with Sky Channel. Of course, the potential is serious if the AJC goes it alone.

This Government and I will keep this issue closely monitored. At the first opportunity when indications come out of the AJC and VRC discussions, there will be another Racing Ministers' conference. We should bear in mind that, in New South Wales, when the AJC went off to sign up with Sky Channel, there was no New South Wales Government involvement: the AJC as the controlling authority went off and signed up with Sky Channel. The Racing Ministers agreed amongst ourselves that we would hold the line. I imagine that, when the AJC went up, it would have caused some embarrassment to the New South Wales Minister. Nevertheless, we are keeping it very closely monitored in the interests of racing in all the small States—not just South Australia but all the small States have an interest in seeing that this thing does not get out of control. To a large degree, we will have to step back during this 90 day cooling-off period to see what the AJC and the VRC resolve. We will take appropriate action after that.

Clause passed.

Title passed.

Bill read a third time and passed.

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

A quorum having been formed:

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2951.)

Mr CLARKE (Deputy Leader of the Opposition): On behalf of the Opposition, I indicate that we are prepared to support this legislation in this place and in another place. However, we do so on a couple of bases, one of which we will deal with in Committee. The Opposition seeks to have included in this Bill two amendments: one deals with the question of weekly payments still being paid to workers up to the age of 65 years and with the removal of the current provisions that discriminate against women workers in particular. A woman who is still in the work force and who may be aged 61 years but who is injured under the current legislation is not eligible for workers compensation payments because under Commonwealth legislation her notional retirement age is 60 years. That is progressively moving up to age 65. However, nonetheless, for a period of time a number of women workers who had no intention of retiring at age 60 will be discriminated against, unless our legislation is passed.

The other amendment deals with section 39 of the Act, and I will deal with that in more detail in Committee. A number of workers are covered by enterprise agreements both under the Federal and State systems. There are quite a number under the Federal system and far fewer under the State system. However, for those persons in their third and subsequent year of incapacity, any increases in their compensation payments are based on changes in the average minimum award rate, since an adjustment was last made under section 39. There are instances—and I will cite them in Committee—where workers would be covered, had they not been injured, by an enterprise agreement; they would have been in receipt of far higher salaries than the prescribed average minimum award rate and they are being significantly disadvantaged.

In his second reading explanation, the Minister referred to the working party consisting of himself, me, the Leader of the Australian Democrats and a representative of the two key stakeholders in the system, namely, the Employers Chamber of Commerce and the United Trades and Labor Council: it has been working quite assiduously towards getting consen-

sus legislation dealing with the dispute resolution process under the WorkCover Act.

Whilst that legislation has not been passed at this stage, I agree with the Minister's comments in his second reading speech that agreement has been reached basically on 95 per cent of the issues. Those issues have been worked through with our respective constituent groups and hopefully there will be consensus legislation, as that is my earnest endeavour and I appreciate that it is also that of the Government and the Australian Democrats in this exercise. To date, the process of negotiation between all these parties in that working group has worked extremely well and in a very good atmosphere. Therefore, I am hopeful that, come September, when this Parliament resumes, we will be able to expeditiously pass the legislation dealing with the dispute resolution process which will be of benefit to all concerned.

Other points were made in the Minister's second reading explanation as to the reasons behind the Government's amendments, and we support them and the necessity for this legislation. I note that those provisions relating to the recent Supreme Court decision in *Mitsubishi Motors Australia Ltd and WorkCover v Frank Sosa* will be passed but will not apply to that particular respondent, and we support that. That person should not be disadvantaged because they have been able to utilise the legal processes to win a particular point. Nonetheless, we support the Government's ensuring that past reductions or discontinuance under this Act on technical grounds should not be thrown open because of that Supreme Court decision.

We support the LOEC provisions as, replicated in this Bill also, is the issue of the additional hurdles that workers have to face with respect to their second year review. We canvassed that issue at great length under section 35 of the Act in relation to the Government's amendments made earlier this year; the Government won the day on that with respect to its getting the support of the Australian Democrats, and we respect that that is a fact of life. We do not agree with it, but nonetheless that matter has been fought and lost and, as a consequence, we cannot oppose the amendment put forward by the Government. There are amendments to sections 58B relating to the employer's duty to provide work. We note that this amendment brings the legislation into line with what all of the Parties believed was actually carried in another place when the workers compensation legislation was debated at some length in April or May of this year. We understand that, because of the lateness of the hour, mistakes possibly were made in recording what those decisions in the other place were and, whilst the amendments put forward by the Government are an improvement on the current legislation, we nonetheless, as a point of principle, oppose what the Government did at that time with respect to section 58B.

Nonetheless, again we recognise what was the intent of the other place with respect to the legislation involving the employer's obligations under section 58B and, for those reasons again, we do not oppose these aspects of the Bill. So, with those few comments, the Opposition will support the second reading of the Bill. We will expand on the amendments that have been circularised under my name to members of the House and we will seek their support for them. We commend the second reading of the Bill to the House.

Mr BROKENSHIRE (Mawson): I am pleased to be able to rise tonight also in support of the second reading of this Bill, which addresses a number of technical matters relating to the Workers Rehabilitation and Compensation Act 1986. It is pleasing to see the Deputy Leader of the Opposition also supporting this Bill in a bipartisan manner. As the Minister has said already, the amendments provided by this Bill have come about as a result of a working party established in April 1995 which looked at parliamentary negotiations on the WorkCover scheme. That working party comprised, among others, the Minister, the shadow Minister, the Leader of the Australian Democrats and a representative from both the Employers Chamber and the United Trades and Labor Council. It primarily was established to develop a consensus based on legislation on the WorkCover dispute resolution process.

Tonight I particularly want to speak about and support the provisions in relation to LOEC, and I trust that we will see some benefits to the workers as a result of those. The principal matters in this Bill in relation to both LOEC recipients and section 38 reviews also have been the subject of specific advice from the Workers Rehabilitation and Compensation Advisory Committee. LOEC has concerned me for some time; in my opinion, if anyone has been on a hard road when it comes to WorkCover, it has been my constituents who are on LOEC. They particularly were concerned about previous amendments to the legislation in that they felt that they had been jeopardised and that they were not in a position where the issue of LOEC payments and their relationship with the new lump sum provisions and the second year review provisions of the amended Act could be considered.

When the current LOEC provisions were incorporated in the existing Act by way of amendment to the Government's Bills, it was the general intention of the Government to ensure that LOEC recipients were treated no differently from other workers in receipt of weekly payments for the purposes of redemption of liability and the second year review process. This Bill amends the new redemption provision in section 42 to provide that a liability to make the LOEC payment can be redeemed by agreement between the worker and the corporation. These amendments to the LOEC provisions in the principal Act will ensure that LOEC recipients are treated no differently now from other workers under the Act in relation to access and quantum of redemption entitlements.

I have always detested LOEC because, whilst it was not brought in by our Government and whilst I understand some of the reasons behind its introduction, it divorced those people from both day to day case management and from the opportunity of being able to get a new future. Let us face it—at the end of the day, the ones for whom we particularly want to get a new future are those workers who are not in a position to get back to work in a hurry and who actually may need a completely new career path, or those people who have disabilities to the extent that they no longer are able to take on work. These are people who, by and large, would like the opportunity of a decent lump sum, and I do not say 'decent' in a small context.

I do not know what will happen about the lump sum as a result of this Bill but this legislation is a step in the right direction and I trust that, as the regulations and the mechanics of this Bill evolve, I will see my constituents who want a lump sum redemption out of LOEC being given the same opportunity as was intended by the Bill for those people who wanted a lump sum and who wanted to get out of the system. They are the concerns of my constituents and it was the major concern I had in relation to this matter. Therefore, I am delighted to see that this amending Bill has been introduced, and I look with interest to see a fruitful result for those

workers who I believe have been on the wrong end of the stick in relation to this whole WorkCover dilemma. On that note, and in conclusion, I put on the record a matter involving something done by a woman from the northern suburbs under what she called the Coalition for Fair Workers Compensation during the previous debate on this Bill.

Frankly, I have no doubt that the Coalition for Fair Workers Compensation was probably a group of political stooges for the Labor Party. I do not believe they were, by and large, genuine people wishing to see a fair go for workers, employers and a levy rate that would allow unemployed young people in particular, and indeed unemployed people generally, to return to the workplace. What made me particularly angry—and had I not been so busy I would have taken that woman and the group in question to court—was that I was defamed. I do not mind people having a go at me when they speak the truth, but in my electorate I had to contend with the biggest load of rubbish, propaganda and untruths that I have ever seen aimed at Minister Ingerson and myself. This letter to the householder, which was circulated throughout my electorate, quoted *Hansard*. It said that I, the member for Mawson, supported these important changes to WorkCover. Interestingly enough, what they conveniently forgot to do was to quote me in full. I said that, in principle, I support these important changes to WorkCover. There is a substantial difference in saying that I support something in principle from saying I support across the board all the technical changes in a Bill.

I received a letter from a member of the union movement saying how impressed they were with my debate on the Bill. In fact, they suggested I should be on the other side of the House, but I thought that was going a little too far. That is how hard I worked to get a good balanced result out of this Bill, as did other members on both sides of the House, and I commend them all for that. But when I see political stooges for the Labor Party starting to pass that sort of trash around my electorate enough is enough. If that woman and the Coalition for Fair Workers Compensation want to put material about me out in the electorate, then put out the truth and put out the full context of what I say in this Parliament. But if they want a court case and, if they want to lose their house and help me pay off my mortgage, then continue to quote me out of context and I will make sure not only that I am reimbursed, as I should have been in this case for the defamation that occurred, but that my constituents are fully aware of what I stand for and that is a fair go for them, a fair go for the rest of this State and an opportunity for this Government to get the State back on track. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

New clause 2a—'Weekly payments.'

Mr CLARKE: I move:

Page 1, after clause 2—Insert new clause as follows:

Amendment of section 35—Weekly payments

2a. Section 36 of the principal Act is amended by striking out subsection (5) and substituting the following subsection:

(5) Weekly payments are not payable for a period of incapacity falling after the date on which the worker reaches 65 years of age.

I deal with a couple of points with respect to our amendments to section 35 of the principal Act. Section 35(5) of the Act provides:

Weekly payments are not payable in respect of a period of incapacity for work falling after the later of the following dates—

(a) the date on which the worker attains the age at which the worker would, subject to satisfying any other qualifying requirements, be eligible to receive an age pension under the Social Security Act 1947 of the Commonwealth; or

(b) the date on which the worker attains the normal retiring age for workers engaged in the kind of employment from which the worker's disability arose or 70 years of age (whichever is the lesser).

The difficulty lies with women workers who are over the age of 60 and who may be injured at work. They are currently being denied compensation payments on the grounds that their retirement age under the Social Security Act is 60. As I understand it, as far as the Commonwealth Government is concerned, that is changing over time. The retirement age for women is being increased progressively through to age 65, but for a period there will be a situation where women workers over the age of 60 fall between two stools.

At the moment, I am aware of a female worker who works for one of the major retail stores and is in exactly that situation. She is a woman of 61 years of age and is being denied by the corporation workers compensation benefits on those grounds. I am aware that her legal advisers are contemplating taking the case to the Supreme Court to test whether there is discrimination under the age discrimination provisions of the relevant Act. I do not know the ins and outs of that legal argument: all I know is that is an avenue that is being explored. What the final results will be, I do not know. The fact is that discrimination currently exists with respect to women workers who fall between the ages of 60 and 65. In previous amendments debated by this Parliament earlier this year, and among a whole raft of amendments that were made, the Government raised the issue of some workers claiming workers compensation benefits through to the age of 70, even though they were not necessarily going to retire at age 70.

In all our discussions with the Government at that time we sought to provide a common cut off date, a retirement age of 65. In all the hiatus and the charged atmosphere of the debates on workers compensation at that time, and the very late sitting hours in both this House and the other place, I believe an error occurred in the legislation and, instead of 65 being made the cut off date for men and women—which the Opposition was prepared to support, rather than age 70—legislation went through which effectively provided for this discrimination: that is, men can continue to receive compensation payments to age 65 because it is their normal retirement age, but for women it was 60. There is no moral or justifiable argument why women of 61 or 62 years of age, if they are in the work force and injured through a compensable injury, should be denied compensation payments simply because the Social Security Act says the normal retirement age for women is 60 when we all know so many women are working through to age 65, and hence our amendment. Again, I draw to the attention of members the fact that over time this problem will cease simply because the Commonwealth retirement age for women is being brought up to 65.

In terms of any cost-saving measure, to my mind it would not be large, in any event. However, given that the Commonwealth is progressively extending the retiring age for women to 65 years, any financial saving for the corporation is temporary at best, but it does cause hardship for that group of women who happen to fall between the two stools at this time. Therefore, we encourage the Government to pass this amendment and remove this discrimination against women workers.

The Hon. G.A. INGERSON: We acknowledge the comments that have been made by the Deputy Leader and, as I have notified him, it is the Government's intention to look at this over the break, so I request that this amendment be held over for the committee, which includes the Deputy Leader, the Leader of the Democrats, myself, the employer association and the employee association, to look at. In that way it can be brought back with the review in the very first week of the new session, and it can be corrected at that time.

Whilst in this instance there is no doubt that some women are arguing that they are being discriminated against at age 60 years, many women are saying that they do not want to go to age 65 too quickly, either. If the Social Security age is shifted too rapidly to 65, a woman at age 59 in the workforce could say that she has been discriminated against because she thought she had only one year to go to retirement at age 60 but now has six years to go. All sorts of arguments are being put forward, and the fact that the Commonwealth has agreed that it ought to be done over a 20 year period suggests that the pressure from women not wanting the retiring age to go so quickly to 65 is far higher than the pressure from a discrimination point of view.

There is a positive argument from many women who say that they want the increase to be slow. That does not justify the argument of difference, but it does give another side to it. I note also that a case arguing this very point is listed to come before the Workers' Compensation Tribunal on 20 August and, with a little bit of luck, we might know the decision in that case before we come back, so that could also be considered.

There is some question about the cost of the change and, at this stage, there is a disagreement between the Minister and WorkCover as to those figures. I suspect that some of the figures that we have been given are much higher than they really are. As I said to the Deputy Leader, I should like to have that sort of information available before we make such a change. In principle, the Government recognises this problem and would like to have it held off. Basically, I guarantee to this Committee that we will bring it back during the September session, as we also hope to bring in the review, and then we can deal with this change at the same time.

Mr CLARKE: I welcome the Minister's comments. We will pursue the amendment at this stage, but I take on board what the Minister said about the process in September. Assuming that this matter is held over until September, is the Minister prepared to agree to retrospectivity to the date on which the legislation was passed by Parliament earlier this year? If the Government agrees that we should go to age 65, and if there are people in the meantime—

Members interjecting:

The ACTING CHAIRMAN (Mr Becker): Order! The Deputy Leader has the floor. I ask members to resume their seats.

Mr Brindal interjecting:

The ACTING CHAIRMAN: Order! The member for Unley! It is very hard to hear the Deputy Leader when there is so much audible conversation on the cross benches.

Mr CLARKE: Thank you for your protection, Sir. If the Government agrees in September this year that a case can be made out on the ground of discrimination, for the handful of people who might be affected in the meantime it would seem demonstrably unfair that, because of a holdover of a couple of months, they are denied workers' compensation benefits if in principle the issue of discrimination is such that it means that everyone is treated as age 65. The few people who fall between the two stools, that is, between when the legislation was passed in April and when this discrimination issue is rectified in September, ought to be treated on the same basis. My attitude would very much depend on the Government's response with respect to retrospectivity.

The Hon. G.A. INGERSON: We would be very happy to consider that in the next few weeks and, if it is agreed by the committee that it ought to be done, the Government will fall in line with that. However, I should like to discuss it as part of the whole matter. I do not know whether or not there will be a huge number of claims. I understand the honourable member's point, but I think it is another issue that should be put on the table for that group to look at.

New clause negatived.

Clause 3 passed.

New clause 3A—'Economic adjustments to weekly payments.'

Mr CLARKE: The amendment that I will move deals with section 39 of the principal Act and, for the benefit of the Committee, I will read its provisions with respect to economic adjustments to weekly payments. At the moment, there is no dispute by the Opposition about section 39(2)(a), which provides for the calculation of the remuneration payable to workers who are injured in their first and second years of incapacity. That sets out how one calculates the changes in remuneration payable to workers during the course of that incapacity if award wages have moved up, or whatever. However, the Opposition's difficulty lies in subsection (2)(b), which covers the third and subsequent years of incapacity. The principal Act provides that it 'shall operate from a date fixed by the corporation and shall be based on changes in the average minimum award rate since an adjustment was last made under this section'.

A number of workers in the Federal arena, and a smaller number in the State award arena, are covered by enterprise agreements, and that number is increasing. A recent incident involving a constituent of the member for Elizabeth was brought to my attention. This person worked for Tip Top Bakeries. He was a long-term injured person into his third and subsequent year of incapacity. His remuneration level was adjusted by the average minimum award rate of .7 per cent whereas, had he still been at work at Tip Top Bakeries at Dry Creek, he would have been part of an enterprise agreement undertaken by that company with its workforce which changed significantly the way work was done at the plant and, as a result, the employees were awarded a 4 per cent pay rise.

This person was required, as part of his return to work duties, to work for a portion of each day of the week; he was working under the new working arrangements that had been negotiated under the enterprise agreement but was being paid only on the basis of .7 per cent of a pay rise, which was the increase in the average minimum award rate of pay, whereas his fellow workers had received a 4 per cent pay increase. The employer supported that worker in getting the pay rise and, as I understand it, the corporation has agreed to pay it.

I checked with the worker's union on that: the corporation has agreed to pay this person on the basis of the 4 per cent pay increase but, as far as it knows, it is an one-off and it does not know of any other situations where persons might have missed the boat, if you like, because they were being paid less than the enterprise agreement wage increase that had been negotiated. We wanted to ensure that the Act brought into account the fact that workers work not only under awards but also under enterprise agreements and that, in general

terms, workers should be no worse off: the benefit of any salary increase under an enterprise agreement would be reflected in their compensation payments as if they had not been injured and had been able to work.

They were the principles behind what the Opposition sought, hence the amendment that we have on file. Our amendment is a re-wording of subsection (2) of the principal Act. I wanted what I thought was a simpler way of explaining it in my amendment, but Parliamentary Counsel advised me that this was the better way of doing it in terms of achieving the objective that I wanted. The Minister has spoken to me about the matter and has indicated that, if I was agreeable to changing some words in my amendment, the Government might be prepared to accept it.

I have had a look at the words suggested by the Government and I think the change might address the concerns to which I have alluded. However, I want the opportunity to talk to Parliamentary Counsel first thing tomorrow morning. Depending on whether the Government accepts it in principle, I suggest that, if it is a question of getting the right form of words to give effect to the principle, I am sure that between now and tomorrow afternoon we can give effect to that. Whilst we cannot do it here and now tonight, when it goes to another place we might be able to get the words together and deal with it by tomorrow. That is the rationale behind the Opposition's amendment to section 39 of the principal Act.

The Hon. G.A. INGERSON: In principle we accept the comments and the general direction that the Deputy Leader has put forward. We recognise that this provision needs to be brought up to date, particularly as it relates to enterprise agreements, but the Deputy Leader has brought forward a couple of other issues which we support in principle.

Mr CLARKE: I move to insert the following new clause:

3A. Section 39 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) An adjustment under this section—

(a) must be based on—

(i) changes in the rates of remuneration payable to workers generally or to workers engaged in the kind of employment from which the worker's disability arose; or

(ii) if the worker applies, in accordance with the regulations, for the adjustment to be made on the basis of changes in rates of remuneration prescribed by an award or enterprise agreement payable to a group of workers of which the worker at the time of the occurrence of the disability was a member—changes in those rates of remuneration; and

(b) operates from the end of the year of incapacity in which the review is made.

The Hon. G.A. INGERSON: With those amendments, the Government accepts the change.

New clause inserted.

Remaining clauses (4 to 8) and title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Mr BROKENSHIRE (Mawson): Tonight we have been able to watch on Channel 7 a great news story about South Australia. Whilst I did not have the privilege of being able to see all of it because of my parliamentary duties, I was delighted to look at it every time I went out of the Chamber and I look forward to getting home tonight and being able to watch it on video. The negative attitude of one or two people in this State still disappoints me. I have clearly on the record the negative attitude of the Leader of the Opposition, who continually wants to pull down this State but, surprise, surprise, I have found somebody else in recent times who is as negative about this State and has no plan to help the recovery but would rather try to pull it down.

Whilst normally I commend the fairness of reporting in the journalistic world in this State, a gentleman called Matt Abraham happens to have a program on the ABC between 10 a.m. and 12 noon. Matt Abraham is a person in my opinion who is doing no good whatsoever for the State of South Australia. When he first came on ABC radio with his program late last year, he did a report on the Brown Government. I listened with interest to that report. It was a cynical and negative report and, in fact, I rang Mr Abraham after listening to it and said how disappointed I was that he was not prepared to talk about any of the good things happening in South Australia. I have listened intently ever since, whenever I have had a chance, to Matt Abraham's radio program and I can only say that I hope the people of South Australia turn off his radio program, because it is not worth listening to.

Matt Abraham is on a direct path to do everything he can in his power to pull apart this State. I understand that Mr Abraham was born in South Australia and, whilst he might have had some time interstate, he has come back here and has no interest whatsoever in helping the rest of us who so dearly want to see South Australia back on the full road to recovery. Whether it is casemix, the reform or the restructuring we are putting through, the renaming or sale of BankSA—anything that the Government is doing as part of its platform and policy to get this State going—Matt Abraham is not prepared to put forward even part of a balanced view. It is not good enough and he is a second-rate journalist in the way he goes about his business. He is a negative knocker.

He says that all we want to do is sell everything and, to give an example, this morning on the Keith Conlon program when he was interviewed about what he would do at 10 a.m., he started off by saying that he would have a go at us about the logo. He said, 'What a crisis the Brown Government was in when it called a Cabinet meeting and invited the spouses to the State Administration Centre on Sunday night.' Again he is trying to manipulate and show a vision to the people of South Australia that is anything but accurate and true. The fact is that the whole Parliamentary Party was invited on Sunday night, not because there was any crisis but for the simple reason that it was only as late as Friday that all the videoing was finished. How could we look at it any sooner than Sunday night? Abraham would not want to let the people of South Australia know that.

We hear Paul Keating screaming out and saying that he is not getting a fair deal from the media. We all know that Paul Keating has always got far more than a fair deal. Paul Keating is spending a fortune of Australian taxpayers' money on a Federal propaganda media monitoring unit to force the media in certain directions. We know the history of the ABC. We know that it has always supported the socialist side of politics in Australia, particularly in South Australia. It is no wonder, when people like John Bannon are appointed. He now has a nice little cushy job there after being one of the greatest mismanagers, if not the greatest mismanager, in the history of this State.

To get back to Matt Abraham for a while: it would be nice if he were prepared to interview a backbencher, because I have heard him say that backbenchers in the Liberal Party do not work, that they are bored and that they are restless. He says everything he can to misrepresent us to the people of South Australia. I say to Matt Abraham, 'Give us a ring and give us a chance to get on the radio.' How about saying to the people of South Australia that he is prepared to be fair in his assessment of where this State is up to? Matt Abraham might have a guaranteed cheque coming in at the moment from the ABC, but many people in this State have been hurled from pillar to post for the past five or six years and are very keen to get on with the job—a job that clearly has been laid out. There is a blueprint for South Australia's recovery and they want to help wherever they can to get South Australia going.

It is clear that Matt Abraham is the most negative journalist I have ever heard in South Australia. He has one ambition and one ambition only, namely, to continue to see South Australia at the lowest ebb of any State in this country. If he can prove to me otherwise, I am prepared to come back into this Chamber and acknowledge the fact that he will give the people of this State a fair go. He has not proved it so far and I do not believe that he wants to. All that he is interested in is trying to tear down the State, to damage the credibility of the Brown Government and to stop all the good reform, restructuring and opportunity that has now been put in place for this State. Why someone would be hell bent on trying to pull apart South Australia, I do not know. Most journalists are prepared to be fair and balanced and will put forward the pros and cons. That is what good journalism is all about. When you look at the *Advertiser*, Channel 7, the *Sunday Mail*, Channels 9 or Channel 10, you see that fair balance. It is amazing how many constituents ring me so frustrated about the one-sided biased socialist outlook that the ABC puts forward.

Do you know who is No. 1—Matt Abraham. Matt has a job with the ABC, but I reckon that he would struggle like hell if he had to go out into the real world and work in private enterprise. When he was involved with the ABC TV news, he was pretty negative—he did not want to give this State a go—but I thought that when he got out of the news and had an opportunity to come up with a program of variety, one which would show the people the way ahead, that there was a future, he could start to balance things up, but what happened? He continued along the same old track that he had been on before. He has come back from Canberra. Clearly, he has been influenced in the wrong direction. He is very cynical about politicians, far more cynical than anyone should be, because not everything that politicians do is bad. But if you listened to Matt Abraham, you would believe that everything that every Minister, the Premier and the Parliamentary Party of this Government did was bad. Of course, we know that that is not true.

I think Matt Abraham is desperate to try to get a few percentage points knocked off the Brown Government. However, I do not believe that he will achieve that, certainly not in the long term, because he is out of touch with the people of South Australia. The fact is that the people of South Australia gave an overwhelming vote to us to get on with the job, a job on which we have been flat out ever since we came to office. By and large, the people are pleased to see the recovery that is in progress. They are sick to death of the negative attitude of the Leader of the Opposition and the Matt Abrahams of this world. They want to see this State go from strength to strength.

I have had my say. I will send this to Mr Abraham, and he will have an opportunity to prove to me and to the people of South Australia that either he wants to be part of this State's recovery, to see a *bona fide* future for this State, or he can continue to stay where he is in a negative mode, at the lowest ebb that any journalist could ever imagine, and continue to try to destroy the very good work that is being done by the Government and the people of South Australia.

Mrs PENFOLD (Flinders): I am delighted to say that South Australia is going all the way to the top in terms of sailing competitions. One of the recurring visions of luxury living is relaxing on a yacht with sun, sea, sand and maybe surf in the background, especially around the coast of Eyre Peninsula and Kangaroo Island. This picture, which may be luxury elsewhere, is commonplace in my electorate of Flinders, especially in Port Lincoln. However, the notion of idleness plays little or no part in the picture that we have seen in our beautiful harbor in the past few months. A team of Port Lincoln teenagers has brought this picture to life with their win in the secondary schools sailing titles, which will see them represent Australia against New Zealand at the Bay of Islands next month.

Members interjecting:

The SPEAKER: Order! The member for Flinders has the call. She does not interject on the Deputy Leader.

Mrs PENFOLD: To achieve success in competition sailing requires application, perseverance, and plenty of hard work, all of which have been successfully put together by the high school sailing team. Often after school and every weekend they have been seen on our beautiful Boston Bay practising, and that practice has been rewarded. The team's wins this year began with the secondary school State sailing titles held in Port Lincoln in April and hosted by the Port Lincoln Yacht Club and St Joseph's School. The eight teams which competed in this tier were selected during regional titles held throughout the State. I am proud to say that four of those eight teams came from the electorate of Flinders. They were: the Port Lincoln High School team, the St Joseph's School team, and the Tumby Bay and Kangaroo Island teams. While the electorate of Flinders has the longest coastline of any South Australian electorate, I am proud that our small population provided half the competition against the rest of the State.

Competition sailing is in the form of team racing. Each school competes with a team of six sailing three identical yachts. The races last for about 15 minutes and rely on tactical ability, very quick reflexes and top team work. Following success in Port Lincoln, the team travelled to Tasmania in June where the national titles were decided on the Derwent in freezing conditions. The Port Lincoln team won the secondary schools teams national racing championships for 1995 against Victoria, New South Wales, Tasmania and Queensland in temperatures that fell to 5°C. It was the third time in four years that the Port Lincoln High School team had won the title. The team now goes to New Zealand to compete against Keri Keri Secondary School at the Bay of Islands next month.

Port Lincoln won the national championships in 1992 and 1994 and was the interdominion champion in 1992 also. Coach Steve Kemp said that little was known about the Keri Keri team; however, that team defeated last year's interdominion champions, the West Lakes Boys High School, which was triumphant over Port Lincoln on that occasion. Mr Kemp said that Port Lincoln was now a benchmark for

secondary school teams racing in Australia, and he praised the students' mental toughness and fitness, which helped them to overcome the near freezing conditions on the Derwent.

The team members are: Fynn Mueller, Paul Buckland, Alastair Haldane, Tyson Leech, Aaron Matulich, Simon Growden and Luke Frears. The manager is Tiffany Evans and the coach is Steve Kemp. Steve is a sailor of renown as well as experience, having been a member of Australian challenges for the America's Cup. It is indeed commendable that he voluntarily shares his skill and enthusiasm for the sport, and I believe that he can take a measure of credit for the win of the high school sailing team.

The series is not confined to boys only. St Joseph's team had four girls—Marion Haldane, Paula Hicks, Kylie Egan and Emma Frazer—along with Damien Egan, Simon Turvey, Chay Haldane and Mark Egan to make up their team. In addition to the teams in the towns already mentioned, Constable John Hookings of Streaky Bay has begun a most exciting project in that town to instruct and train young people in sailing. He now has more than 20 young people involved, and the number keeps growing. The project is part of the Police Force's blue light crime prevention strategy to counter delinquency, violence and other anti-social behaviour while instilling positive values in those involved. It is pleasing to note that Constable Hookings' project was given a boost in its early stages with support from the Port Lincoln Yacht Club, tying it into the current success of teenage sailors from my electorate of Flinders.

Port Lincoln has produced many national champions over the years, some of whom have also competed internationally. The excellent sailing waters around Eyre Peninsula encourage participation in the sport from an early age. They are ideally suited to beginners who can stay in protected waters while also providing plenty of challenge for experienced yachtsmen who can venture out into seas feeling the full force of the Southern Ocean winds and swells. The annual Adelaide to Port Lincoln race braves the waters around the Althorpes at the bottom of Yorke Peninsula, an area which is noted for the roughness of the seas and the strength of the winds encountered there.

The race begins during the Lincoln Week regatta when races of various lengths test the skills of all teams. When Australia won the America's Cup in the 1980s, Port Lincoln was suggested as the ideal venue for the next series, which eventually went to Fremantle in Western Australia. This was unfortunate but it gives an indication of the standard of our waters for sailing: they are definitely world class. At the moment, we are not setting our sights quite as high as the America's Cup, just the interdominion secondary schools teams sailing championships at the Bay of Islands in August.

The cost of competing in competitions such as this is quite high for there is not only the matter of paying fares but also buying suitable equipment and being fitted out in a manner appropriate for those who are representing Australia as a nation. It is a credit to the people who support them—businesses, individual schools and other organisations and clubs, and of course the parents and families. We can be proud of this young team of sailors who are showing that South Australia is going all the way to the top in international sailing competition.

Motion carried.

At 10 p.m. the House adjourned until Thursday 27 July at 10.30 a.m.