HOUSE OF ASSEMBLY

Wednesday 10 April 1996

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Biological Control (Miscellaneous) Amendment,

Births, Deaths and Marriages Registration,

Fisheries (Gulf St Vincent Prawn Fishery Rationalization) (Licence Transfer) Amendment,

Law of Property (Perpetuities and Accumulations) Amendment,

Liquor Licensing (Disciplinary Action) Amendment,

Pastoral Land Management and Conservation (Board Membership) Amendment,

Racing (TAB) Amendment.

YOUNG, MR M.J., DEATH

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

That this House express its regret at the recent death of Mr M.J. Young, former member of the House of Representatives and Commonwealth Minister of the Crown, and place on record its appreciation of his meritorious service on behalf of South Australia.

In this motion I believe that we are recognising a particularly special person who had a great deal to do with shaping contemporary politics at both State and Federal levels. He played a key role not only in the rise of Don Dunstan in this State, but also in the incoming Whitlam Government.

Mick Young was born in New South Wales where he spent his childhood and undertook his schooling. I understand that in the 1960s he moved across the border and graced South Australia where he was a well-known figure in a number of areas in which he participated. Not the least was his involvement in the union movement and the running of the ALP and then, of course, as a member of the House of Representatives and a Minister in the Federal Government.

It is important to reflect that as State Secretary of the ALP from 1968 to 1974 and as Federal Secretary of the ALP from 1969 to 1973, he was part of and played a key role in some of the most significant changes that occurred at both State and national levels. We can all reflect from our own points of view on the outcomes of the changes that took place, but the democratic process is very important to this country, and the democratic process meant a change of Government both State and federally, and Mick Young was a key player in both processes. Therefore, he has a special place in the political history of this country and this State.

In terms of his local involvement, he was a much loved figure in Port Adelaide. There are people, hotels and other places in Port Adelaide that bear testimony to the love and affection shown him in his own territory. As members would know, he was a fierce Port Adelaide supporter. He was well known in terms of helping those who came to him and he did it without fear or favour. I knew Mick Young as a person who kept his word, who carried through whatever undertaking he made and who always had time for those who needed his assistance. Mick Young was rewarded for his persistence with the ALP by becoming the member for Port Adelaide in 1974, a position he held until 1988. He was also Minister of Immigration, Minister of Local Government and assisted in the area of ethnic affairs.

Mick Young was larger than life. He was an ambassador for this State. He was unstinting in his loyalty for and promotion of this State. I believe he did the State proud in the way that he represented the feelings of the people of South Australia. From a Government point of view, as a person who saw the progress in which Mick Young was involved, I might have disliked his success but I admired his skill and the extent to which he was able to bind together disparate groups within the ALP to make them a very strong force in politics, both at State and national levels. Mick Young was also called upon to be National President of the ALP from 1987 to 1988.

I will remember Mick Young as someone special to this State and as someone who gave a lot to the people of this State, and I have been pleased to move the motion that we have before us today.

The Hon. M.D. RANN (Leader of the Opposition): In seconding this condolence motion in memory of Mick Young, I want to say that, whilst we can recognise the public achievements—being a member of Parliament, being national secretary of a Party, being a Minister in a Federal Government—in many ways we will all remember the man that was Mick Young. He strongly believed in old traditions but with enduring values, traditions such as loyalty and discipline with serious purpose, but serious purpose often with a sense of great fun. Those particular attributes are what we will all remember Mick Young for.

I got to know Mick Young when I worked for Don Dunstan in the late 1970s and I used to attend lunches with him, Jack Wright and Keith Plunkett. At times, Mick was a great help for us in Government, and also in Opposition in terms of regaining Government. He would first talk about the serious business, the tasks at hand—the i's that had to be dotted, the t's that had to be crossed—but he followed that with a great deal of fun. He was one of the great raconteurs, one of the great characters, one of the great blokes in the Labor Party.

Mick Young was someone, too, who was beloved not only within the Labor Party in this State but around the country. He was always sought after as a speaker at a function in terms of a good cause or in terms of paying tribute. The last two times I saw Mick Young give speeches were just over a year ago at the funeral of his close friend from the AWU days, Keith Plunkett, where Mick gave a very eloquent speech and eulogy, and exactly a year ago at a tribute dinner for Don Dunstan. Again, there was that sense of tradition, that sense of purpose, a commitment to reform, but also a sense of humour. Mick Young in the Federal Parliament could not just send up his opponents—and he did that every day as Leader of the House—but he could also send up himself, as well as his colleagues. In the past few days when people have been playing tapes and showing vision of that time, we have seen that there was humour, respect, affection and regard across the Chamber.

Mick always believed in and stood up for the battler. It is true that as a senior Minister he could mix it with the wealthy and powerful, but he never forgot whence he came. That is the most important thing: he and we knew which side Mick Young was on. In very many ways he represented the finest traditions of the Labor movement and the union movement,

and he acted as a bridge between the union movement and the Labor Party.

In 1972, as National Secretary, he was largely responsible for the 'It's Time' campaign, working closely with Whitlam at the national level and at the same time as joint Secretary with Dunstan at the State level. Mick Young believed in reform, but he also believed in solidity of purpose. Essentially, he believed that you had to win: there was no point in just talking about reforms, you had to win and get elected, and win again in order to implement those reforms. He is a man who will be remembered as someone with a big heart and a great sense of humour, a patriot for this State and our nation, and we will all miss him in many ways.

Mr QUIRKE (Playford): First, I wish to thank the Government for making parliamentary time available for a condolence motion for Mick Young. Although Mick never sat in this House or in the other place, his life, his contributions to political life, and his achievements for his adopted State of South Australia will be recognised officially on the public record—for that I am very grateful. When considering all the political slogans of past Federal and State elections, I doubt whether few members here today would remember many of them. Indeed, I doubt whether more than a handful of people in this Chamber would remember more than one or two. I am sure though that, in this Chamber and in the outside world, the 'It's Time' campaign is well remembered. Of all the slogans of all the campaigns, this is the one that features at the quiz nights that we all go to: when was it and with what was it associated?

The 1972 campaign, which heralded the end of the longest political drought in Labor history, is immediately recognisable. The theme song of the campaign in 1972 is probably the piece of political history for which Mick Young will be remembered. In essence, the 1972 campaign is part of a fitting epitaph for a man who was larger than life. Most people of my age and older well remember the 23 years in the wilderness. We all remember the old post-war Labor Party, a few no doubt with regret, but from my point of view I am glad that it is a creature of the past. I have often heard, usually from Liberals (particularly in Canberra), how they liked the old Labor Party of people such as Arthur Caldwell and Doc Evatt. They liked it, of course, because it was irrelevant to political life in this country and because they won nine elections in a row. We only just managed to win the 1972 election; we almost lost in 1974; and we were swept from power in 1975 and defeated again in 1977. However, in 1972 the mould was broken. By the time of the twentieth anniversary of the dismissal, Labor had been in power for 13 of the preceding 20 years.

Mick Young was the bridge between the old and the new. Although he had less formal education than many other members of the Labor Party (then and now), Mick had a clear vision of what was needed. At about the time of his becoming the National Secretary, when no other candidate was forthcoming before lunch at a Federal executive meeting in 1969, after lunch Mick was elected to the job, the meeting concluded, and Mick was outside on his own, waiting for a cab and wondering what he had done.

Mick had a vision for Australia and for Labor. He concluded our greatest and arguably most important win in 1972 because he proved that we could do it. Most of us had doubts about that. He also placed the recognition of China—something that has not been said about him—in large part not only on the national agenda but also on the international agenda. The Chinese and their embassy officials have always given him credit for this role, and at every important anniversary in his life the Chinese Embassy was always there to recognise that.

In Parliament and in the Party Mick used his devastating wit to convince opponents and supporters of his viewpoint. I worked in Canberra for many years and I well remember the topic of each and every sitting day. It was, of course, 'What did Mick Young say in the House today?' You can bet that it was always quick, always barbed and always made people laugh. I have never met anyone else who could do that. Comments that would have come from anyone else would have shattered friendships. I guess it was because everybody realised that with Mick Young it was never motivated by hatred or malice. Some of his greatest speeches, which no doubt will soon be forgotten (especially as those who served with him are now also part of the passing parade), will always have a special place in my heart.

To me Mick was the epitome of what it was all about. I am grateful for his friendship, and for the dozens of times that we sat at Mick's favourite table at Jasmine's. Mick taught us all lessons. His greatest message to us on this side of politics was that everybody and every group needed its place in the sun. He was the great conciliator, and the one who brought the factions together. Terrible and treacherous things happened to him. I well remember one incident that cut him deeply. He never spoke about it, and he never dealt with the individual in the way that most of us probably would have. In fact, the only time he ever raised the subject of that individual was when he rang me years later to sort out a preselection for that person.

He never carried grudges and he taught us all the benefits of being hungry for office. He taught us to share, he taught us to compromise. He taught most of us—certainly me—to be gracious in victory. He tried to teach some of us to be good losers—you do not win every battle. On Friday 10 February 1988 he resigned from all parliamentary offices. We all felt that we had lost something that day—I certainly did. The other day when I was advised of Mick's passing I again felt a great loss. I am sure that to many people that loss is paramount. To Mary, his wife of 40 years, to Janine and young Michael, I particularly send my condolences and those of my family. I remember the times we all had together. I remember the kindness that he and his family have shown to mine. John Lombard on Channel 2 the other night summed it up for all of us when he added to the script and said, 'Farewell Mick.'

Mr De LAINE (Price): I, too, was saddened and distressed on Easter Monday morning to learn of the passing of my Federal parliamentary colleague, the member for Port Adelaide, and my good friend of 21 years' standing, the Hon. Michael Jerome Young. Mick was a unique person, one of a rare breed of people who have become legends in their own lifetime. He was born in 1936 and was two months younger than I. Much has been said by other speakers about Mick's achievements and performance in Parliament, so I will not touch on that again. Instead, I will talk briefly about Mick's life between 1974 and 1988 as the Federal member for Port Adelaide, representing the working class people from this unique area of our State.

There is one thing that has always been almost impossible to do and that is for an outsider, who was not born and raised in the Port Adelaide area, to be universally accepted by Portonians, especially to be elected by them to represent the

Port in Federal or State Parliament. I cannot think of any person other than Mick to have represented the Port in either State or Federal Parliament who was not born or bred in or around the Port. It was a measure of Mick's unique ability, his character and his adaptability that he was able to come to Port Adelaide and be quickly accepted and loved as a true Portonian. Mick had an uncanny ability to assess the feelings and expectations of the electorate at large and was able to translate these feelings accurately into policies. He also possessed the unique ability to mix comfortably in any company and be fully accepted, whether it be having a beer with workers in a Port Adelaide hotel or mixing with overseas dignitaries or even members of royal families.

I knew of many instances where Mick had gone to much trouble to assist individuals or families who suffered illness, financial hardship or family loss, but these deeds were never publicised because Mick acted very discreetly and did not want his actions to be publicised: his office staff and close friends knew of his efforts but kept quiet about them because that is what Mick wanted. During his time as Leader in the House of Representatives, Mick also showed a wonderful ability to inject humour into a stinging attack on the Opposition. He would sting the Opposition just as intensely as any other member, but his addition of humour and the fact that he never got nasty or personal earned him the highest respect from members of all Parties. This was a rare gift and it is something sorely needed in all Parliaments today.

Mick Young's death at 59 years of age is a tragic loss to his family, his many friends and I believe to all people of our great nation. Australia is a better place for his contribution. I convey my sincere sympathies to Mary, Janine, Michael and their families.

Mr CLARKE (Deputy Leader of the Opposition): I will be brief, because much of what I would have said has been covered more than adequately by preceding speakers, in particular the moving speech by the member for Playford, who was a close friend, as indeed we all were, of the late Mick Young. Briefly, I want to recount Mick's influence on me as a member of the Labor Party when I was at an early age and what he taught me and all members of the Labor Party—that we could have a vigorous debate or fight on ideological grounds within the Party but, at the end of the day, the Party is greater than any individual and we submerge those differences in the interests of our Party and the people we represent.

When I think about Mick Young's life, it can be summed up in just a few words. He was a person who loved life, his family, his country, his union and his political Party, and he never forgot the idealism that went behind those institutions and he fought to enhance them at every opportunity. Coming from New South Wales, Mick adopted quickly to South Australia and became one of our firmest friends in Canberra, and in his influential and key role within the Hawke Government he brought many benefits to South Australia.

In conclusion, I would like to extend my condolences, and those of my family, to Mick's wife, Mary, and to their children and, as the member for Price said, without a doubt, the lives of those of us who were fortunate enough to know him and to have called him our friend have been enriched beyond measure by our knowing him.

Mr FOLEY (Hart): In my brief time as an MP in this place I have been called on to make many speeches, but none more important to me or perhaps more difficult than the short contribution I am about to make. Maybe this is because the issues and the business of the House over the past two years seem to me now to have much less significance than this condolence motion for my political mentor and friend, Mick Young. Perhaps this is because, for once, my colleagues opposite are sitting in silence and not interjecting and disrupting me, as is the norm. My short contribution about Mick Young is simply one about a young, eager and newly-joined member of the Labor Party, meeting with Mick 13 years ago and, from that moment, being influenced and guided by his good counsel, advice and, most importantly, friendship.

I would simply not be a member of State Parliament today if it were not for Mick Young. I recall that, shortly after joining the Labor Party in Port Adelaide, I made an appointment to see Mick in his small office at Port Adelaide: he had just been appointed Special Minister of State in the first Hawke Government. My decision to see Mick followed the advice of a close friend's father, Barry Johnson, who said to me, 'Foley, there is only one person from whom you want to get advice in the Labor Party, and that is Mick Young.' How right Barry Johnson was. I recall Mick telling me about the Labor Party on that day, and he promised to involve me in the many wonderful and enjoyable facets of this great political Party—the Australian Labor Party.

I walked from that meeting, perhaps a little naively, with absolute anticipation about the exciting functions and important roles Mick had in store for me. Within months I was Mick's Federal electorate branch secretary, taking minutes of meetings, and that was to last for over six years. Mick had me on his campaign team doing all the top jobs such as stuffing envelopes, putting up signs and letterboxing. I found myself at the Colac Hotel Friday night after Friday night for about eight years, selling meat trays and, of course, I was always the first volunteer—at Mick's insistence, of course—to sell raffle tickets, to run the chocolate wheel, and whatever else needed doing at Mick's famous variety shows and fundraisers. I must say, this was not quite the rosy picture Mick had painted at that very first meeting of what he saw as my future role in the Labor Party, but I would not swap that apprenticeship for anything. Mick simply would not cop people who were not truly committed: he would always test them.

Over the years I learnt much from Mick, not just about politics but, indeed, about life itself. I enjoyed a brief time as a member of his personal staff in 1987, and my wife Cathy worked for Mick when he retired from Parliament. Mick taught me that politics and life were not about taking but about giving. Mick's generosity is legendary, and others will have talked about that. I have time to touch on only one brief example, and that was Mick's desire to ensure that people of working class backgrounds in Port Adelaide had the chance to learn. He and his wife Mary established the Port Adelaide Federal Electorate Scholarship Fund, which has seen many people over many years benefit from small grants to study at further education facilities, having the opportunity to learn that they simply would not have had had it not been for Mick and Mary Young. Support for this fund by Mick and Mary Young extended well beyond Mick's retirement from Parliament and it benefited financially from their continuing generosity.

Mick had a great belief in the need for people to learn. He had an unbelievable passion for reading and instilled that passion in many, including me. Indeed, he had a belief that, if you did not read and learn, you would turn out to be a

bloody idiot. Please, no judgments on me whilst I am finishing this speech. Out of the blue Mick would send me a book to read, normally a political biography, and most often there would be a message for me in the book he had chosen. I will always have the memory that, whenever I visited Mick and Mary, Mick would have two or three books on the go and they were all displayed on his lounge room table.

Indeed, when Mick and Mary left South Australia to join their two children to live in Sydney, Mick left me many of his early books and, whilst he might not have realised it at the time, he left with me a brief but invaluable insight into his early influences. I must say, in those early years he certainly had a passion for learning about China and most things of the Left. Perhaps he left those books with me for a special reason.

As we all know, Mick was a great teller of jokes. He would always make sure he had a new joke on each of his trips home or whenever he called to catch up on the local news and gossip. Most of these jokes, of course, could not be repeated in this august Chamber, but those members who can recall my feeble attempts to tell one of Mick's best a few months ago in the lounge room late one night will recall the great punch line, 'Are there any questions?'

The way Mick's presence touched many of his supporters in Port Adelaide was quite unique. When he won elections, we were there with him; when he stood down as a Minister, we were there with him; when he resigned from Parliament, we were there with him; and on Friday in Sydney we will be there with him as well. People often ask me, 'What is so special about Mick Young?' I simply think that it was because Mick was Mick: he was nobody else's person, and he never tried to be anyone or anything he was not. That is why so many people liked him and why so many will mourn his passing with genuine affection. He was a great man, and the best political mentor I could have ever had. To Mary and his son Michael, his daughter Janine, her husband Dwayne, and their daughter Isabella, I extend the condolences of Cathy, myself and our family.

Members stood in their places in silence.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 51, 63 and 70; and I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

ASSET MANAGEMENT TASK FORCE

In reply to **Hon. M.D. RANN (Ramsay)** 20 March.

The Hon. S.J. BAKER: In July 1995, Tenneco purchased the PASA assets for an amount of $304 million. Bain & Co. were lead advisers to the sale and were instrumental in achieving this fine result. Total fees paid to Bain & Co. were $3 678 182 representing 1.2 per cent of the sale price. The total payment made to Bain & Co. included a success fee of $2 635 150 calculated against a Cabinet approved formula. The formula is based on a graduated scale to provide an incentive for performance. Much of the success fee results from the fact that the sale achieved a price of at least $100 million more than valuation. The fee arrangements are consistent with normal commercial practice, and as a result of keen negotiation, have resulted in fees paid which are substantially less than would normally be expected.

SGIC sale

On 30 November 1995, SGIC was sold for $169.9 million. The firm BT Corporate Finance Limited was lead adviser to the sale and was paid fees totalling $2 025 375 representing 1.2 per cent of the sale proceeds. Of the total amount paid to BT Corporate Finance Limited, a success fee of $600 000 was paid according to a Cabinet approved formula. Again, the fee was based on a graduated scale to provide an incentive for performance.

LEGISLATIVE REVIEW COMMITTEE

Mr CUMMINS (Norwood): I bring up the report of the committee on the code of conduct of members of Parliament and move:

That the report be received.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mrs KOTZ (Newland): I bring up the nineteenth report of the committee on Roxby Downs water leakage and move:

That the report be received.

Motion carried.

BAIL

The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. WOTTON: I wish to clarify a number of issues raised in an *Advertiser* report this morning relating to a case under the Bail Act. At the outset, I want to assure the Parliament and the people of South Australia that when children come into my care, as the Minister for Family and Community Services, very careful and comprehensive checks are carried out before placements are made, and this includes police checks in all cases of foster care as well as residential and secure care. This is the situation because both I, as Minister, and the department have the clear legislative responsibility, and this responsibility is one that I take very seriously.

The situation is different, however, when the court is considering the matter of bail. This is a much narrower area and in these cases the authority rests with the court, whereby the court may make inquiries or direct that inquiries be made or take evidence on oath. To assist the court in these matters, the Department for Family and Community Services has accepted the role to furnish information when requested in an attempt to limit the number of situations where a child has to be locked up. This practice has been in place for a number of years.

In the recent case referred to publicly by Magistrate Clark, relating to a child who was not under my care as Minister for Family and Community Services, the bail request did not ask for any special aspects to be reported on. Accordingly, the department reported to the court the information it had on the case, which was limited by virtue of having little prior contact with the family, but it did report the fact that the mother said she supported her son being placed with a person she identified as her brother. The department had no reason to doubt this statement, and neither apparently did the court. Unless there is something which creates a suspicion that all is not as it has been stated to be, there is no reason for the court to make further inquiries or require further evidence to be given.

The court had the opportunity to take evidence on oath from the alleged brother or seek further checks if it had any concerns about the inadequacy of the information provided.

It did not do so and ordered bail in favour of the alleged brother and without any order for ongoing supervision by the department. This is a very rare case, but I have taken the opportunity to ensure that the risk of any such case in the future can be minimised. In particular, I can advise that, where the court directs the department's attention to any particular actions in a bail report, it will now be a requirement that the department includes police checks in these actions.

Finally, I would like to clarify another matter also inadequately reported in this morning's *Advertiser*. When the department was informed that the alleged brother had a criminal record for sex offences, it was the department that took immediate action to remove the child from the situation before the court even had time to revoke its original order.

QUESTION TIME

COMMONWEALTH GRANTS

The Hon. M.D. RANN (Leader of the Opposition): Will the Treasurer explain the Premier's acceptance of the Prime Minister's refusal to guarantee to honour his election promise that South Australia would not suffer reduced Commonwealth financial assistance under a Howard Government; did the Treasurer have advance warning of these Commonwealth cuts; and how does he intend to deal with the effects of reduced Commonwealth funding in the forthcoming State budget?

On radio this afternoon the Premier stated that the Prime Minister had been unable to guarantee the maintenance of funding to individual States, and the Premier said that he understood the reasons for this. In a press report of an interview on the position of the South Australian State Government's finances, published on Tuesday 9 April 1996, the State Treasurer said:

> We may well have further pressure from the Federal Government which will not please us, but it will have to be dealt with.

Earlier, on 19 March, the Premier told the House:

> John Howard has given a commitment to give a fixed share of the income-taxing revenue to the State Governments and to increase that in relation to the growth of the Australian economy.

On 23 February the Treasurer said that he had been reassured by the Coalition that South Australia would not be disadvantaged by the new Federal Government.

The SPEAKER: Order! Members, when asking questions, seek the leave of the House to make a brief explanation, and I suggest that it should be brief. The honourable Deputy Premier.

The Hon. S.J. BAKER: It is interesting that the Leader of the Opposition, who was part and parcel of the difficulties faced by this State and who was an apologist for the man who caused the State—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: —great damage, should now be talking about grants. I would also reflect—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: I would also reflect on the relationship that the previous Government had with the ALP Government in Canberra. During the 10 years from 1984 to 1994 this State lost in annual terms $300 million because of undertakings that were not kept. On top of the State Bank, costing us over $300 million in interest, we also had $300 million wiped out of our budgets simply because the Federal Government did not keep its undertakings. To date, over that period of 10 or 12 years, we are $600 million worse off than we would have been had all people kept their eye on the ball.

Members interjecting:

The SPEAKER: Order! Members know the rules. If you want to ask questions, do not continue to interject, or I will take appropriate action. The honourable Deputy Premier.

The Hon. S.J. BAKER: I do not intend to be an apologist for the Federal Government. Clearly, we had some understandings prior to the last election, one of which was that we would have maintenance of the grants in real terms as previously provided and agreed through the Premiers' Conferences.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence.

The Hon. S.J. BAKER: I expect that promise to be kept. In relation to the special purpose payments, as every member will recognise, the tied nature of those grants caused us some budgetary distress, not because of the quantum but because of their tied nature and the so-called maintenance of effort. We had a number of areas of government where money was being spent very inefficiently simply because the Federal Government insisted on its agenda rather than the State's agenda.

I know that there will be some changes to those special purpose payments, and I have already discussed their critical issues with the now Treasurer, Mr Costello. I have also discussed the unwinding of the tied relationship of those grants so that we can spend our money more effectively than we have spent it in the past. I expect there will be some savings in that. As Treasurer of this State, I can also say that we had an agreement prior to the Federal Government coming to power, and I expect that agreement to be kept.

BANK MERGER LEGISLATION

Mr BUCKBY (Light): My question is directed to the Treasurer. I note that the Treasurer has today given notice of introducing a Bill dealing with bank merger legislation. Will the Treasurer inform the House of the key elements of the Bill and say whether customers of BankSA will be impacted in any way?

The Hon. S.J. BAKER: Yesterday I gave notice of the introduction of a Bill which will enable the merger of BankSA and Advance Bank accounts. There is a Reserve Bank policy which requires a banking group to have one banking authority. We were aware at the time of the sale that that was a requirement by the Reserve Bank, and that requirement was going to be met within a reasonable time frame. That request is now being met through the process of this Bill, which will enable the transfer of most assets and liabilities to the Advance Bank. The banking business in South Australia will continue under the name of BankSA or Bank of South Australia, and the now familiar and well regarded Sturt's desert pea logo will remain place.

There has been no change to the operations of the bank. There is no less commitment to the State as a result of this change: it is simply a requirement of the Federal Government. Of course, the change has some marked efficiencies for the bank itself. There will be no change to the obligations of the Government as a result of this change. Members would recognise that, as part of the sales process, certain guarantees have been put in place. I have had a number of discussions

with the principals involved in terms of the timing of this change and how it should happen. Importantly, the change will now be processed in the way we promised it would be in the first place. It does not affect the banking operations of this State. Advance Bank brings with it a commitment to use BankSA's superior data processing elsewhere in Australia in the Advance Bank area. The matter of telemarketing is also under consideration. It is another step forward and we wish the new entity well, should the Bill proceed as I expect it to.

DEPARTMENTAL BUDGETS

Mr QUIRKE (Playford): My question is directed to the Treasurer. Which Government departments are failing to meet their savings targets for the 1995-96 financial year? Why have they failed to meet those targets, and will the burden of making up for the failure of these savings measures fall on health and public transport or other target areas such as community welfare and education?

The Hon. S.J. BAKER: Yes, I read the *Advertiser*, too. The answer is quite simple. As members would recognise, the targets we laid down at the beginning of the four year process—and we were the first Government to project into the future and make targets that we would stick to—sought to ensure that at the end of the 1996-97 financial year there would be an underlying deficit to the budget of the non-commercial sector of some $64 million and that by 1997-98 we would have balanced that non-commercial sector budget. As part of the process every department was given a target. I might add that we have had some remarkable successes, and I believe that most agencies have, indeed, met their targets. As the member for Playford would understand, the difference was that some of those targets would be achieved within the space of one, two, three or four years. With some areas of Government a significant amount of planning was required. We have already seen significant changes in the way the Government operates.

For example, we have seen over a period the issue of contestability in the Department of Transport. It does not all happen on one day: it happens over a period. So, the savings flow over the period. The question really relates to whether the Government has ceased all the TSPs and whether any more separation packages will be offered. I have said that there will be separations, because the targets have been set over that time frame and will be met over that time frame. Therefore, in areas such as transport, in my own areas and in other areas of Government where we have set those targets, they will wind out. They have all been made explicit. There is nothing new.

POLICE OFFICERS

Mr LEWIS (Ridley): My question is directed to the Minister for Police. Are recent allegations made by the Leader of the Opposition that the Government has cut police numbers by more than 260 since coming to office accurate?

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: The Leader of the Opposition said that I tabled the figures in the Parliament. I did indeed table some figures in the Parliament and did provide a response to the Leader. But that was not good enough for the Leader: he had to have a lend of the figures. The Leader must have had a good Easter, because I found on Monday morning that he was telling everyone we had suddenly slashed 260 police officers off the beat. He knows that that is totally incorrect. He knew it—

Members interjecting:

The SPEAKER: Order! There are too many interjections on my right.

The Hon. S.J. BAKER: The Leader knew that that was incorrect, but he wanted to create fear amongst the people that we had insufficient resources to meet the needs. As I explained at the time, the truth is completely different because—

The Hon. M.D. Rann interjecting:

The Hon. S.J. BAKER: Again, if the Leader of the Opposition wants to compare figures he should look at the facts. He picked up a report and then picked up a set of figures that I had provided. One dealt with the—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: In fact, the note I gave to the Leader of the Opposition talked about full-time equivalents. The report that he picked up to use as a comparison talked about personnel. It included police cadets and a whole range of people who were not on-strength police. The Leader of the Opposition did it deliberately, and the story got bigger and bigger as it went along. The Leader started off by saying that 260 people have left the ranks of the front line personnel. He then said that the number is really 460 because the Government has not met its promise of 200. Nothing could be further from the truth.

An honourable member: Guess who is under pressure.

The Hon. S.J. BAKER: I understand that he is under pressure. I know that people have referred to him as the Brumby of South Australia. I understand that. But at least he could stick to the truth, and the truth would be very helpful to the people of South Australia. The figures are not alike, as I explained when I was confronted with this press release. Despite that, a number of media outlets picked up this story. The facts of life in the front line area, in the areas which count for the people of South Australia, are that we are 135 better off than we were under the previous Government.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader of the Opposition has had more than an ample go.

The Hon. S.J. BAKER: Importantly, it has been reflected in the statistics. Except for three areas, which are now being treated as priority, we have seen the results of this Government's commitment. In a whole range of areas, for the first time, we have seen the statistics decline. That is proof of the effectiveness of the Police Force and proof of the Government's commitment. The Leader of the Opposition should not misuse and abuse figures and attempt to create fear amongst the population of South Australia. As I told the Leader of the Opposition, as at 31 March there were 3 546 full-time equivalents, and as at 31 March 1995 there were 3 634—a reduction of 88. But where have they come from: the areas we explicitly mentioned at the time the changes were made. We were backed up further by the Arthur Andersen report.

Clearly, we do not need front line police fixing up motor vehicles or monitoring speed cameras. The facts of life are that in the police department there was a range of sworn-in police officers operating in support areas where there was no pay-off to the people in terms of fighting crime and community safety. By using outsourcing arrangements or civilianisation we believe that we can achieve a more effective result for the people of South Australia in terms of the budget while not lessening any impact or any capacity of

the Police Force to perform where it really counts. The statistics are starting to show that the Government has at least stopped the rot.

There were escalating crime patterns right through the 1980s when the Labor Party was in office. There has been a reduction in police officer positions, but they are not, as I said, in areas critical to the people of South Australia. Positions have decreased in the areas that I have mentioned, such as speed cameras. If anyone in this Parliament thinks that having police officers sitting behind speed cameras is an effective use of resources, they should not be in this Parliament. If anyone in this Parliament thinks we should have police officers fixing up cars or doing carpentry work, they should not be in this Parliament. Those days are long gone. We have put more resources into the policing effort. We have reduced numbers to make the budgetary constraints work. If the Leader of the Opposition should embark on another one of these campaigns, I trust that everyone will yawn in the process.

PAEDOPHILIA

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Police as a matter of urgency consult with his ministerial colleagues, federally and in all other States and Territories, to push to establish a national register of convicted and known paedophiles, to which the police and appropriate Government departments such as the Department for Family and Community Services may have access? Today, the Opposition was informed by police sources from around Australia that there is no national register of paedophiles to assist police and child welfare authorities to keep track of paedophiles as they move from State to State. These sources confirm that not even criminal records to which all State and Territory police have access will necessarily adequately identify convicted or known paedophiles.

The Hon. S.J. BAKER: The issue of paedophiles has been in the media of late, and we all recognise its seriousness and the concerns that have been expressed in the process. I will relate what is happening in South Australia and then turn to the national scene. Operation Torpedo has been functioning since February last year. As a result of that process, there have been 45 arrests on 142 counts relating directly to paedophilia. There have been eight counts of rape: two guilty (yet to be sentenced), and six pending. There have been 17 counts of unlawful sexual intercourse: 10 pending, 2 guilty (yet to be sentenced), 4 guilty (sentence suspended), and one *nolle prosequi*. There have been 30 counts of indecent assault: 26 pending, three guilty (sentence pending), and one guilty (sentence suspended). There have been 13 counts of gross indecency: 10 pending and three guilty (sentence pending). There have been 20 counts of possessing child pornography: eight pending, eight guilty (fined between $100 and $300), one guilty (no conviction), one guilty (sentence pending), one *nolle prosequi*, and one suicide. There has been one count of offensive behaviour: guilty (fined $500 and a three year good behaviour bond); and there have been 18 counts of indecent behaviour: 17 pending and one withdrawn.

So, Operation Torpedo has certainly targeted paedophilia in South Australia—and, I would suggest, with some success. According to the briefing note provided by the police, six rings have been identified. The important part of this process is that, now it has started, it is capable of continuing to target those groups which are responsible. One such group was involved both here and interstate. So, there is a sharing of information between the States regarding particular criminals or people who have been involved in this area. We all share a sense of dismay regarding the actions of people who prey on young children in a way which has been identified at the national level. We will do all in our power to ensure that the people responsible are brought to justice, as can be seen from the results of Operation Torpedo, a very specialised operation. We have seen also in interstate jurisdictions that this area is being targeted, and the Federal Government is looking at those people who go overseas for this purpose.

Discussions are ongoing between the States, and I am sure that the exchange of information—agreement has already been reached in a whole range of areas—will progress, particularly in this area, given the importance and focus that has been given to it. In terms of a national register, the more important point involves how the system can pick up on these people so that, with respect to the incidents that we see in the courts, there is a quick and easy process to identify those people who are in danger. We will certainly pursue that at a national level to achieve national agreement on some standard information that can be exchanged.

TOURISM, ACCOMMODATION

Mr CAUDELL (Mitchell): Will the Minister for Tourism inform the House of the latest Australian Bureau of Statistics figures on the South Australian accommodation sector and say what these figures indicate?

The Hon. G.A. INGERSON: Again, some very good news is coming out of the tourism sector. There has been a 7 per cent increase in accommodation, an increase which clearly is helping our economy. That increase takes the total income in this area to $153 million a year. There have been some reasonably spectacular results in the short-term caravan park area which show an increase of 10 per cent to $23 million; regarding hotels, flats, units and houses there has been an increase of 3 per cent to $11.6 million; and visitor hostel takings have increased by 5.9 per cent to $2.3 million. Whilst it is good to have this increase in accommodation revenue, it is also interesting to note that there has been a significant increase in employment in this area with an increase in hotels, motels and flats of 2 per cent; caravan parks, 8 per cent; and backpacker style accommodation, 39 per cent.

Many members would have noted around the city in particular that many old hotels are converting to backpacker accommodation. This is one area in which there has been a significant increase in accommodation—a very important and growing market for South Australia. It is also interesting to look at the make-up of people who stay in this backpacker accommodation: they range from professors at universities to young students. So, there is a wide range of people with significant sums of money to be spent in areas other than accommodation. This is another important improvement in tourism in this State, and one which we as a Government very much welcome.

PAEDOPHILIA

The Hon. M.D. RANN (Leader of the Opposition): Will the Minister for Family and Community Services establish as a matter of urgency a paedophile hotline to allow victims in South Australia to have access to trained counsellors to seek help as well as to identify offenders? The paedophile

hotline in New South Wales received 200 calls, of which at least two were identified as specifically from South Australia and relating to incidents which occurred in this State, even though the New South Wales hotline was not advertised at all in South Australia. Obviously, today a magistrate, Greg Clark, and last night's *Late Line* program have identified problems in this area.

The Hon. D.C. WOTTON: As far as the latter comment of the Leader of the Opposition is concerned, I have already explained the situation as far as Magistrate Clark is concerned. I am perfectly happy to provide any other detail that the Leader of the Opposition wants in regard to this matter: it is quite open to the public to be informed of the situation. As far as a specific hotline is concerned, I do not believe that is appropriate, but I will take advice from the department in that regard. There is already a specified line for people to contact within South Australia.

An honourable member interjecting:

The Hon. D.C. WOTTON: There is already a hotline within South Australia relating to issues that come under the control of the Department for Family and Community Services. Perhaps we need to provide an opportunity for more people to be made aware of that hotline. I am prepared to seek advice from the department regarding that matter.

TRADE MISSIONS

Mr BRINDAL (Unley): In view of the fact that, next week, the Minister for Industry, Manufacturing, Small Business and Regional Development is leading two South Australian trade delegations to Singapore, Brunei and Sarawak, will he inform the House of the purpose of these missions and whether similar missions have been successful? On the weekend, I spoke to a number of electors who told me that under the previous Government such trips were junkets.

The SPEAKER: Order! The last part of the honourable member's question was definitely comment.

The Hon. J.W. OLSEN: This is the third time that South Australian companies have participated in Food and Hotel Asia. The expo in Singapore two years ago was the first of the now regular and very successful South Australian Government sponsored targeted trade missions. It is the second delegation to visit Brunei. At last November's BIMPEAGA (that is, Brunei, Indonesia, Malaysia, Philippines, East Asia Growth Area) Trade Expo, 11 South Australian companies generated business and signed contracts of some $3 million. A total so far of 176 companies have taken part in key Asian markets of China, Hong Kong, Singapore, Brunei and Indonesia. That has resulted in immediate direct exports and investments under contract worth a minimum $47 million to those companies. The Government is helping small and medium sized firms to undertake these missions as they do not have the resources—marketing managers or internal resources—to access these international markets. It is a way of helping the small-medium business sector to open up, access and further export, contract and turnover opportunities for them in the Asian region.

Exporting is the only way for us to go in a global market context in terms of winning contracts and bringing back business to South Australia for growth within the State. I guess that is why the New South Wales Public Accounts Committee reported recently that South Australia was outperforming the other States of Australia in terms of developing export opportunities, winning trade contracts and bringing the business back to South Australia. It is interesting to note that Sagric International is the prime contractor and deliverer of programs and services of Ausaid into the Asian region in particular. It is those areas in which South Australia has an advantage: in the manufacturing industry alone 41 per cent of our manufacturers are exporting. That compares with the national average of 13 per cent.

It may well be said that of necessity, because of our size, we have had to go to those markets, and South Australian small and medium sized businesses have accessed those markets particularly to achieve economies of scale in their businesses back here. Clearly—and moving now into the small-medium enterprise area—we are giving a whole raft of new enterprises and businesses the opportunities and contacts to open up trade in the Asian region. With these targeted trade missions the Government is opening up doors for small exporters in this State, and that gives them larger markets, better economies of scale and a capacity, importantly, to create jobs in South Australia.

HOPE VALLEY LAND

Mrs GERAGHTY (Torrens): Will the Minister for Infrastructure give an assurance that, before any decision regarding the possible sale of SA Water Corporation land at Hope Valley is made, residents and interested groups will be fully consulted by way of a public forum? As the Minister is aware, there is concern by the community that a section of the Hope Valley reservoir land may be rezoned residential and that the sale of the land will occur without proper consultation with the community and other interested organisations, including conservation groups.

The Hon. J.W. OLSEN: I will bring the honourable member's question to the attention of the board and the Director of SA Water.

MURRAY RIVER FISHERIES

Mr ANDREW (Chaffey): Will the Minister for Primary Industries explain what is currently being proposed to rejuvenate the commercial fisheries along the Murray River and to improve the position of commercial fishermen who operate on the Murray River?

The Hon. R.G. KERIN: I thank the member for Chaffey for his question and acknowledge his interest in anything to do with the river. A new plan has been proposed to rejuvenate the commercial fishery on the Murray River and to improve the management of the fishery for both recreational and commercial fishermen. The draft plan was developed by the river fishery working group, which had the backing of the Scale Fish Management Committee, the South Australian Fishing Industry Council and the South Australian Recreational Fishing Advisory Council. Currently 38 commercial fishermen operate between the border and Wellington, with the majority working upstream of Waikerie.

The river fishery working group suggested that the optimum number of commercial licences should be between 25 and 30, and one of the key recommendations in the draft plan is to remove at least eight licences through a buy back scheme, which would be financed by those remaining in the fishery. We propose the transfer or trading of licences after the rationalisation process as this would give financial security to licence holders. Other recommendations include the acceptance of a code of practice for commercial fishing on the river; the protection of a number of native fresh water

species, including catfish and silver perch; identification of the optimal location of fishing, including access to backwaters, and encouragement of the removal of European Carp from the river system; and the provision of a more even distribution of commercial activity and commercial free areas, particularly adjacent to towns and important recreational areas.

The draft plan is now available from PISA's fisheries branch and anyone who is interested has until the end of May to make comment. Local councils, recreational groups and other key stakeholders of the Murray River will be consulted before the final plan is developed and approved.

MOTOR VEHICLE QUOTAS

Mr FOLEY (Hart): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. Did the Premier ask the Prime Minister to reintroduce quotas on the import of passenger motor vehicles, was the Minister consulted on this issue and does the Minister have any concerns that international retaliation against quotas could diminish the export prospects for Australian-built cars such as the new Mitsubishi Magna and Holden Commodore? Yesterday a newspaper report stated:

> The Federal Government will be asked to limit the number of foreign cars being sold in Australia. The plan will be raised in talks tomorrow between the Prime Minister, Mr Howard, and the Premier, Mr Brown.

The Hon. J.W. OLSEN: I suggest that the honourable member wait for the return of the Premier, following his discussions with the Prime Minister, and he will advise the House of the results of those discussions.

STAWELL GIFT

Mrs HALL (Coles): Will the Minister for Recreation, Sport and Racing update the House on the magnificent results of South Australian athletes in the 1996 Stawell Gift held on Monday?

The Hon. G.A. INGERSON: I thank the member for Coles for her question.

Members interjecting:

The SPEAKER: Order! I do not think the assistance being offered is required by the Minister.

The Hon. G.A. INGERSON: Probably one of the sure things is that if I started running backwards I could still beat you running forwards.

Members interjecting:

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

The Hon. R.B. Such interjecting:

The SPEAKER: And the Minister for Further Education. The Minister for Tourism will get on with his answer.

The Hon. G.A. INGERSON: I take this opportunity to congratulate Steve Hutton, who was the first South Australian to win the Stawell Gift. It was a tremendous effort from him. It is also important to realise that, whilst his win was fantastic, all the other South Australians did well. Kelly Simpson won the women's 100 metres event, Frank McHugh won the 400 metres and James Noblet won the 200 metres event. In the women's final, South Australian Sharlee Coutts came a close second to that magnificent run from the Australian champion Cathy Freeman.

Whilst Steve Hutton's effort was the special result of that event, it is important to note that four other South Australians did fantastically well at Stawell last weekend, and on behalf of all South Australians we should congratulate all our athletes and hope that one day the Deputy Leader might get up to half their standard.

MULTIFUNCTION POLIS

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development and Minister for Infrastructure. What commitment will the State Government make to ensure that development goes ahead for the $850 million joint venture of the multifunction polis and Delfin-Lend Lease development for a residential complex and a Technology Park as an integral part of the MFP? The MFP board reached agreement in January with the Delfin-Lend Lease consortium for the development of an urban village and a high technology and telecommunications hub. A 90 days due diligence process is about to end. However, the Deputy Premier told the House on 3 April:

> The timing, quantum and style of the future development of the MFP is still under discussion.

Further on ABC radio this morning the Premier said:

> The State Government has not made any decisions yet about the urban development.

The Hon. J.W. OLSEN: As the Premier advised publicly this morning on radio, the MFP board, through negotiation with the consortium, is attempting to bring about a unique development at Technology Park. We are striving to get that result out of the negotiations. It cannot and should not simply be another West Lakes or Golden Grove. It has to be of unique international character. We are insistent upon its having unique international character. The negotiations taking place at the moment are to ensure that that is the outcome. When negotiations have been completed between the board and the consortium (Delfin-Lend Lease) and a recommendation is forthcoming from the board, I will take another submission back to Cabinet recommending a course of action.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: No. The Premier did not say that. Cabinet has been advised—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader has asked his question and it is now for the Minister to give his answer.

The Hon. J.W. OLSEN: Cabinet was advised of some of the parameters of the original heads of agreement. We did renegotiate several of those key points, particularly the trigger for the 90 day period upon negotiation and cut off. In fact, that is not operative and has not been concluded, as surmised by some. It is absolutely critical and important that we get the components of this development right and, if it takes a little longer to do that, so be it. At the end of the day we will have, and I hope to have, a recommendation from the board of MFP Australia that has the endorsement of the MFP International Advisory Board presented to Cabinet that clearly demonstrates a unique international development of which South Australia can be proud and in which South Australia would want to invest in the future. If that is not forthcoming in the recommendation, I would not be supportive of simply the repeat of Golden Grove or West Lakes on site at Technology Park. That is not what we are on about.

I am sure the honourable member would concur that we should ensure that that is not the outcome and that the outcome should be an international demonstration and reference site to position MFP as it ought to be, bringing to South Australia international demonstration sites for our process in the future. The Premier has also indicated publicly that he is raising this matter with the Prime Minister. I advised the House about a fortnight ago that I spoke to the new Federal Minister for Industry, John Moore, who gave an undertaking to me. I indicated to the House that I thought that his undertaking was the best that one could expect from a new Federal Minister in the circumstances, and it was as follows.

The Bureau of Industry Economics was commissioned by the former Labor Government for the second year in a row to prepare a report on MFP Australia and its international linkages. It is about to report to the new Government at about this time. The Federal Minister, John Moore, indicated that, upon receipt of the BIE report and prior to taking a position or any recommendations in relation to funding for MFP Australia to Federal Cabinet, he will discuss the matter further with me and the South Australian Government. There is no final draft of the BIE report available at this time. I look forward to receiving it, making a judgment and opening up dialogue as appropriate with the Commonwealth Government.

INFORMATION TECHNOLOGY

Ms GREIG (Reynell): Will the Minister for Employment, Training and Further Education indicate what new initiatives are taking place to inform young South Australians and those working with them about the impact of the information technology revolution?

The Hon. R.B. SUCH: I thank the member for Reynell for her question, because I know of her commitment to young people. All members will be well aware that we are in the midst of an information technology revolution and it is important that young people, who not only are our future but are part of the present, be well aware of the developments taking place in respect of information technology. One of my agencies—Youth SA—in conjunction with the Youth Affairs Council of South Australia and the Department for Information Industries, has prepared a discussion paper leading up to a series of seminars that will focus on all aspects of information technology as it relates to young people, and particularly as it relates to disadvantaged young people. If we are not careful, we could create a society in which we have a two tiered class structure based around IT, and it is important that all young people, especially those from a disadvantaged background, be included in the developments taking place in respect of IT.

On 24 April young people and youth workers will be involved in an intensive seminar discussing all aspects of information technology, and that will help lay the foundation for South Australia to step even further forward as a leader in IT involving all sections of the community, particularly young people.

GAMBLERS REHABILITATION FUND

Ms STEVENS (Elizabeth): My question is directed to the Minister for Family and Community Services. Following receipt of $1.5 million in 1994-95 and a further $2 million in 1995-96 for the Gamblers Rehabilitation Fund, how much has been paid out, and have any funds been diverted to consolidated revenue? A note from the Minister's office shows that, of the total of $3.5 million available in the fund, only $1.237 million had been allocated by December 1995. An issues document prepared by the Department for Family and Community Services states:

> There has been considerable confusion about the quantum of funds available for gambling rehabilitation.

The document states that in 1994-95 the Independent Gaming Corporation and Adelaide Casino paid $1 million and $500 000 respectively into the Consolidated Account but at 30 June 1995 only $543 000 had been paid out. The document states:

> It is our understanding that the Consolidated Account has no provisions for carrying over funds.

The Hon. D.C. WOTTON: I will obtain that information for the member for Elizabeth.

GREENHOUSE GASES

Mr OSWALD (Morphett): Will the Minister for the Environment and Natural Resources tell the House what progress is being made on the reduction of greenhouse gas emissions in South Australia? The Australian Conservation Foundation (ACF) has recently run a scorecard on emission control in Australia and listed South Australia as number 2, but it also went on to say that much more is needed to be done nationally if we are to have a reduction in global warming.

The Hon. D.C. WOTTON: I was delighted with the response by the ACF to the work going on in South Australia in respect of this important matter. For South Australia to come second of any State in Australia is significant. For the information of the member for Morphett and other members who are interested in this matter, I point out that South Australia certainly has a range of actions in place that are helping to reduce greenhouse emissions in a number of ways. Initiatives in transport, energy, urban planning, land care, research and education as well as continuing consultation and liaison will, I believe, contribute significantly to cutting greenhouse emissions, and I would like to outline some of the programs that we are involved with at present.

As to transport, 100 natural gas powered buses have now been added to the Adelaide bus fleet. These emit 15 per cent less greenhouse gas than do diesel buses. The Government has the aim of doubling the number of people cycling by the year 2000 and that initiative has received significant acclaim. In energy, South Australia has implemented energy labelling for domestic appliances and has agreed to implement minimum energy performance standards as part of a very successful national scheme.

Methane, a powerful greenhouse gas, is being captured from landfill sites in Adelaide and used for power generation very successfully. Urban planning and urban consolidation, limiting the spread of the city and reducing the distance of travel and greenhouse emissions, is certainly being encouraged. With respect to land care, the clearing of native vegetation, as members would understand, contributes significantly to greenhouse emissions, and this State has been the first State to reduce large-scale clearing. Additionally, many millions of trees have been planted and the new Government greening program is being planned at this time.

A number of initiatives are in place with respect to research and education. The Energy Information Centre

provides to business, home buyers and the community a significant array of information on how to reduce energy use and greenhouse emissions. I am delighted at the use of that facility being made by the community in this State. Industry is also playing a key role through better energy conservation and power reduction techniques, as well as reducing industry emissions, and that reduction has been quite significant also.

South Australia is in an excellent position to reduce significantly greenhouse emissions in coming years. This is a serious issue. We are committed to reducing the emissions from this State and to play our part in what is recognised as being a global problem. As I said, while I am very pleased that South Australia has been able to come second among all the States, much more needs to be done. I am very pleased with the efforts being made through the department and by the community in working towards the achievement of this goal.

FEDERAL PAID RATES AWARDS

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Industrial Affairs support his Federal colleague, the Hon. Peter Reith, in his attempt to outlaw Federal paid rates awards by passing complementary State legislation to also outlaw paid rates awards within the State jurisdiction? The Minister, in answer to a question on 28 March this year, stated, in relation to a meeting of Federal and State Ministers of Industrial Relations:

> The major issues we will discuss tomorrow concern the State and Federal systems working together and being able to harmonise all the issues that have been needed to be harmonised for a long time.

The Hon. G.A. INGERSON: One of the privileges of having a Federal Liberal Government in power is that, for the first time in the short time I have been Minister, we are able to start developing some industrial relations issues in the best interests of the country. One very important issue is to establish what is a reasonable position in terms of a safety net around Australia, and an issue that needs to be decided is how the State and Federal award systems will gel and work together.

As the Deputy Leader would know, discussion occurring between the Federal Minister and me, in a public sense, needs to go through the Parliament to determine what the outcome may be. Clearly, until the Bill goes through the Federal Parliament and until the safety net procedures set out in that Federal Bill are established, the issue of whether or not we support this issue is quite irrelevant. We need to make sure, as we have done in South Australia and as I have argued very strongly with the Federal Minister, that we have a safety net that is clearly recognised on a State and Federal basis. We also need to ensure that the conditions under which we employ our employees are reasonably standard across Australia.

DEVELOPMENT PLAN

Mr EVANS (Davenport): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. In November 1995 councils were advised of work being undertaken on the electronic distribution and publication of the development plan on a computer disk. What progress has been made, will it be compatible with other information technology products, and what advantages will it provide business?

The Hon. E.S. ASHENDEN: I thank the honourable member for his question and his interest in this area. First, the placing of the development plan on a computer disk will have many benefits. At present, the file containing all the information in printed form covers 21 volumes and, if stood volume on volume, is over two metres thick. We will be able to put all that information onto one CD, which will, of course, provide tremendous advantages to anyone involved with anything to do with planning, including local government, because the information will be much more accessible and useable. Additionally, substantial savings will be made by anyone who wants to use this information, because at present, the cost to anyone wishing to buy the full State development plan is about $3 400. The disk will cost very much less than that.

Further, it will be much easier to update the information on the disk, so that when planners approach the department for information they will receive much more up-to-date information. A working sample of the CD has already been made and is at present being used at a number of local government seminars, the disk is being run through to show councils what we have, and they are indicating changes which they think should be made to make the system even more user friendly than it presently is. The process will ensure that development plan policies can incorporate a range of information products, including now a one-stop information shop for the people concerned.

There will be a substantial improvement in the delivery and accuracy of development plan policies, and the whole process will be very much easier to use. Further initiatives are also being investigated, in particular, the ability to make copies of relevant extracts from the development plan, which will mean that a system will be available that even a novice or infrequent user will be able to use with the greatest of ease. Finally, the only hardware required will be a PC, and standard software packages are being used, therefore making the whole system cheap and easy to operate and providing very up-to-date information to anyone who requires it.

PARKS HIGH SCHOOL

Mr De LAINE (Price): My question is directed to the Minister for Employment, Training and Further Education, representing the Minister for Education and Children's Services in another place. Will the Minister inform the House where the 250 adult re-entry students who currently attend The Parks High School will go when the school is closed by the Government at the end of this year? More than 250 full-time and part-time adult re-entry students are now enrolled at The Parks High School. The only alternative adult re-entry schools in the western suburbs are the Le Fevre High School and the Thebarton High School. A check has revealed that enrolments at both these schools for adult re-entry students are at capacity and the schools cannot accept any more students.

The Hon. R.B. SUCH: As always, my ministerial colleague in another place will look after the needs and interests of students in his care. That applies equally to adult re-entry as to younger students, but I will take the question on notice and bring back a considered reply. The Minister would have addressed this particular issue, and I believe it deserves a considered reply.

INDUSTRY TRAINING AND SKILLS DEVELOPMENT

Mr BROKENSHIRE (Mawson): Will the Minister for Employment, Training and Further Education, in that capacity and also as Minister for Youth Affairs, outline how young South Australians are benefiting from the industry training made possible by the construction industry training levy?

The Hon. R.B. SUCH: Quite a bit of misunderstanding has occurred about the construction industry training levy, which is provided by way of a .25 of 1 per cent levy on any construction to the value of $5 000 or more. That training levy is vital in terms of training apprentices and trainees in the construction industry in South Australia. Indeed, without that levy we would see the collapse of the Civil Construction Skills and Technology Centre, which is training people in earth moving; the Netley Skills Centre would not exist; and many of the group training schemes would not be able to provide training to apprentices and trainees, because much of their funding comes from that levy. Indeed, as a result of that levy the number of apprentices has increased from 300 to 500 annually.

A small number of people in the industry feel that they pay the levy. The levy is paid by the end consumer—the person who purchases the house. I have not had one complaint from a home purchaser who has said that this levy is inappropriate. The number of people in that industry who have had any formal training amounts to less than half the total number involved. Indeed, other industries would like to copy that levy. The board that administers the levy is owned and controlled by the industry itself, and the contributions provided go back to each sector according to the contributions they make. The housing industry gets back exactly what it contributes, and this goes through the various sectors in the construction area.

To date, the fund has distributed $7.16 million for training programs, and these are administered by various agencies, some of which I have mentioned, and one of which is the Master Builders Association. Programs include safety supervision, contract law for builders, workplace assessment, quality assurance, first-aid and use of scaffolding. Other programs include scaffolding of various levels of competency, basic computing, advanced rigging, dogging, and all sorts of skills relevant to the construction industry. This is relevant training that ultimately benefits the whole community, including consumers who purchase houses and other properties.

For too long we have had within the industry, as I indicated before, many people who have had no formal training. It is important that the community understands the benefit of training. I do not come across many people who like to fly in an aircraft where the pilot has had no training or who want to go to a dentist who has had no training. Yet in many areas of our society we still have people who want to poach from others and who do not want to contribute to training, and the construction industry training levy is a fair way in which everyone is required to contribute. As I said before, it is a model which is the envy of many other industries throughout the State.

Members interjecting:

The SPEAKER: Order! The Minister will round off his answer.

The Hon. R.B. SUCH: I was going to repeat the answer for the benefit of the Deputy Leader.

The SPEAKER: Repetition is out of order.

The Hon. R.B. SUCH: I will conclude my answer—eventually. In summary, this is a training fund which is vital for the wellbeing of our total community. There has been some concern by members with regard to the compliance aspect. We have had Crown Law opinion indicating that the Construction Industry Training Board has no discretion with regard to any unpaid levies. I urge everyone associated with the construction industry to pay the levy and to see it as a positive contribution towards training the young people of South Australia. On that note, I will conclude.

Members interjecting:

The SPEAKER: Order! The Chair is tempted to call the Deputy Leader, because I think that the last answer was unnecessarily long.

STANDING ORDERS COMMITTEE

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

That Mr Meier be appointed to the committee in place of Mr Lewis, resigned.

Motion carried.

GRIEVANCE DEBATE

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

Mr BRINDAL (Unley): When we are elected to public office, we all take on a responsibility. At the weekend it was most disappointing to read that the Lord Mayor, in making comments about a number of functions held in the City of Adelaide over the Easter weekend, either did not check his facts or was misreported by the morning newspaper. Generally, my experiences with the *Advertiser* have been that it gets its reporting right. Therefore, I wonder whether Mr Ninio was scrupulous in obtaining the facts. The article in question was headed, 'Anger at city rave party ploy'. The Lord Mayor, Mr Henry Ninio, claimed that two groups, holding what he alleged was a rave party in the Star Club venue, had not sought proper permission and had not given adequate time for complaints to be heard. He went on to say that it was a clever ploy 'to ensure that controversial parties could not be stopped'.

One of the parties was organised by Greek students, and I am told by my colleague the member for Colton that, to the best of his knowledge, they have conducted a similar event every year for the past 25 years. Traditionally it has been held in the University of Adelaide grounds, and this year they changed the venue. The other group was UFO—a gay and lesbian group—who, again, were forced to change the venue. That group has been running similar events for a number of years and, indeed, held a number of events this year. On 25 August 1995, it held a function in Light Square; it held an Easter cabaret dance party in Flinders Street car park in 1995; in 1994-95 it held a new year's eve dance party; and this year, in February, in the courtyard of the Fringe, it held a fair which attracted 3 000 people and some 40 businesses.

The reason that this group changed venue is that, after seeking permission from Secure Parking, which ran an old car parking building from 27 to 39 Light Square and which it

believed was the owner, the building changed hands and came into the ownership of the Minister for Employment, Training and Further Education. He considered the application and refused it on the ground of occupational health and safety.

Mr Clarke interjecting:

Mr BRINDAL: I suggest to the honourable member that this is a serious issue, and I would appreciate it if he listened to what happened. On 26 March, my office was approached by Unity Foundation to speak to the Minister about whether he intended to withdraw permission. My office approached the Minister's office and, on Friday 29 March at 6.10 p.m., the Minister's office rang the organising committee to say that permission to use the venue at Light Square had been withdrawn. On Monday morning, UFO advised the Licensing Commissioner and switched the venue to the Star Club. I point out to all members that the Star Club is a venue that has a licence for 1 100 people. Unity Foundation applied under a special licence, because the Licensing Commissioner viewed the general licence to be not appropriate to this circumstance for 1 000 people. He had a similar view in respect to the young Greek students. Yet we had the Lord Mayor screaming possible gloom and doom at a venue which was less than capacity and which can generally attract those numbers of people.

He did incalculable harm to both those organisations. I believe that, before the Lord Mayor goes into the local press pursuing populist issues and dubbing people what they are not, he should at least check his facts. It is very interesting that UFO had gone to the council and obtained all necessary permission for Light Square before the Minister withdrew his permission. In a letter it wrote to the Minister, it says:

> UFO is currently obtaining all required consents in relation to the venue, having initially met with the Inspector of the Office of Liquor Licensing, the South Australian Police and the Adelaide City Council to discuss the application.

Indeed, it details Peter Rexeis of the City Council as its contact. In future, I suggest that the Lord Mayor check his facts.

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

Mrs GERAGHTY (Torrens): I want to draw the attention of the House to the plight of the ME-CFS society. ME stands for myalgic encephalomyelitis, more commonly known as chronic fatigue syndrome. This society is a fully registered and licensed non-profitable charitable organisation run on a completely voluntary basis. It was formed in the early 1980s by Lyn Drysdale, a sufferer of CFS, because at that time there was no support for anyone who suffered from this disorder. The organisation has repeatedly sought funding from previous Governments and from this Government, but unfortunately all such submissions have been rejected.

CFS is a most debilitating disorder. Sufferers are often bedridden for days, unable to work, and some are even exhausted just by walking to the letterbox to collect their mail. I understand that the muscle pain experienced by some ME sufferers is so severe that it is completely exhausting. I would encourage members to read the information sheet that one of my constituents, a sufferer of CFS, brought to me with a lot of other information.

This is something from which many people in our community suffer and I should like to describe some of the symptoms. Initially, it starts as a flu-like illness with respiratory or gastro-intestinal symptoms, and then follow undue muscle fatigue, exhaustion and a feeling of generally being unwell. There are many other symptoms: mild fever, sore throat, muscle pain and weakness, severe pain in the head, neck and shoulders, headaches, poor concentration, short-term memory—from which I might suffer—sleep disorder patterns and painful lymph nodes, sometimes with noticeable swelling and chemical intolerances and the like to food.

This society is often the sole source of information for sufferers of ME and also for their carers, because people are often bedridden and unable to care for themselves. This society survives only by reason of donations and time given on a voluntary basis by members and friends. The society produces an excellent magazine carrying information for members and the community. It is also produced by young members who are encouraged to participate and who have their own branch within this society.

As I said, the society has applied for funding but, quite shamefully, it has not been forthcoming, certainly in this State. Victoria, Queensland and New South Wales provide funding in recognition of the reality of this disease. In fact, that funding ranges from $1 500 to $62 000. The society in South Australia has office space which consists of a GPO box, two dedicated telephone lines to the secretary's and president's homes, so that they can provide information and counselling, and two square metres of floor space on which sits its four-drawer filing cabinet and a desk and chair which it shares with other organisations.

The service that the society provides to people in the community who suffer from ME not only saves the Government considerable dollars but is invaluable to sufferers and carers. Although medical science has not been able to establish the cause of ME, it is a real illness and people suffer from genuine and painful symptoms. I know that the society will again be placing a submission before the Government. With all the slashing of grants to good organisations, such as SANDS (Stillborn and Neonatal Deaths Syndrome), I wonder what success this next submission will have. However, I strongly urge the Government to consider the work of this society and to bear in mind that other State Governments recognise the value of the work and the necessity of such a society in our community. I hope that the Government will provide funding so that this society can continue with the good work that it has been doing. As I said, if anyone cares to have copies of these pamphlets and the magazine which have been given to me, I shall be happy to oblige.

Mr CONDOUS (Colton): As Chairman of the Desert Pea Foundation for the past eight years, a board which provides crisis accommodation for homeless youth, I believe I have a responsibility to raise one of our greatest fears—paedophilia. Much has been said in recent times about the crime of paedophilia in New South Wales, and it hit home last week when convicted paedophile, Vivian Deboo, was found guilty and is now serving a six-year sentence, but with only a two-year non-parole period. For the three young victims and their families, the sentence was insultingly trivial. Yet the judge, Justice Nyland, took all the circumstances into consideration and there were relevant factors in the life of Deboo, who had already experienced prison assaults.

One must admit that it was, in short, a typical, complicated case. However, one must also look at the young victims. In a photograph in the *Advertiser* last week it was tragic to see young Benjamin Bruce being comforted by his mother outside the court after the sentencing. His description of the fondling by Deboo in a backyard toilet behind a restaurant

will scar this young man for life. He was unaware that while he was going through this tragedy it was also happening to his young co-workers. He says that the wounds will not heal, that he now suffers manic depression and mood swings and that he has had to undergo extensive psychotherapy. Still employed in the hotel industry, he has been unable to take orders from male bosses, but, to his credit, he is now working with police officers who deal with victims of sexual abuse. He teaches them how to interview victims with maximum efficiency and minimum impact.

One of the other two victims of Deboo found himself perched on the tower of the Mount Brecon homestead contemplating suicide. The impact of the sexual abuse caused his schooling to suffer, he could not face working and he was ridiculed by certain sections of the community. He has spent his time drinking and taking drugs, and the only compensation for him is that now that Deboo is in gaol he does not have to worry about seeing him around Victor Harbor. The third victim said that he had been robbed of the right to live a normal life, that he had withdrawn from social and community involvement and that his life had been destroyed.

One can understand the community becoming angry. Paedophiles are now viewed by the community, and rightly so, as predators who use the young in ways that may, for the victims, ring in the nightmares down the years and destroy their lives. Even taking into consideration what the judge has said, one cannot comprehend such a small term of two years for the destruction of three young lives. The sad thing is that those of us who have young children, and the community at large, need to be a little less trusting and a lot more suspicious about those who could have charge of our children. As one mother said—and Deboo was a family friend—he took her son as though he was taking a lamb to the slaughter.

Let us hope that crimes against children involving sexual acts will be reviewed in an endeavour to discourage what has now become an epidemic in our community. I look forward to the interest that the Attorney-General will take in this matter in the hope that a greater effort will now be made to protect our children from those unscrupulous people in the community who seek sexual gratification and do not stop to think about the long-term effects on these children. I should like to see truth in sentencing and the Attorney-General appeal against the sentence and make Deboo serve his full six years in prison. Paedophiles deserve to be put away for long periods so they can do no damage, isolated from the children on whom they prey.

Mr LEWIS (Ridley): It is with some regret that I bring this matter to the attention of the House. I refer to Santa Clause, and I do not mean the mythical—

Mr Clarke interjecting:

Mr LEWIS: For the benefit of the member for Ross Smith, this is a serious matter. It is not a laughing matter. Santa Clause is Mr Keith Sullivan. He has had one hell of a tough time with WorkCover. In the past I have let the House know about that. WorkCover has refused to pay him anything more than $631.80. After many weeks, a WorkCover review officer, Mr Sargent, brought down a finding which, to use the words of the Deputy President of the appeal court:

> . . . made errors of law that make it plain to me that the review officer has misdirected himself both as to the relevant evidence and the relevant law.

In the past, WorkCover has refused to pay Mr Sullivan any more than $631.80. He appealed against the review officer's opinion and was successful. The appeal (No.291W/95) was heard before Deputy President Mr G.M.M. Thompson on 26 February. Quite simply, the judgment states:

> Upon the hearing of the appeal of the above-named notice of which was filed herein on the 15th day of September 1995 coming on for hearing on the 8th day of February 1996 and the 14th day of March 1996 and upon hearing Mr G. Britton of counsel for the appellant and Mr A. Martin of counsel for the respondent the tribunal doth order:
>
> 1. That: in the review application's 06707947/01/03 and 06707947/01/04, the determinations of the review officer are set aside. The appeal is allowed.
> 2. That: the appellant is entitled to payments of weekly maintenance at the rate of $350 per week [he has nothing to date] from the date of discontinuance until such time as those weekly payments have been reduced or discontinued according to law.
> 3. That: in respect of application's 06707947/02/02 and 06707947/00/01 the determinations of the review officer are set aside. The appeal is allowed.
> 4. That: in respect of application 06707947/02/01 and 06707/03/01 being extension of time applications—no further orders are made.
> 5. That: the appellant is to have his costs of appeal including costs of the hearing on 14 March 1996 including counsel's fees for both occasions.

Yet, to date, Mr Sullivan has received nothing more than $63.80. It seems that WorkCover is determined to drive Mr Sullivan into bankruptcy. It refuses to pay and refuses to acknowledge or respond to whatever submissions he makes to it. He has no further credibility in financial terms and is therefore in the difficult position of being unable to obtain what is justly his according to law, and will face bankruptcy in consequence. If that is a system which is intended to provide for the rehabilitation of injured workers, I want no part of it, because it strikes me that it is no different to my own experience of the way in which the courts and Government agencies such as SGIC's third party bodily injury insurance treated me for the time it took for it to settle my own matters and the way in which it set about embarrassing me insofar as it was at all humanly possible by drawing the matter out.

It does not cost the review officers and WorkCover staffers a red cent. Their jobs will continue; their salaries will continue; their livelihood is assured. Yet they leave the injured person, in this case a pensioner, without income of any kind and with the total responsibility of trying to continue to prosecute his just right in law as determined according to the courts, and I find that disgusting. By accident, I now discover that WorkCover is attempting to seek leave to appeal to the full bench of the court. This matter is not *sub judice*, but that is what WorkCover is attempting to do. It will break him, and I am absolutely outraged on his behalf.

The Hon. M.D. RANN (Leader of the Opposition): I support the words of the member for Colton with respect to paedophiles. Today, the Opposition called for the creation of a national register of convicted and known paedophiles to enable police and Government agencies to track offenders. All decent citizens in South Australia have been rightly outraged by the recent revelations of paedophile activity. There have been reports that, because there have not been adequate police checks on guardians, a 13-year old boy was in effect delivered to a paedophile. This man reportedly had a criminal record for sexual offences dating back some years. The Opposition checked this afternoon with various police sources and discovered that there is no national register of these offenders. The police and Government agencies are hampered through a lack of interstate cooperation. The

offenders who prey on young children are capable of moving from one State to another and resuming their behaviour in a community where they are not known.

The police and Government welfare agencies need every form of assistance they can get to help them track down and prosecute paedophiles and to protect young people from these evil predators. A national register would allow all police forces to share information and help prevent disastrous situations where children are placed in the care of paedophiles. I am disappointed that today the Government has refused to agree to a State paedophile hotline. It is vitally important that any Minister responsible for our children's welfare look seriously at a positive and constructive idea that has worked well in New South Wales. The Minister claimed in Parliament today that South Australia already had telephone numbers that victims could call. These numbers clearly are not well publicised. The message from New South Wales is that you need a concerted, well publicised exercise to punch the message through that help is available for victims and that offenders will be pursued.

Our police and other authorities can tackle this issue effectively only if they have information. A phone-in is one way to start to gain some of that vital information. This is too often a hidden crime. The challenge is to get victims to come forward so that they can identify offenders and seek help. A hotline provides a way for people to come forward. All members would agree that child abuse is a terrible crime. The perpetrators deserve the toughest response from the law and the courts. Most parents, including me, believe that the key should be thrown away for those convicted of preying on our children. This is not Party political: it is something we should all, if we are dinkum, be concerned about. If we need to review the law and introduce tougher sentences, let us do it. If treatment and counselling is inadequate, let us try to fix it.

I now refer to some goings-on within the Liberal Party. There has been a great deal of speculation around the corridors of Parliament House about the source of the information given to me late at night about the leadership tussles between the Premier and the Minister for Industry, Manufacturing, Small Business and Regional Development. I have publicly ruled out—and I want to do so today—that the member for Coles was the person who telephoned me that night. I have written to her and informed her that, if I am asked whether or not she and I have ever spoken about internal Liberal matters, I would obviously be required to answer truthfully that we have on several occasions discussed Liberal Party goings-on and Liberal Party factional concerns. Certainly, this has occurred at sports functions, at an Italian religious procession earlier this year and on other occasions. I know that the member, who is a dear and old friend, would also answer such questions truthfully, if asked.

I am also likely to be asked whether or not any member of her faction ever provided the ALP with information about the leadership issue prior to the *Sunday Mail's* article. Again, I must truthfully answer that members of both factions gave us information in an attempt to damage rival leadership bids. Of course, we have seen the appointment of parliamentary secretaries. The Premier's appointment of a swag of secretaries is an obvious attempt to ease internal tensions. I repeat my claim that it was not the member for Coles who telephoned me late at night. She and I have had discussions on other occasions about Liberal Party matters, but we did not do so on that particular night.

Mr OSWALD (Morphett): I would like to raise two matters this afternoon, the first of which relates to Trans-Adelaide and the second to the Associations Incorporations Act. With regard to the first matter, I would like to send a special request to the organisers of public transport in Adelaide, particularly those who organise the 99B bus and the timetable for the Glenelg tram. As members know, I represent the Glenelg area. My constituents and I welcome tourists on the Glenelg tram, which is a regular means of public transport for my constituents. I happened to catch the 99B bus last week from in front of the railway station to Victoria Square. As the bus pulled into the bus stop adjacent to the tram stop, and as everyone in the bus rose expectantly to get out of the bus and walk across to the tram that was parked there, to our absolute horror the tram closed its doors and took off leaving about 10 people standing with their mouth open and having to wait a further 15 or 20 minutes for the next tram.

Clearly, that is not the way to run a public transport system. I do not blame the Minister, who is doing a brilliant job in South Australia. I have discussed this matter with her, and it is purely a matter of administrative organisation to ensure that this type of thing does not happen in the future. There is nothing more frustrating, particularly for a visitor who catches the 99B bus to the Glenelg tram, than, as the bus pulls up, to see the tram take off. All that needs to happen is for the tram conductor to look out the window and, if he sees a 99B bus pulling up, refrain from pressing the start button so that the tram can wait an extra two or three seconds to allow passengers to board.

The second matter that I would like to raise involves what I see as an anomaly in the Associations Incorporations Act. I have been contacted by a Mr Bezerek, who formed the Ukrainian-Australian Chamber of Commerce and Industry. He was appointed to the position of public officer. He has been to see me. I will not pass comment on what is happening within the chamber regarding power struggles that may be going on, but someone has sent to the Office of Consumer and Business Affairs the appropriate form 10 to change the appointment of the public officer. I am told by Mr Bezerek that the new public officer is not the person who was authorised by the official Ukrainian-Australian Chamber of Commerce and Industry Incorporated. Upon inspecting the form 10, I found that it requires the new public officer to fill out the name of the association and the name of the new public officer, his address and appointment, and other details about him. He then signs the form at the bottom, thus authorising it. As is apparently the case in this situation, if that public officer has not been authorised by the association, a bogus public officer is appointed and the department cannot do anything about it.

I propose that form 10 be modified so that at least it must be countersigned by the president, the secretary or someone in authority within that association so that the department will know it is legitimate. You do not even have to be a member of the association to be the public officer. This means that anyone can fill out a form 10 and lodge it with the department so that that person, because that form 10 has the most recent date, becomes the official public officer of that association until such time as it is changed. As this is a matter of dispute with two people contesting that they are the official public officer, it will have to go to court. There should not be the expense involved in this matter going to court: it should simply be a matter of the department modifying form 10 so that it states that it must be countersigned by, say, the president and the secretary of the association or verified in

some way so that this situation cannot happen again.

FISHERIES (PROTECTION OF FISH FARMS) AMENDMENT BILL

The Hon. R.G. KERIN (Minister for Primary Industries) obtained leave and introduced a Bill for an Act to amend the Fisheries Act 1982. Read a first time.

The Hon. R.G. KERIN: I move:

That this Bill be now read a second time.

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

Leave granted.

In recent years there has been substantial investment in the development of aquaculture operations throughout South Australia. One of the most successful ventures has been the farming of southern bluefin tuna, where operators net the tuna and then transport the catch to cages in Port Lincoln waters where the fish are fattened before sale to the lucrative Japanese market.

With the expansion of tuna farming, there have been reports of unlawful taking of tuna from the cages. According to the farm operators, commercial farms have experienced losses of thousands of dollars due to such activity. The operators have attempted to minimise theft by seeking police assistance and by hiring private security guards. In addition, the industry has requested the introduction of legislation to minimise theft of fish from aquaculture sites—specifically, amendments to the *Fisheries Act 1982*.

There is a provision in the Fisheries Act that makes it an offence for a person to interfere with a lawful fishing activity. However, as a lawful fishing activity is defined in the context of taking fish, not farming fish, this provision does not cover instances involving theft of farm fish from aquaculture sites.

Although the matter has been raised by tuna farm operators, other marine fish farm operators (eg oysters, mussels, and finfish) would be susceptible to the same problem. Therefore, any amendments to the Fisheries Act should encompass all marine fish farming activities.

It is proposed to amend the Fisheries Act to include trespass provisions based on those contained in the *Summary Offences Act 1953*. Specifically, it would be an offence for a person who enters a fish farm area to fail, without reasonable excuse, to leave immediately if asked to do so by the operator or a person acting on the authority of the operator, or to re-enter the area without the express permission of such a person or without a reasonable excuse. It would also be an offence to take or interfere with any fish within the fish farm area or to interfere with any equipment used by the farm operator. A further offence of entering a fish farm area intending to take or interfere with fish or interfere with equipment is also created. These amendments should address the concerns of the aquaculture industry by providing measures that will assist in minimising theft of fish from aquaculture operations.

I commend the measures to the House.

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of s. 53A

The proposed new section 53A creates offences relating to trespassing on fish farms and interfering with fish within fish farms and equipment used in fish farming.

'Fish farm' is defined as the land and waters within the area subject to a lease or licence under section 53 of the Fisheries Act.

'Marked-off area' of a fish farm is defined as an area comprised of or within the fish farm the boundaries of which are marked off or indicated in the manner required under the terms of the lease or licence in respect of the fish farm.

Subsection (2) provides that the operator of a fish farm has a right of exclusive occupation of the marked-off area of the fish farm subject to the terms, covenants, conditions, limitations, etc., of the lease or licence.

A person will commit an offence (punishable by a maximum penalty of $2 000 or 6 months imprisonment) if the person has entered the marked-off area of a fish farm and having been asked by an authorised person to leave the area, fails (without reasonable excuse) to do so immediately or re-enters without the express permission of an authorised person or without a reasonable excuse.

'Authorised person' is defined as an operator of a fish farm or a person acting with the authority of an operator.

Further offences are created under the proposed new section:

- a person must not use offensive language or behave in an offensive manner while present in the marked-off area of a fish farm in contravention of the section (maximum penalty—$1 000)
- a person who is present in the marked-off area of a fish farm must not fail to give his or her name and address when asked to do so by an authorised person (maximum penalty—$1 000)
- an authorised person, having exercised a power under the proposed new section in relation to another person, must not fail to give his or her name and address and the capacity in which he or she is an authorised person when requested to do so by the other person (maximum penalty—$500)
- an authorised person must not address offensive language to, or behave offensively towards, a person in relation to whom the authorised person is exercising a power under the proposed new section (maximum penalty—$1 000)
- a person must not, without lawful excuse—
  - take or interfere with fish within the marked-off area of a fish farm; or
  - interfere with equipment that is being used in fish farming, including equipment that is being used to mark off or indicate the marked-off area of a fish farm

  (Subsection (7)).

  (maximum penalty—imprisonment for 2 years)
- a person must not enter the marked-off area of a fish farm intending to commit an offence against subsection (7) in the area (maximum penalty—imprisonment for 1 year)
- a person must not falsely pretend, by words or conduct, to have the powers of an authorised person (maximum penalty—$500).

The section provides evidentiary assistance for a prosecution by providing that an allegation in the complaint that a person named in the complaint was, on a specified date, an authorised person in relation to a specified fish farm will be accepted as proved in the absence of proof to the contrary.

Mr CLARKE secured the adjournment of the debate.

YUMBARRA CONSERVATION PARK

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

That a select committee be established to inquire into a proposal for reproclamation of that area of Yumbarra Conservation Park within which exploration licence application 142/93 is largely contained to enable access for exploration and any future mining to be contingent upon a full EIS as a component of the decision-making process.

In moving this motion, I am well aware of the sensitivities it entails.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I thank the member for Spence for his contribution. The issue, of course, is what South Australia stands for and the extent to which we as a Government can progress the fortunes and economic future of this State. The matter of the Yumbarra Conservation Park is not taken lightly given the history of this particular piece of land. Members would be well aware that in 1968 the area in question was proclaimed under the National Parks and Wildlife Act 1966 as an area deemed to be appropriate for conservation. We did not have the benefit in 1966—indeed, we did not have the benefit in 1968 as it was not until 1986 that the former Government with the support of the Opposition deemed it appropriate to allow other developments to take place within areas which were regarded as sensitive. The degree of sensitivity and the extent of the developments were matters that would have to be canvassed at the time.

Importantly, in 1986 the previous Government made it possible for other developments of a mining nature to take place, and Governments of all persuasions were able to declare an area and to have an area reproclaimed should the

Government and the Parliament agree, but that would have to stand the test of both Parliaments.

In explaining quickly why this is happening, it is important to look at the extent to which new techniques have been a major instrument in assisting the Government to identify mineral prospects. The arrival of aeromagnetic surveys allowed above-the-ground inspection of areas which previously had been explored only through the process of ground surveys. The aeromagnetic surveys undertaken in 1992 showed that there was what was classed as a significant geological anomaly. Of course, the issue of what is down there and what it actually comprises is yet to be determined, but this significant geological anomaly—and I prefer to call it a potential mineral prospect or a volcanic formation that has brought mineralisation to the surface—could conceivably be of great significance to this State.

These anomalies are rare but significant in the sense that they bring together a number of factors, and aeromagnetic surveys rely on the ferrous content of the land being surveyed. It is the aeromagnetics, through the identification of ferrous substance, which determines that there could well be mineralisation in that area. The area within the conservation park that has been identified is regarded as a significant anomaly, as geologists would call it. It is unusual and highly mineralised. The extent to which it contains minerals other than iron or ferrous substance is yet to be determined. However, consistent messages have been sent back from other parts of this State and elsewhere that, where such anomalies or structures have been identified, there have been significant discoveries.

The conservation park comprises 106 190 hectares and was proclaimed in 1968. In 1990 two further areas were added to make the total park area 327 589 hectares. Both areas that were added, also because of their significance and similarity to the area proclaimed in 1968, are available for exploration, unlike the conservation park proclaimed in 1968. Given the significance of the area, and the area in question that we wish to have examined, we are talking about a very small proportion of the total area. We are seeking reproclamation of only one portion of the central section of Yumbarra, an area of some 26 000 hectares or less than 25 per cent of the central Yumbarra section. This area represents 7 per cent of the Yumbarra Conservation Park and only 1 per cent of the Yellabinna region, which has significant mallee.

The importance of this find to the area cannot be understated, for the reasons I have already explained. It is part of the Gawler Craton where there have been a number of other discoveries, and certainly there has been a reidentification of capacity within the Gawler Craton and new capacity for mineral finds. Members of this place would be well aware that Challenger has already made a discovery elsewhere and we have another gold discovery at Nuckulla Hill. We have had a far greater interest in mining in the Gawler Craton than has ever been displayed before. Through the processes and aeromagnetic surveys, followed up by gravity surveys, we will become better at being able to identify probable or possible areas of mineralisation, which will be of benefit to this State. The Gawler Craton has already yielded two gold discoveries, one north-west of Tarcoola and another at Nuckulla Hill.

There appear to be mineralisations similar to copper-gold ore bodies at Ernest Henry, Osborne, Tennant Creek and Roxby Downs. The area about which we are talking is relatively unexplored. I understand that most of the exploration was done by rabbit trappers and shooters in the area until this time. The target area is a vertical cylinder, pipe or funnel shaped body caused by volcanic action thousands of millions of years ago. It is one of those things that happened a long time before any of us were on this earth.

Should the exploration licence be exercised as a result of the select committee findings, a joint licence is held by Dominion Gold Operations Pty Ltd and Resolute Samantha, who wish to pursue this potential discovery. They have spent between them some $3 million in the exploration of this State. We cannot determine whether we have found something of extraordinary or solid significance or nothing of significance until that exploration effort is made. Whilst all the signs are very positive, we rely on the magnetic resolutions that have been discovered, but that does not mean that some of the mineralisations that potentially lie within that body are actually there. The most notable are items such as copper and gold.

It represents a very significant potential which this State believes must be explored with some understanding that, if there was mineralisation of significant commercial benefit to the State, we would not be doing the right thing by the State simply to ignore the economic potential. We are talking about the potential for the Eyre Peninsula, which has suffered many blights as a result of rural activity. We are talking of Ceduna and surrounds with its strong Aboriginal populations that have consistently craved more opportunity, particularly economic opportunity and job enhancement. We are talking of an area of the State which can certainly benefit from a vital new industry. The extent to which that industry can progress would still need to be determined by a full EIS (or an EIA as they are now called), should any exploration reveal positive results.

There is a strong benefit to the State, the Eyre Peninsula and everyone who currently resides in that area in terms of the future that may be forthcoming should a mining prospect eventually proceed. Importantly, the environment is an issue that all members of this House would deem important. One of the advantages of the discovery is that it is but a short distance—some 60 kilometres—from Ceduna and there are already some tracks and roads to that area, although they would have to be further developed to take any significant traffic. The importance of the proximity to Ceduna should not be underestimated. If there was a strong mining prospect in the area, the need to build a huge infrastructure around it, as we have done in the case of Roxby Downs, would not be appropriate under the circumstances.

Importantly, the Department of Mines and Energy has taken seriously its responsibility regarding the local environment and on its own initiative sought an independent audit of mining activity in the Yellabinna region. The report stated that there had been some deficiencies, and a partnership has been formed with the Department of Environment and Natural Resources to repair the damage caused over a period. So, from the point of view of the Government and the previous Government, there has been a strong commitment to ensure that mining and the environment can be managed effectively together.

We recognise the significance of the area but, if members look at the maps and aerial photographs, they will see that we are talking about the identified area of sandhills and low-lying mallee bush which certainly has wildlife associated with it but which is no different from the surrounding area. So, while we do have a habitat in that area, it is not unique to the conservation park, and we are not talking about an area that would be debilitated by the presence of a mine. If mining

activity should result from the process now being pursued, the area in question would equate to the situation of looking for a needle in a haystack. The mining area involved would be infinitesimal compared to the total area of Yumbarra. So, we are not talking about a massive intrusion on that area and, whilst we appreciate its history and the desire for conservation of this mallee scrub area, it is feasible to manage it even better than it has been managed to date, simply because there will be capacity in the system that was not previously there.

At the press conference I observed that one of the problems inherited from the previous Government was that it had accumulated large areas of land under national parks and reserves but had never developed the capacity to ensure that they were managed properly. In a number of our national parks and reserves we have found noxious weeds and feral animals, and that has been to the discredit of the State and to the detriment of surrounding farming communities. Sometimes fires have started because proper remediation has not taken place in the past. The capacity to manage parks properly and slow the rate of unwanted intrusion into sensitive areas depends on the system's ability to meet those demands and, if mining should proceed, the capacity to meet that challenge will be greater because of the Government's commitment of extra moneys for park management. It is a responsible Government that is taking this step. As I have said, the step is not taken lightly but it is a matter that the Government believes is important to the State. We would not be taking this initiative otherwise.

While this is a sensitive area which has a part to play in the total system and encompassing mallee scrub that extends in a continuum for over a million hectares, it will not be disturbed in any shape or form by a mine if that is the ultimate outcome. The Government believes that there is a process to be pursued. The formation of a select committee will make it possible for every interest group to put forward its views on the exploration proposal. We have written to a large number of organisations interested in this matter. We have written to the Conservation Council, the Wilderness Society and other people with a strong interest. We have provided them with the biological report undertaken on the conservation park so that these groups can see clearly that the Government is being responsible in the process.

All that material as well as the audit of Yellabinna has been provided. It shows our credentials as a Government, because we believe that we have to show the way and be more responsible in this process. We have invited anyone with an interest in this matter to make a submission or give oral evidence as well, should they feel so inclined, so that the Government has at its disposal information on all the issues in favour or against the proposal. The Government encourages anyone with an interest to pursue that interest and ensure that the Government is fully informed and equipped to make appropriate decisions. There is no doubt that local Aboriginal communities and communities in Ceduna and nearby—indeed, through the whole Eyre Peninsula—are enthusiastic about the proposal. They recognise the Government's responsibility to ensure that the economic results are accompanied by appropriate environmental results. I commend the motion to the House.

Mr QUIRKE (Playford): I am somewhat worried that I will be followed by the parliamentary secretary, whom perhaps I should have allowed to lead off with the defence. These days in Parliament, as I have learnt, we have to look at not only our front but to our rear as well, and there is a lesson in that. I am somewhat interested in what the parliamentary secretary will say, but let me make it abundantly clear that we do not support the motion. That does not mean that we do not believe in digging minerals out of the ground or that we do not support mining operations. My Party and I have a long history in connection with mines in South Australia, but there are a couple of problems associated with the motion, not the least of which has to do with the sensitivity of the land in question.

In talking about these issues the Deputy Premier was careful to indicate that, if mining operations were to take place in this area of South Australia, they would require a different approach. Indeed, the idea of the Roxby village system of mining would not be appropriate, because I am told that this is six-wheel drive country and the topography is such as not to warrant the provision of a mining town and associated services. Labor Party policy, with which I had a bit to do in 1994, includes two conditions, the first one being that any mining, exploration or degazettal would involve a complete and comprehensive wilderness assessment of the area.

It would also involve a comprehensive management plan, not only for this piece of ground but for the other five parts of the Yumbarra Conservation Park. As I understand it, that whole area consists of six blocks of land: one block is of more interest geologically than the others as a result of the 1992-93 aeromagnetic surveys of the area. The 1995 resolution of my Party at its convention in October broke new ground. A new resolution was put up. In fact, for reasons of book-keeping, the two resolutions are side by side: the 1994 and 1995 resolutions have been put together whereas one was meant to supplant the other.

I could go on at great length about how the Labor Party managed to form that policy, and this is not the appropriate place in which to do that, but the matter will be one of great interest at the Labor Party conference later in the year, next year, or whenever it again addresses this matter. We will not support now or in the future degazettal of what we consider to be high wilderness areas and areas recognised as such on the Federal Register of Wilderness Areas within the Federal Department of Environment, Sport and Territories. We believe that this select committee is moving down that road.

We are not too happy with the select committee's terms of reference—they are very broad. We believe that, if the Government and we, as a community in South Australia, were to go that way, a lot more thought ought to have been put into the drafting of the terms of reference. I am a realist: I know where the numbers are and, unless an awful lot of people are out of this Chamber this afternoon, the numbers are such that this motion will get up, and I would be surprised if it did not. We will oppose the motion, but if the select committee is established we will serve on it, and the reasons for that are numerous: first, the Labor Party has always been committed to responsible Government, and if the Government says that we are to have a select committee we believe we need to be represented on it. We do not support the select committee but, if it is created, we will serve on it.

We have made it clear in other statements that we believe the terms of reference are curiously wide and not at all prescriptive, and the Government will find problems in that because the community has many views on this issue. Many individuals and groups will want to give evidence to this select committee. It is probably essential that the select committee, if it is established, inspects the areas about which the Deputy Premier was talking. I have never been to the area

and I do not look forward to going there because, although it is probably in a very nice electorate for some people, I am not really enamoured of the country all that much, but I will have an open mind when I go there. It is not exactly the sort of area I would want to visit.

The Deputy Premier said that a number of our national parks have experienced problems, particularly with feral animals. Several members, including myself, have inspected some of those areas while travelling through to other areas, and we might make an offer to the Deputy Premier to deal with some of the problems he sees with these national parks. At the end of the day, it will be essential for this committee, if it is formed today, to look at the area and, most importantly, to canvass opinion widely.

The motion leaves it wide open for every community group with an attitude on this issue to give evidence before the select committee. I do not believe that the Deputy Premier understands the size of the task before the select committee. I believe that whoever chairs this committee, whether it be the Deputy Premier, the member for Coles or the member for Custance, will be dealing with a large number of organisations wanting to give evidence. Make no bones about it: this motion has evoked a degree of community concern and comment that I personally have found quite surprising.

I would suggest that very few issues, in the 2½ years I have been the shadow Minister for Mines and Energy, have really prompted as much comment as this issue has. The Labor Caucus availed itself of a briefing from the Department of Mines and Energy, and three associated green groups came to address it also. Curiously, the green groups knew exactly what the person from the Department of Mines and Energy was going to tell us. I find it rather amazing that I was in one room in Parliament House being told exactly what the next person would tell me some 15 minutes later.

I find that amazing. I have often made the comment in South Australia that another leak of Government information is a bit like another bomb going off in Beirut. On any occasion when I or others have had a discussion with someone from the Department of Mines and Energy it appears that a large number of people will know all about it very quickly thereafter. I would suggest that this motion will get up today, because I am a realist and I can count the numbers. It will be very interesting to see how the Department of Mines and Energy handles this issue, because it will have to funnel many written and oral submissions that will be received. It will take evidence from not only groups within South Australia but many groups at a national level.

The Labor Party's position on mining should not be confused by its attitude to this issue, which is a more sensitive issue, and it has recognised that. The Deputy Premier acknowledged that when he talked about any potential mining that will take place in the area. We have a motion before a House that is lopsided by a ratio of almost 4-1 and, as a consequence of that, unless I am extraordinarily lucky when it comes to the vote around about 5 o'clock and a large number of Government members are perhaps watching the Channel 10 news, I anticipate it will get up. I give the commitment to the House again that, should the motion be carried, we will serve faithfully on the committee and deal with the issues. We will see it as an opportunity to investigate the area itself as well as all the associated downstream problems should any decision be made to degazette this area.

Mr VENNING (Custance): I rise to support this motion and, in doing so, I want to refer briefly to the comments of the member for Playford who, as usual, spoke well on the subject. I would ask the honourable member, who has great reasoning, why his Party should vote against a select committee, which itself is purely asking a question. I believe the honourable member is rather blinkered and short-sighted.

There are many questions here, and to oppose a motion to set up a select committee to inquire into the position is very short sighted. I can understand that the honourable member has philosophical reasons for not wanting a mine in this area, but I cannot understand why he opposes Parliament's right to set up a select committee to find out about the impact of mining in this area. I know that the member for Playford does not oppose mining. I am hopeful that the honourable member will see the merit in having a select committee. Once the select committee has reported, and if it recommends exploration, and the exploration occurs, the issue will come back before the House for further assessment of whether or not mining should proceed. The honourable member will have many opportunities to say 'No', but he has chosen to say 'No' on the first occasion in this House, and that disappoints me greatly.

I support the motion. The committee is all about exploring the area, which is of great mineralogical interest, following the airborne geographical survey. Quite clearly, there is a geological anomaly there, where there has been an injection from below. You can see it quite clearly in the colours on the magnetic map. Even to the untrained eye, there is obviously a mineral anomaly. This is similar to what happened in respect of the Olympic Dam discoveries. It would be foolish indeed to simply turn a blind eye. We should be asking questions, and that is why we must set up a select committee.

The discovery of geologically interesting basement rock beneath the Yumbarra Conservation Park, which resulted in the present biological survey being carried out, presents the Government of South Australia with a series of management decisions. This is the reason for this select committee. Several questions will need to be asked by the committee, and they will relate to conservation value, the wilderness, the cultural value, the conservation reserve status and the impact of mineral exploration. As I said, it is similar to the Roxby Downs situation, and it is only a portion of a large area.

The Ceduna economy (and Ceduna is not very far from the Yumbarra Conservation Park) could do with a boost, and that will occur, first, when people are employed to conduct the exploration and, secondly, when the area is mined, if the exploration points in that direction. Also, I am sure the Aboriginal community will welcome this move, as it will be an avenue to employ many of its people.

The MESA report that was released last week entitled 'A biological survey of the Yumbarra Conservation Park of South Australia' is an extremely interesting document. I hope that most members have read it with great interest and, if they have not, I wonder about their sincerity. I congratulate the MESA staff for getting the report out in record time. The information is relevant and deep in its research. I found it interesting in relation to the species of plants and animals that are in the area.

In 1968, the Yumbarra National Park, with a total area of 1 062 square kilometres, was proclaimed under the National Parks Act 1966. The National Parks and Wildlife Act 1972 established a revised system of conservation reserve nomenclature. Under this Act, Yumbarra National Park was renamed the Yumbarra Conservation Park. At this time, such

proclamations excluded resource use activities such as mining, exploration and development. I remind the House that in 1985 a change in Government policy resulted in almost all new dedications of conservation reserves allowing mining access. Thus, when additions to the Yumbarra Conservation Park of 2 214 square kilometres were made in 1990, these additions did not preclude mining access. At about the same time, the 1 444 square kilometres Pureba Conservation Park was proclaimed to the east of Yumbarra, and to the north the vast 25 227 square kilometre Yellabinna Regional Reserve was dedicated.

The issue to be resolved is whether the core area of the Yumbarra Conservation Park should be free for resource use. I cannot see why not. The only difference between the core area and the additional areas around it is that they were proclaimed by different Governments. In 1985, the then Government brought it in and allowed mining access. Of course, in 1990 we had a Labor Government, which created a core area where mining is not allowed. There is no real difference, and the report quite clearly shows that there is no real difference between the core area and the area around it. The results of the biological survey do not differentiate between the conservation value of this area and the adjoining sites. Resolution of this issue depends on a policy position on conservation reservation in South Australia. In other words, it is not different at all.

With regard to the impact of mineral exploration—and I say 'exploration' only because this is not mining—it is purely to give Dominion Mining the right to go in and explore. It intends to do that in three phases. Stage 1 would involve remote airborne and satellite exploration—continuing the magnetic survey already done. The main problem is that there is no information on areas of Aboriginal significance, and the stage 1 survey should now be redesigned to cover that important area in association with the preparation of a plan of management for the park in accordance with the National Parks and Wildlife Act. The airborne activity would involve electromagnetic measurement with aeroplanes; then flying new colour aerial photography at a scale of 1:20 000, which would be of great value to conservationists; and, finally, a helicopter visit to ground-truth information.

Stage 2 would be the low impact ground investigation. The report clearly outlines the company's efforts to minimise the impact it would have as a result of going in there with a four wheel drive vehicle and exploring. Stage 3 would be the drilling, where the company drills for core samples and finds out what is there. If encouraging results are obtained and the economic significance of any mineral discovery is apparent, further, more detailed environmental studies would be undertaken, and then—and this is the crunch—a full environmental impact assessment would occur. That would occur at the end of the process. So, it can be seen that safeguards are in place throughout this operation.

I doubt the member for Playford's sincerity and wisdom when he says that we should not embark down this track because, as I have said, there are safeguards and, if a problem arises, I am sure it will be addressed. I hope to visit Yumbarra and Seaford shortly. I note that the member for Mitchell has been there. In fact, earlier today I viewed photographs that he took in the area. It is an area of significance, but it is a very large area. At the moment, it is purely an area where nobody goes. It is in its natural state, with only tracks across it and natural waterholes.

I congratulate the previous Minister of Mines and Energy, the member for MacKillop, because he did a lot of work in relation to this area and started off the process. I also thank the current Minister for the work he is doing. We are about to embark on a fairly courageous process, because we know many people in South Australia will oppose mining in a national park. This move will create a precedent—for good or for bad. I remind everybody in this State—and a lot of us have blinkered vision—that everything we do and are associated with is either grown or mined. Ponder upon that: everything that we have in our habitat is either grown or mined. Many people switch on the light and get into their motor cars, yet they are opposed to mining. I ask for consistency and common sense.

South Australia has had a faltering economy. Mining in this State can become the key industry to help get us out of this economic mess. It certainly has in the eastern States. I remind the House that coal is Australia's No. 1 export earner. We desperately need another Roxby Downs to get our economy back where it ought to be.

I am honoured to serve as parliamentary secretary to the Minister for Mines and Energy. It is a privilege to be working with the Minister. I shall certainly be doing a lot of work on this project and giving all the assistance I can to the select committee. I trust that members will support it. I only hope that the member for Playford and his colleagues will see the merit of at least supporting this motion so that we can set up a select committee which can ask questions. They can vote 'No' from then on, but I think in this instance they ought to vote 'Yes'.

Mrs PENFOLD (Flinders): I support the Minister for Mines and Energy's motion seeking to establish a select committee to inquire into the re-proclamation of a small section of Yumbarra Conservation Park inland from Ceduna on the Far West Coast. For a moment let us leave the arguments for and against re-proclamation of a conservation park and all its ramifications, as I believe they will be well covered by others, and instead let us think about the people who live and work at Ceduna and in the surrounding regions.

Work prospects are poor in the town of Ceduna, particularly for youth. The town is isolated. Air transport to the outside world is expensive and sometimes irregular. The air strip is still dirt. The port of Thevenard is poor and restricted to a certain small class of vessel due to the depth and turning limitations in the channel. The area west of Ceduna has no reliable water supply—a basic necessity that most of us take for granted. If Yumbarra proved to be a bonanza and contained significant minerals wanted by export markets, we could have a bonanza on Eyre Peninsula and in South Australia.

The benefits, particularly to Ceduna and its people, would be countless and beyond comprehension. Mining wealth means more transport, more transport leads to competition and competition will result in lower costs. As a result, the Ceduna runway would be sealed and reliable air services would be available. The aquaculture industry and fishermen taking rock lobster and scale fish from the Great Australian Bight would benefit from better air links to their export markets. The emerging tourism in the area would also be given a tremendous boost, with the watching of whales and the Gawler Ranges becoming accessible to many more visitors.

Jobs of all descriptions and for all ages would be created in the first developmental stages of the mine and then in the mine's operation, depending on the level of processing. The port of Thevenard would be upgraded and deepened, allowing

more markets to be developed for locally produced granite and gypsum—two local primary products for which the potential is being stifled due to the restrictions imposed by the small Thevenard port. All these are positives for Ceduna and the people in this region who depend on this Government to help provide new work opportunities.

The Ceduna District Council area has been well served by our Speaker, the member for Eyre, for many years. Sadly for the Speaker, after the next election a redistribution of boundaries will change the representation for this region and it will become part of the seat of Flinders which I proudly represent. I make the same commitment to the people of the Ceduna area that I made to the people of Eyre Peninsula, now in Flinders: that I support the creation of jobs, and more jobs, in our region. Creating jobs on Eyre Peninsula is not an easy task, especially for the inland and isolated towns. The marginal farming regions, such as Ceduna and others, were severely financially disadvantaged by the two factors of drought and low rural commodity prices in recent years. Reliance on farming is dangerous to the prosperity of this region, and we now have an opportunity to change this by fully exploring the potential for mining.

I remind members that true conservation can be funded only if the resources can be spared to protect what is considered valuable. Generating mining income can help not only to keep people in Ceduna but to finance protection and preventative measures in the conservation parks system. I ask members to listen to the people who ultimately will benefit from having more wealth in this region; to listen to those who appreciate an employment option for their youth; to listen to those in business and commerce who appreciate what a more modern port could achieve for Ceduna; to listen to those seeking a sealed runway for the airport and other infrastructure upgrades that a mine could provide; and also to listen to those who want the funding to conserve properly the parks that we have, vermin and weed control being just two of the matters needing attention. I ask members to consider whether a small trade off of about 1 per cent of the Greater Yellabinna region is worth the prosperity and growth to a region which is crying out for economic activity.

As I follow in the footsteps of our Speaker, I will not fail in my duty to the people of this region. I will fight to see that the potential mineral prospects in the Yumbarra Conservation Park are fully explored. Years ago the economy of South Australia was saved by mining. That was when gold was exported to South Australia from the Victorian goldfields. An Inspector of Police, Alexander Tolmer, led the consignments of gold back to Adelaide, and the revenue from these shipments was used to pay the State's public servants. This time I believe that mining has the potential to help to improve greatly the future of the upper West Coast and provide royalties for a cash-starved State Treasury which has been burgled by the bumbling attempts of an inept Administration trying to create paper profits from a bank instead of investing in real assets such as those found in our mining potential.

Already the benefits of mining at Roxby Downs are obvious to Eyre Peninsula and South Australia. I ask that the record show that a Liberal Government was instrumental in passing the Indenture Bill to create this mine to the north of Port Augusta. Local businesses from Eyre Peninsula have expanded to include Roxby Downs, and many families and sons and daughters of Eyre Peninsula people have made their new lives in the town. A significant mineral prospect near Ceduna could be even more valuable to the region than Roxby Downs has been. I am sure that a parliamentary select committee will prove me right and bring in a positive finding. I fully support the investigation of mining north of Ceduna in the Yumbarra Conservation Park.

Mr CAUDELL (Mitchell): I am one of the few members of this House who has travelled to the Yumbarra Conservation Park and to the site that is proposed for mining by the Gawler joint ventures. I wish to commend the member for MacKillop on the work that he did to move this project to the stage that it achieved prior to handing it over to the Deputy Premier.

In part of my preparatory work I read a report that was released in 1992. It was a biological survey of the Yellabinna region of South Australia by P.B. Copley and C.M. Kemper, from the Department of Environment and Natural Resources and the South Australian Museum. The report was completed in October 1987 and printed in 1992. A number of quotations from that source should be included in the record. At page 181 the report states:

> Unfortunately, most opinions of Yellabinna have probably changed little since the explorer John McDouall Stuart described the area in 1861 as a 'dreary, dreadful, dismal desert.' The overriding impression is certainly one of monotonous uniformity; of a seemingly unbroken expanse of sand dunes and swales covered with mallee and acacia shrublands; of deep sands with no reliable water sources; and of little biological diversity.

Nothing was found that was different from when I visited the location in 1994. The Yumbarra Conservation Park is broken up into two sections, the most important being the south-east section, in which there is the Inila Rock Waters and the Yumbarra Rock Hole, which leads up to the clay pans. To the east of that is Yarle Lake near the previous OTC station. And to the east of that is Mount Finke and the Coongie Lakes. The area proposed by the partners, who have the exploration lease for this area, consists of low mallee shrubs, it has very little signs of life and there are no water resources whatsoever. This area is very similar to the north and west areas beyond the conservation park.

I was concerned about statements made by the Wilderness Society which expressed apprehension about mining in the conservation park. As a result, I felt a need to investigate the issue. I had to be satisfied that we should maintain this area for the future and that we should not allow mining. I examined the claims made by the Wilderness Society with regard to endangered and vulnerable species in these areas. The Wilderness Society suggested that the most important endangered species sighted in Yumbarra was the Malleefowl. I will cite what was printed in 1992 with regard to the Malleefowl:

> . . . the Malleefowl, has a sparse distribution across Yallabinna. . . .active nest mounds have been recorded in Yumbarra Conservation Park in the south, between Mount Finke and Barton in the central-north.

These areas are a long way away from the area proposed for exploration by the joint partners. Another species cited as being endangered in Yumbarra is the perennial pea, with regard to which the report states:

> During this survey it was found in a recently cleared and burnt area adjoining the southern boundary of the Yumbarra Conservation Park and on the south-eastern slopes of Mount Finke. It is therefore likely that it is a much more widespread species which germinates given the necessary disturbance stimuli.

It is obvious that, in reading this report and comparing it with the notes from the Wilderness Society, a certain amount of misinformation has been provided in the market place by the Wilderness Society. The Wilderness Society refers to species,

vegetation and bird life found in the whole Yellabinna area and suggests that exploration in Yumburra would endanger these species. Yet all the reports (in particular, the report completed in 1992) show that the species to which the Wilderness Society refers are not found and have not been recorded as having been found in the area proposed for exploration. In respect of the Sandhill Dunnart, the report states:

> . . . a rarely observed small carnivorous marsupial of about 25 to 40 grams. It has only been recorded from two locations in Western Australia, one in the Northern Territory and, before this survey, from two locations in South Australia—both on Eyre Peninsula. Its capture at three widely spread locations during this survey, Yarle Lakes [which is outside the Conservation Park], Ooldea [which is to the north-west of the Conservation Park] and Mt Christie. . .

In respect of the Pink Cockatoo, the report states:

> . . . the Pink Cockatoo, occurs in pairs or small flocks scattered sparsely in and around Yellabinna. During the survey it was recorded at the Pinjarra Lakes, Mount Finke, Lake Bring, Ooldea and Mitcherie quadrats. Its major threat appears to be from illegal trappings and taking of nestlings in more accessible parts of its distribution.

The threat to the species is not from exploration in the north-western region of Yumburra Conservation Park but more from illegal trappings and people disturbing the nestings in the more accessible areas other than the areas of the Yumburra Conservation Park.

I support the establishment of a select committee mainly because it will clear the air. It will allow the truth to come out with regard to this part of the Great Australian Bight and the Yellabinna region. The inquiry will allow the truth to come out with regard to the Yumburra Conservation Park and the region proposed for exploration. If any members have the opportunity to visit the Yumburra Conservation Park, I recommend that they do view the area proposed for exploration. They will see for themselves the sparseness of the area and the large expanses of mallee and shrubs outside the conservation park which could be conserved. I support the establishment of a select committee and refer to the 1992 report as follows:

> From a conservation perspective it is important that the significance of the Yellabinna area be clearly defined so that impacts of any proposed resource exploitation can be assessed and appropriate action may be taken. Such assessment needs to have regard to the significance of the area as a whole as well as for the significant species and sites which occur within it.

It is about time the truth of Yumbarra was told. It is about time the truth associated with the Yumbarra Conservation Park and information about what species are located in the areas proposed for exploration was laid on the table.

Mrs HALL (Coles): I support the motion of the Minister for Mines and Energy to establish a select committee to resolve whether or not Yumbarra Conservation Park should be reproclaimed to enable access for exploration and future mining. The origin of this motion for the reproclamation of the conservation park lies in the Liberal Party's mining, exploration and energy policy documents which were put to the people of South Australia prior to the 1993 election campaign. On page 3, under the heading 'Exploration', the document states:

> There is constant pressure to impose further restrictions on access to land for exploration. The proposed World Heritage Listing of the Lake Eyre Region is just the latest example. Other areas being considered for wilderness listing include parts of Kangaroo Island, Talleringa (north of Ceduna) and Yumbarra (west of Ceduna).

We also refer to the commitment that a Liberal Government gives to work with the exploration industry to encourage greater investment in South Australia. There are two references from which I quote, as follows:

- Ensuring the Division of Mining Exploration works with other Government departments and agencies to provide a rapid assessment of potential developments;
- Providing a legislative framework to accelerate the assessment process and to give certainty both to the industry and to the wider community, in particular, the industry will be provided with speedier approvals for exploration and mining leases and enhanced security of title.

They are very important sections of our policy commitment prior to the last election. It is interesting that the aerial discoveries of 'anomalies with potential for successful exploration' were part of a program put in place by the previous Labor Government. Therefore, it was a particular discovery put in place by the previous Government in the Yumbarra Conservation Park that has prompted this biological survey, conducted in 1995 and published last year. This 95 page document refers to the anomaly when it states:

> The discovery of a geographically interesting area of basement rock beneath Yumbarra Conservation Park, which resulted in the present biological survey being carried out, presents the Government of South Australia with a series of management decisions. These are discussed under the headings of: Conservation Value, Wilderness, Cultural Values, Conservation Reserve Status, and The Impact of Mineral Exploration.

This is an interesting report, and I recommend that those interested in the subject look at it, because on page 61 of its summary the report clearly states:

> The Yumbarra Conservation Park biological survey has revealed that the core area of the park covers a very significant north-south and east-west biogeographical transition but that the area of geological interest—

and this, I believe, is the important section—

> is unlikely to contain any species or ecological communities not also found to the east or west of the proposed mineral exploration licence areas.

That quote from this report is extremely important. The Minister has just outlined to the House the reasons for the establishment of the select committee and why it should be supported. He referred to the sensitivities of the issues involved, particularly for members of the ALP. He also outlined how the new technique of the South Australian exploration initiative of airborne magnetic surveys has identified the potential of the area. That is referred to in the biological survey. He also touched on the issues of environmental concern. He referred to the importance of the potential wealth creation, employment and infrastructure development and the potential for increased funding for environmental management, which I believe is an important issue, and he talked about the program of public consultation that will take place in this whole process.

I believe that the enormous safeguards that are built into the processes that must be fulfilled before the exploration company, the bureaucracy and the Government can even begin are important and worth quoting. I refer to Mines and Energy Information Sheet No. 4, which describes the actual process that we are talking about. It states:

> At present there is an exploration licence application (ELA) over that part of the central section of Yumbarra Conservation Park which has been proposed for reproclamation. Should that part of the park be reproclaimed to allow exploration and development to occur, no exploration could commence until the exploration licence (EL) had been granted to the applicant.
>
> An ELA must be gazetted for 28 days prior to the granting of a licence to explore by Mines and Energy. During that period, the

public have an opportunity to raise any serious concerns they may have with the application which MESA will address accordingly. Before an ELA can be gazetted it must have approval from the Minister for the Environment and Natural Resources.

At the end of the 28 day period the ELA may then be granted to the applicant. Specific conditions, to which the applicant must adhere, may be attached to the licence.

At least three months before exploration activities such as the preparation of access tracks, drilling or excavations can commence, the EL holder must notify the Minister for the Environment and Natural Resources and the Minister for Mines and Energy of the proposed work.

As part of that process, the EL holder must also prepare a declaration of environmental factors (an environmental assessment report) which will be circulated by MESA to the Department of Environment and Natural Resources (DENR) prior to forwarding it to both Ministers for approval. Prior to approval, the Minister for the Environment and Natural Resources may give in writing any further directions or conditions deemed appropriate in relation to those exploration activities.

Throughout the exploration program, environmental officers from DENR and MESA will monitor and supervise activities. On completion of the program, all rehabilitation sites will be inspected by officers from both departments to ensure that rehabilitation has been undertaken to the highest degree possible and that all licence conditions have been met. A final audit report undertaken by these agencies will be made publicly available.

Given that process, it seems to me incredible that many groups are already declaring a battle to the death to stop this process when we are talking about what, in my view, is an amazing process of total public consultation, a very transparent process, before we can even decide to explore. As I said, in short, the basic steps that must be followed if this motion is successful in the House are: a select committee must approve the motion, exploration may then proceed to the point of discovery, an EIS must then take place, a Bill must then pass through Parliament approving a mine, and, as I said, throughout all this time, public consultation debate, I would imagine, would be well and truly high on the political agenda.

Our living standards are supported by degrees of economic activity, particularly I believe through the development of our mineral resources and the royalties that wind up in our State's coffers. Those living standards are measured not only in motor cars, TV sets and how many times you eat out at a restaurant but also by our economic capacity to preserve the environment such as we are debating in this very motion. Nothing illustrates this better than our Federal environment policy linking the sale of Telstra to a general increase in environment protection and particularly the water resources on which South Australia relies. The simple facts are that we cannot lock up a valuable resource contained in a very minor part of a conservation park if the correct safeguards are put in place and if the proper studies show that it can proceed without endangering the continuation of species. The exploration area affected by this motion would be only 7 per cent of the whole Yumbarra Conservation Park. A successful discovery would reduce that 26 000 hectares of exploration area to a location for a mine that would be minuscule compared with the park as a whole.

At this stage, I wish to pay tribute to the member for MacKillop for the enormous energy and commitment that he gave to getting this project to where it is now. I would like to put on the record my support for his encouragement during that process. In supporting this initiative, I am very conscious of the brief description given by the Minister for Mines and Energy today about the history of Yumbarra's proclamation. I have actually more than a passing interest in that, because it dates back to 1968, but I would like to quote what the Minister said in his release:

The central region of Yumbarra Conservation Park was proclaimed in 1968 under the previous national parks legislation which made no provision for access to allow exploration and mining.

I am told that the Minister at the time just decided to double the area for national parks and that that went through relatively quickly, certainly with no controversy. The release continues:

However, two further sections were added to the park in 1990 under the 1972 National Parks and Wildlife Act which allows for access under strict conditions for mineral exploration and development.

When it was proclaimed in 1968, I presume by the previous LCL Government of that year, clearly no thought was given to the mineral potential of the area, and that has come in several significant developments since that time. However, when the two further sections were added in 1990, under the 1972 National Parks and Wildlife Act, provision was made for access under the very strictest of conditions for mineral exploration and development. Consequently, it seems clear that, if the whole area had been proclaimed after the 1972 Act, access provisions would have been included in the area we are now discussing. So, in fact, we are updating something that is several decades old. The Government's intention, therefore, is to effectively bring the 1968 proclamation into line with the action taken in 1990. Here it is worth referring to another Mines and Energy information sheet, marked No. 2, which states:

At the time of Yumbarra's proclamation in 1968 there was no provision in the National Parks and Wildlife Act 1966 to allow access for activities such as exploration and development. Following a revision in the early 1970s, the National Parks and Wildlife Act 1972 included a provision which allowed access for exploration and development to be proclaimed simultaneously with the proclamation of the park. These parks were termed as having joint proclamations. Subsequently, the two additions which were added on either side of the original central section of Yumbarra in 1990 were jointly proclaimed, thus allowing access for activities such as exploration and development.

Again I recommend that many of the people screaming about this motion at the moment make use of this material which is freely available and which does put it into some perspective. It is obvious that the Labor Government's proclamation that allowed access in 1990 was a sensible piece of legislation, and it seems that it would be logical that the Labor Party of today would adopt a similar attitude and support this Government's action, which is parallel to its own previous proclamation. However, that does not seem to be the case. It seems that Labor has not yet emerged from the shadow of Roxby Downs, and it is inconceivable that any members of the Opposition now would be foolish enough to say that they oppose Roxby's presence in South Australia with all the benefits that it has brought to this State. The potential for the development of further resources of this magnitude may well confront the Labor Party again in this Parliament. It is important to fight and win on this issue for sensible balance and regulated development in South Australia. I urge members of the Labor Party to put the State before what they may see at this stage as their own Party interests, and support this motion.

Mr OSWALD (Morphett): I support the motion, which we all have a responsibility to support, and I hope that after the select committee has considered this matter commonsense will prevail and we will hear statements from the Opposition far more encouraging than 'going into it with an open mind'. The benefits to the State are enormous and I have great faith in the select committee system. At the end of the day we may

see something come out of it that will be to the benefit of the State.

The issue as I perceive it from listening to the debate is all about the joint proclamation involving about a third of Yumbarra. As I understand it, a joint proclamation already exists with regard to about two-thirds of the area. Of the six blocks there, four have a joint proclamation that will allow for exploration and mining with an EIS. One-third, involving two blocks, does not have that proclamation. This select committee will lead, I hope, to legislation that will allow a joint proclamation and allow exploration to take place.

There has been a high degree of excitement around the State in the exploration industry over the past year or so as a result of some very encouraging electromagnetic survey work from the air. We have seen deposits in the Far North at Abminga which are diamond bearing. We have seen in the South-East at Coonalpyn diamond and mineral based exploration possibilities. Around Coober Pedy we have picked up gold and copper deposits. At Olary on the Broken Hill line we have gold and base metals. On the Eyre Peninsula we have the silver-lead-zinc possibilities and now in the Gawler Craton other anomalies are showing up. The issue here is the volcanic pipe that has appeared in one-third of the Yumbarra Conservation Park on which there is no joint proclamation. I happen to believe that we have a responsibility to get at least the joint proclamation so that we can go in and find out what is there.

All of us who have travelled to Western Australia know that that State's economy has been driven by the mining industry in the north. That State has a high standard of living with a high disposable income. You only have to drive around the streets of Perth to see the money invested in buildings and real estate and to witness the lifestyle of the people who live there and the employment opportunities for young people in Perth, the country towns and cities of Western Australia generated by the mining industry. We are fools if we turn our backs on the possibility of a mining-led recovery in South Australia, based on these most encouraging mineral prospects appearing with the aeromagnetic surveys being conducted throughout the State.

Extensive rich gold, copper and diamond prospects, which four or five years ago did not show up in the normal geological surveys being undertaken then, are now showing up. We are talking of a third of the conservation park. The member for Mitchell talked about the geography there and the type of country involved. It covers 26 000 hectares—7 per cent of the conservation park—and, although we do not know that it will be opened up (first, we have to find the stuff, identify it and do the EIS), as members of the Labor Party will realise when they visit the site, any mining that eventuates there would far outweigh other considerations.

I accept that it is a sensitive area for people in the environmental movement. I believe in the environment and conservation movement, but you have to balance up the benefits on both sides. The select committee initially provides an opportunity to get the facts on the table and let everyone understand the possibilities there. We do not know what is in the pipe. There may be nothing there and the whole exercise will be an expensive one for the mining companies, but we owe both the mining companies and the people of South Australia the opportunity to go in there and determine what is in the pipe. We will then make a decision whether to proceed. It may be so low grade that no-one wants to proceed. It may be extremely high grade gold, copper or whatever and then we will make a decision. We are only talking here of getting a joint proclamation on those two blocks that have not been included in the existing area, and it is a reasonable request for the Parliament to support the select committee and for the Opposition to go in there with an open mind, as it suggests, and consider the benefits of the State. I support the motion and wish the select committee well in its deliberations.

The Hon. S.J. BAKER (Minister for Mines and Energy): I will be brief, as all the issues have been well exposed. I thank all members concerned for their contribution. I cannot thank the Labor Opposition for its contribution because it is a disgrace. Just as we are dealing with a mineral or geological anomaly, we have a legislative anomaly, as has been clearly pointed out. I thank the member for Coles for following up that issue and outlining the steps to be taken. Most areas of legislation change and I doubt whether there is anything left of legislation introduced in 1900: it has all been rewritten, dusted off, made gender neutral and put into more modern language. Therefore, legislation changes over time, as do principles of legislation. If you look at what was available in 1968 and what is now prescribed by regulation—much of it stifling regulation—one will find that the checks and balances have never been greater in both the legislative and regulatory sense. So, for any member of the Labor Opposition to hang on to an Act which belongs back in the 1960s is something I find difficult to understand.

If we look at the principles endorsed since that time, including those supported by the Labor Government in 1990, we see that the previous Government endorsed the concept that development could live alongside the environment in a constructive fashion. I hope we would all endorse that principle. There are pristine areas in Australia that we could all point to and say, 'I don't care whether we have a gold mine or an oil discovery—I don't want any development there.' If we compiled a list of such sites, there would be common agreement about them, but Yumbarra Conservation Park would simply not be one of those sites. In the 1960s there may have been a demand because that Act was the only possible way in which the area could be set aside. It may have been the only mechanism available to set it aside, but it is old legislation and they did not have the power of the environment regulations that we have today and they did not have the responsibility of the mining community that we have today.

I find it unbelievable in 1996 that the ALP is wedded to a 1966 Act, yet that is what it is all about—it is a 1966 piece of legislation. It is absolutely disgraceful that the ALP has not grown up in that time and still hangs on to an anomaly that has been overtaken by time and events. I trust that wiser heads will prevail and that the ALP will rethink its position. It is clear that the previous Government agreed in principle to the position to allow, with proper environmental controls, exploration effort in areas of park, and so it should. I have visited a number of areas and reserves set aside around the world and in most of them there have been developments in tourism, mining or access simply to allow access by people. Sensible policies have applied so that the issues of whether a piece of land is worth preserving, how it should be preserved, and whether the community gets maximum benefit from that preservation, are considered.

We have an opportunity to test that system: it is appropriate and the time is overdue for us to test it. We can be environmentally sensitive about the issue, but for the ALP to cling to 1966 legislation is difficult to understand, and whoever is pulling the ALP's strings needs their collective

heads examined. What they are really saying is, 'These are the rules of the past. We are stuck in a time warp and we don't want to do anything to help the development of this State.' The ALP is really saying, 'We don't give a damn about Aboriginal communities; we don't give a damn for the Ceduna community; and we don't give a damn for the future of this State: we are going to apply a 1966 rule.' As the member for Playford said, the matter will progress to a select committee where all those groups can come forward and give the committee good reason why the matter should or should not proceed in terms of exploration effort consistent with the other areas declared in 1990.

We are talking about the same territory: it is the same piece of dirt, with the same type of scrub. The area of some sensitivity is in the south west, as the member for Mitchell pointed out, and is not affected by any of these changes. Indeed, I suspect that when the original 1968 proclamation was made the preservation of that area encompassed the more sensitive area to the south west, which is of greater significance than the rolling areas of sand dunes and scrub in this area covering hundreds of kilometres. I cannot in any way respect the position set down by the Opposition on this issue. The select committee will take note of the concerns expressed and the opportunities that will exist to make change for the better. This means that we can manage those things that are important in a much better way. If the people of South Australia say, 'We want better park management', they have a facility to get it here and they have not had that in the past. We claim that there is a real positive at the end of this process.

I imagine that some people in the conservation movement will say, 'I don't give a damn; the area has to be preserved no matter what good it can do and no matter whether or not you take account of environmental issues or whether the area is not of any great significance. This is going to be an issue on which we will fight the battles.' I ask those people to consider what they are attempting to achieve in that process. Is it not up to the environmental movement to get an outcome that is positive for everyone? That is what we are capable of achieving here. We should not be prohibiting exploration effort and keeping land that will deteriorate over time with weeds that will become a fire hazard. Some people in the environmental movement prefer an area to be burnt out when it is overgrown with weeds, rather than having a mechanism that is managing it properly.

They prefer land to be set aside in South Australia and we cultivate animals that cause great detriment to everyone concerned. They prefer that position simply because they claim the land should remain untouched, or they say, 'Somehow you have to come up with $10 million, $20 million or $50 million to look after that area', yet they know that Governments do not have that sort of money. I know that I will not convince those people, because they believe we cannot manage both sides. I believe we can and are dealing with a 1966 anomaly. We can manage the process, get a decent outcome and show people with an environmental interest that we can do it better than anyone else.

I will be interested in their submissions, which I hope will be constructive. I assure people who want to see further sensitive development in this State that they too will have their day. They are not the people banging their drums and making a loud noise, but they are people depending on the State's capacity to perform so that they can get their bread and butter. Sometimes they get frustrated that we cannot have sensible discussion on what we can do together. So, I do damn the Opposition for its stance on this issue, and I thank those members who have supported the motion for their contributions.

The House divided on the motion:

AYES (24)

Allison, H.	Andrew, K. A.
Armitage, M. H.	Ashenden, E. S.
Baker, D. S.	Baker, S. J. (teller)
Bass, R. P.	Becker, H.
Brokenshire, R. L.	Buckby, M. R.
Caudell, C. J.	Condous, S. G.
Evans, I. F.	Greig, J. M.
Hall, J. L.	Ingerson, G. A.
Kerin, R. G.	Lewis, I. P.
Meier, E. J.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Wade, D. E.	Wotton, D. C.

NOES (11)

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

Majority of 13 for the Ayes.

Motion thus carried.

The House appointed a select committee consisting of Messrs S.J. Baker and Brokenshire, Ms Geraghty and Messrs Quirke and Venning; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Tuesday 23 July 1996.

STATUTES AMENDMENT (ABOLITION OF TRIBUNALS) BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1240.)

Mr ATKINSON (Spence): Today the Government seeks to put nine Bills through the House. It may seem churlish of me to complain now because I did not complain to the Opposition's manager of business at the relevant time, nevertheless, nine Bills in one day, the smallest Opposition in the history of the State, and me to reply as Opposition spokesman on eight of the nine Bills, after six Bills last week. This is not something I relish.

Members interjecting:

The SPEAKER: Order! The member for Spence does not need any assistance.

Mr ATKINSON: It is not good law making. With one exception, the Bills are not complicated, but this Government's majority and its haste are excessive. I am not a supporter of bicameralism, so it hurts me to say that it is fortunate that eight of these Bills have been given due consideration in another place, and the Opposition has made the points it wishes to make there. The Government Bill abolishes five tribunals and puts their functions into the Administrative and Disciplinary Division of the District Court. The Government believes specialist tribunals have lost the confidence of litigants by not practising the highest standards of justice and the rule of law. The Equal Opportunity Tribunal's handling of the Jobling case springs to mind.

The Government thinks it can save a quid by collapsing these tribunals into the District Court, but it has not been able

to detail the savings. I invite the Deputy Premier, in his reply, to detail the savings that will be made by the passage of this Bill. The Opposition is a partisan for the Environment, Resources and Development Court and believes that, if the Soil Conservation Appeals Tribunal and the Pastoral Land Appeals Tribunal are to be abolished, their jurisdiction ought to go to that court with its nice name, instead of the boring old District Court.

We suspect the legal purists of the Government have malign intentions towards the Environment, Resources and Development Court, so we won the agreement of the Democrats in another place to fatten up the jurisdiction of the ERD court. The Government Bill comes before the House as we would like it and not as the Government would like it. As always, the Government will have its wicked way in the House, and the Bill will return to another place as it entered that place as a Government Bill. The Government says that, if the two tribunals in contention are not collapsed into the District Court with the others, the Bill will be withdrawn. The Opposition supports the Bill in its current form.

The Hon. S.J. BAKER (Deputy Premier): The Government does not support the Bill in its current form. A number of issues have been debated long and hard in this House about what is administrative efficiency in relation to the operation of these various and separate tribunals.

Mr Atkinson: Tell us the savings involved.

The Hon. S.J. BAKER: I'll come to that. The issue of how we should conduct our legal system has been canvassed strongly in this Parliament. Again, the Attorney-General has shown the lead in legislative reform, as everybody would recognise. One of his most difficult tasks has been to convince the ALP and the Democrats that a change in procedures, which makes logic and sense, is necessary. However, he still cannot seem to get their support.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: They are logical and they certainly make sense. All these separate tribunals for separate minor issues is simply not efficient. The Opposition's first argument was, 'How will the poor people be treated?' The poor people will be treated even better under the revised procedures. At the moment in some circumstances people do not have protection because, although they may well succeed on a matter of fact, they do not on a matter of law. The courts themselves can deal with those matters in a way that is consistent with the rules of evidence as to the way courts conduct themselves than with the more open fashion of the tribunals that previously prevailed. The Residential Tenancies Tribunal, the Commercial Tribunal and others were set up by the former Government to placate a certain element of its constituency.

Mr Atkinson: Isn't that dreadful in a democracy!

The Hon. S.J. BAKER: It is dreadful in a democracy, because it is such a huge waste. The issue is whether you dispense justice in the process, and we would say that the tribunals themselves were horribly flawed. Sometimes they had people with no proper background and no special capacities or abilities to carry out their responsibilities. We have argued long and hard in this Parliament about the principles. We have not fully succeeded yet, and again I see a last ditch attempt by the Opposition to hijack the process. When we have an issue at stake, whether it be on rental accommodation, commercial tenancies or those other areas where there are disputes that need to be settled in other than the prescribed legal framework which normally operates in the criminal and civil jurisdictions, why can we not do it through a properly structured process but where there is a level of openness and acceptance of evidence that is commensurate with duties that need to be dispensed?

For the Opposition to refuse again the Government on this issue just demonstrates how it has been lost in the 1980s. I know the people of South Australia would have preferred the Opposition to be lost completely in the 1980s. It cannot seem to grasp the fact that people expect the law to be dispensed efficiently and effectively. The member for Spence has consistently run these nebulous arguments about needing a little place for a certain person or a group of people, and another special space, at great cost, for another group.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: The member for Spence has consistently argued that point of view when it relates to the abolition of tribunals. Quite clearly, the Government is not satisfied with the Bill as it has come out of the other place. Some issues have been inserted by members of another place who have tried to hijack this process. We are not satisfied with the outcome of the Bill in another place. We will be moving amendments to the Bill as it stands. I will move amendments to provide that the jurisdiction of the Pastoral Land Appeal Tribunal and the Soil Conservation Appeal Tribunal is transferred to the Administrative and Disciplinary Division of the District Court, where a lot of those other matters are being dispensed. This was where the jurisdiction was located when the Bill was introduced in another place, and the Government believes that the jurisdiction of these tribunals is appropriately exercised by the Administrative and Disciplinary Division of the District Court.

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

The Hon. S.J. BAKER: Before the break, I was commenting about the position being taken by the Opposition on this issue. It seems that every step of the way there is an attempt to frustrate the process. I mentioned the Pastoral Land Appeal Tribunal and the Soil Conservation Appeal Tribunal as being worthy of transfer to the Administrative and Disciplinary Division of the District Court. Historically, the District Court has exercised a civil jurisdiction in relation to the management, conservation and rehabilitation of pastoral lands. The District Court exercises a civil enforcement jurisdiction in relation to illegal clearance of native vegetation and heritage agreements under the Native Vegetation Act 1991. The principal objective of the Act is to provide incentives and assistance to land owners in relation to the preservation and enhancement of native vegetation and to control the clearance of native vegetation.

Previous Parliaments gave that responsibility to the District Court and now the Opposition is saying, 'You can't do it on this side of the fence.' However, we are dealing with similar issues. The Native Vegetation Council, the statutory authority established under the Act, is required to consult a soil conservation board and the Pastoral Board where an application for consent to clear pastoral land is being considered by the council. The District Court also exercises an appellate jurisdiction in relation to decisions of the council pursuant to section 29(15) of the Native Vegetation Act 1991.

The Environment, Resources and Development Court is recognised as a specialised appellate jurisdiction in relation to planning and development matters. However, the vast majority of these planning and development matters relate to building applications—whether approval should be given to

construct a garage, erect a sign or build a two-storey apartment. This jurisdiction should not be confused with the conservation and management of pastoral lands. This is a totally different jurisdiction, and I hope that the member for Spence understands the difference.

The Government did not support the establishment of the Environment, Resources and Development Court as a specialised, independent court, and it does not support the broadening of the jurisdiction of this court. We have already talked about rationalisation and the way that we deal with these matters. Unfortunately, the former Government moved to support the creation of a specialised court with a specialised jurisdiction without consideration of how it was to be resourced and who was to pay for it and, perhaps most importantly, whether the same objective could be achieved within the existing courts structure.

The Environment, Resources and Development Court has only two judges appointed to it and a very limited administrative staff. As I explained earlier, the cost of this is prohibitive. Nor does the Government intend to perpetuate the mistake created by the former Government by continuing to expand the jurisdiction of the court beyond its capabilities when the same objective can be achieved within the existing courts structure. The District Court has the advantage of exercising a broad jurisdiction. There is a danger in creating specialised courts away from the mainstream of civil and criminal enforcement.

Mr Atkinson: Hear, hear!

The Hon. S.J. BAKER: Such courts become a law unto themselves without the ability to assess whether particular activity or offending fits within the general range of activity or offending as is the experience of courts exercising a broad jurisdiction.

Mr Atkinson: Hear, hear!

The Hon. S.J. BAKER: Now the member for Spence is waking up: he says, 'Hear, hear.' For these reasons we were not satisfied with the outcome of the Bill as it left another place and we shall be pursuing its original objectives. In terms of savings, whilst I have not totalled up the dollars and cents, it runs into many hundreds of thousands of dollars.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: I think from memory the Attorney-General's estimate of the cost of a judge in the Supreme Court jurisdiction is about $500 000 a year. Obviously, as we move down the jurisdiction, the cost is somewhat less. If we can reduce the judicial needs of the courts and tribunal systems by two, three or four such people, we shall have done the State a great service and we shall have lost nothing in the translation.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

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

Page 1, line 15—Leave out 'Abolition of Tribunals' and insert 'Administrative and Disciplinary Division of District Court.'

This amendment seeks to restore the short title that was previously in place.

Amendment carried; clause as amended passed.

Clauses 2 to 8 passed.

Clause 9—'Interpretation.'

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

Page 5, line 26—Leave out all words in this line and insert:

Section 3 of the principal Act is amended—

(a) by inserting after the definition of 'degradation' the following definition:

'District Court' means the Administrative and Disciplinary Division of the District Court;;

(b) by striking out the definition of 'the tribunal'.

This matter was canvassed during the second reading debate. We are seeking to restore the original definition of the District Court as meaning the 'Administrative and Disciplinary Division of the District Court'. By striking out the definition of 'tribunal', we are restoring the Bill to its original sense.

Amendment carried; clause as amended passed.

Clause 10—'Resumption of land.'

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

Page 5, lines 29 and 30—Leave out 'Environment, Resources and Development' and insert 'District'.

This relates to the issue of the ERDC. We believe that the jurisdiction should be the District Court, as in the amendment.

Mr ATKINSON: Now seems as good a time as any to ask the Deputy Premier: how will the Government save money by collapsing these tribunals into the District Court; who will lose his or her job; and which judicial officer will be made redundant by the passage of this Bill?

The Hon. S.J. BAKER: Even the member for Spence would understand that each of those tribunals has dedicated people. I assure the member for Spence that they are never overworked. In fact, when we debated the previous Bills, we went through the changes and how the changes would work when they were absorbed into the District Court. I understood that the honourable member nodded at the time. Now he is not nodding: he is asking the same question. If you have a separate structure, you have support staff. If you have a dedicated judge or magistrate, as occurs in some other areas, then the flexibility, the use of that person and that support staff is very limited in the tribunal sense, because they are dedicated to that process. We say that they can fulfil that function as well as a number of others so that they do not sit on their hands and waste taxpayers' money as they have done in the past. The member for Spence knows that.

Amendment carried; clause as amended passed.

Clause 11 passed.

Clause 12—'Amendment of heading.'

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

Page 5, line 35—Leave out 'ENVIRONMENT, RESOURCES AND DEVELOPMENT' and insert 'DISTRICT'.

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 13—'Appeal against certain decisions.'

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

Page 6—

Lines 3 and 4—Leave out 'Environment, Resources and Development' and insert 'District'.

Lines 6 to 10—Leave out these lines and insert:

(2a) In any proceedings on an appeal, the District Court will sit with assessors selected in accordance with schedule 2.

Lines 11 and 12—Leave out 'Environment, Resources and Development' and insert 'District'.

Lines 16 and 17—Leave out 'Environment, Resources and Development' and insert 'District'.

Amendments carried; clause as amended passed.

Clause 14—'Operations of decisions pending appeal.'

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

Page 6, line 20—Leave out 'Environment, Resources and Development' and insert 'District'.

Amendment carried; clause as amended passed.

Clause 15 passed.

New clause 15A—'Insertion of schedule 2.'

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

Page 6, after line 22—Insert new clause:
Insertion of schedule 2

15A. The following schedule is inserted in the principal Act after the schedule (now to be designated Schedule 1):

SCHEDULE 2

Appointments and Selection of Assessors for District Court Appeals under Section VII

1. The Minister must establish the following panels of persons who are to sit with the District Court as assessors in proceedings under Part VII:

(a) a panel consisting of persons with experience in the use and management of land used for pastoral purposes;

(b) a panel consisting of persons with a wide knowledge of the conservation of pastoral land.

2. A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.

3. A member of a panel is, on the expiration of a term of office, eligible for reappointment.

4. Subject to clause 5, the judicial officer who is to preside at the proceedings must select one member from each of the panels to sit with the District Court in the proceedings.

5. A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the District Court is disqualified from participating in the hearing of the matter.

6. If an assessor dies or is for any reason unable to continue with any proceedings, the District Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

This will basically restore the object of the Bill and it deals with the panels under the original Bill.

Mr ATKINSON: The legal purists in the Liberal Party were not keen on maintaining the office of Assessor for these tribunals or, indeed, any other tribunals but they were persuaded by the parliamentary Labor Party that the office of Assessor ought to be retained, and I commend the Liberal Party for allowing us to have our way.

New clause inserted.

Clauses 16 and 17 passed.

Clause 18—'Appeals.'

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

Page 6—

Lines 31 and 32—Leave out 'Environment, Resources and Development Court' and insert 'Administrative and Disciplinary Division of the District Court (the 'District Court')'.

Line 33—Before 'Court' insert 'District'.

Amendments carried; clause as amended passed.

Clause 19—'Operation of decisions pending appeal.'

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

Page 6, line 36—Leave out 'Environment, Resources and Development' and insert 'District'.

Amendment carried; clause as amended passed.

Clause 20—'Constitution of court.'

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

Page 7, lines 3 to 8—Leave out these lines and insert:
Participation of assessors in appeals

52A. In any proceedings under this Part, the District Court will sit with assessors selected in accordance with schedule 2.

This is consistent with new clause 15A and deals with the assessors, as the member for Spence has informed the Committee.

Amendment carried; clause as amended passed.

New clause 20A—'Insertion of schedule 2.'

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

Page 7, after line 8—Insert new clause:
Insertion of schedule 2

20A. The following schedule is inserted in the principal Act after the schedule (now to be designated as Schedule 1):

SCHEDULE 2

Appointment and Selection of Assessors for District Court Proceedings under Part V

1. The Minister must establish the following panels of persons to sit with the District Court as assessors in proceedings under Part V:

(a) a panel consisting of persons who are owners of land used for agricultural, pastoral, horticultural or other similar purposes;

(b) a panel consisting of employees of the Department for Primary Industries.

2. A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.

3. A member of a panel is, on the expiration of a term of office, eligible for reappointment.

4. Subject to clause 5, the judicial officer who is to preside at the proceedings must select one member from each of the panels to sit with the District Court in the proceedings.

5. A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the District Court is disqualified from participating in the hearing of the matter.

6. If an assessor dies or is for any reason unable to continue with any proceedings, the District Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

Again, this amendment relates to assessors.

New clause inserted.

Remaining clauses (21 to 30) and title passed.

Bill read a third time and passed.

EVIDENCE (SETTLEMENT NEGOTIATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1237.)

Mr ATKINSON (Spence): We are debating the Bill before the House not on principle: we are debating it because the State Government seeks an advantage in its suit against Smoothdale Ltd and Another. The principle as stated in the Bill is as follows. Parties to lawsuits are encouraged to get together and make a deal that avoids the need for a court to hear their case. Society benefits from such settlements. To encourage plaintiffs and defendants, who often hate one another, to negotiate, it has been a rule that concessions offered in settlement negotiations cannot be used against the party offering the concession in court if the case comes to trial.

The Evidence Act contains this rule in section 67c, which provides:

. . . evidence of a communication made in connection with an attempt to negotiate the settlement of a civil dispute, or of a document prepared in connection with such an attempt, is not admissible in any civil or criminal proceedings.

How sensible. I am sure that the Deputy Premier would agree with me on that. The section goes on to list some exceptions, one of which is contained in subsection (2)(e), which provides:

The communication or document relates to an issue in dispute and the dispute, so far as it relates to that issue, has been settled or determined.

This exception certainly negates the principle. The Government wants us to change the exception so that it will read:

The proceeding in which the evidence is to be adduced is a proceeding to enforce an agreement for the settlement of the dispute

or a proceeding in which the making of such an agreement is in issue.

On principle, I support that amendment, but there is more to this Bill than that. It seeks to have this change apply to people whose cases are already in train: a few—perhaps a very few—on the assumption that the law of evidence would remain as stated in section 67c(2)(e).

The history of the Smoothdale case is as follows. The State Bank bought the Security Pacific Bank (New Zealand). It thought it had bought a bargain on a bear market. It was no bargain: it was onerous property. The acquisition is one of the State Bank's many heavy losses. The company that sold the Security Pacific Bank (New Zealand) to the State Bank is now called Smoothdale and is owned by the Bank of America. The State Bank is arguing that the Bank of America, as the successor in title to the vendor, should pay out on an indemnity against losses that was part of the sale. There have been two Smoothdale law suits. Smoothdale No. 1 was settled after negotiations during which the State Bank made some private concessions. Smoothdale later sought discovery of documents that would reveal those concessions in connection with the Smoothdale No. 2 case. Duggan, J. applied the Evidence Act to the facts and held that Smoothdale ought to have access to those negotiation documents.

The State Bank task force appealed to the Full Court of the Supreme Court and lost. The State Bank task force then said that it would appeal to the High Court. Meanwhile, the State Government brought this Bill to the Parliament to reverse the effect of the Full Court's decision. Mr Deputy Speaker, make no mistake about it, the original Government Bill that was brought to Parliament in this area was designed to reverse a decision of the Full Court of the Supreme Court of South Australia in favour of a State Government instrumentality. It was the most blatant form of retrospectivity one could have in legislation. The reasons given by the Government for bringing the Bill before the Parliament were that, although Smoothdale had won the right to look at only about eight or 10 documents produced during the settlement negotiations, it might obtain up to 5 000 documents, but, if Smoothdale obtained discovery of 5 000 documents, that might extend the Smoothdale No. 2 trial for three months, with all the costs to the State that that would involve.

I have a couple of questions for the Deputy Premier. First, did Smoothdale claim discovery of 5 000 documents? If so, did it obtain 5 000 documents? I must say that I have not heard any more of this, although the Government in another place claimed that, if we did not pass this Bill in its original form by the middle of March, there would be an attempt by Smoothdale to discover 5 000 documents in connection with the settlement negotiations for Smoothdale No. 1. The other thing that the Government said it would do was that it would definitely appeal to the High Court on this matter, and that it would do so by the middle of March. My second question to the Deputy Premier is: did the State Government appeal to the High Court on this matter? The original Government Bill that was presented to the Parliamentary Labor Party certainly gave the impression that, if the Parliamentary Labor Party did not support the Bill and get it through Parliament as quickly as possible, the State taxpayers would have to bear the burden of an appeal to the High Court, and was that not a bad thing? Perhaps the Deputy Premier could answer those two questions, because I am curious.

The Bank of America wrote to members of Parliament about this matter because, as a foreign company trading in Australia, it no doubt regarded this conduct of the State Government as the kind of conduct one would expect from a socialist republic or a banana republic: that is, changing the law retrospectively to overcome court decisions that go against the Government in favour of an overseas company.

Mr Clarke interjecting:

Mr ATKINSON: The member for Ross Smith suggests that the Deputy Premier is perhaps the Erich Honecker of South Australia. The Deputy Leader, of course, is very familiar with Erich Honecker because I understand that he accepted his hospitality in the German Democratic Republic from time to time when he was a union official. Certainly, when the Deputy Leader was a member of the United Trades and Labor Council he was always a staunch defender of Herr Honecker and his Berlin Wall. But I digress because the Deputy Leader has tempted me into digression. The Bank of America has written to some members of Parliament about this, and its story is as follows:

> Bank of America. . . , as successor-in-interest to Security Pacific National Bank, is the parent company of Security Pacific Overseas Investment Corporation, which is involved in litigation with the State Bank of South Australia in the Supreme Court of South Australia. Security Pacific recently obtained a favourable ruling in the Supreme Court on its request for production of certain documents in possession of the State Bank. The State Bank appealed the court's ruling to the Full Court, and on 13 December 1995—

the twentieth anniversary of Malcolm Fraser's victory—

> the Full Court affirmed the ruling in favour of Security Pacific. No application for special leave to appeal to the High Court of Australia has been made by the State Bank, and I am advised by counsel that the time to do so has expired.

If I may interpolate here: my, my! The Government has misled us. The letter continues:

> Instead, the South Australian Government introduced a Bill on 14 February 1996 that would amend the Evidence Act section upon which the Supreme Court's decision was based with the apparent intent to abrogate the decision of the court in favour of Security Pacific and alter the course of future discovery in this case.
>
> Indeed the report on the Bill unabashedly states that the Smoothdale litigation caused the Government to act. I am surprised that the South Australian Government would consider using its legislative power to seek to interfere with normal judicial processes in the State in an effort to influence the resulting litigation in which the Government's instrumentality is a party. This legislative action will surely cause prospective foreign investors, and any company contemplating a substantial transaction with the State Government, to give pause before making any future economic investment in the State. The courts in Australia have an excellent reputation and we have complete confidence that we will receive a fair and impartial hearing in the courts of South Australia.
>
> However, we must register our strong objection to proposed Government action which attempts to interfere with normal judicial processes designed to render justice impartially. Such interference is especially troublesome when the seeming purpose of the action is to overturn adverse judicial rulings suffered by the Government at both the Supreme Court and Full Court levels after full and fair hearings. We hope that the Government will reconsider its ill-advised action. I understand that the Government is seeking to rush this Bill through the Parliament as quickly as possible. Therefore, I would very much appreciate your efforts in seeking to persuade the Government that in the circumstances the proposed Bill should be withdrawn. If that cannot be accomplished I would urge you to oppose this legislation.
>
> Sincerely, Richard M. Rosenberg.

He writes on behalf of the Bank of America. I could not have put the principle involved in this case any better than the Bank of America has put it. I will state briefly what the Labor Party's position in Opposition is on the question of retrospective legislation. I do that by reference to a book published by

one of my old law lecturers, Mr Geoffrey Walker. In his book *The Rule of Law—Foundation of Constitutional Democracy*, Mr Walker writes:

> A statute cannot be certain if it is retroactive. It cannot guide a person's conduct and therefore cannot be obeyed.

He goes on to write:

> Besides the certainty idea, retrospective legislation infringes another requirement of the normativism principle, that of generality. When a statute is designed to act on past events it is possible to have a reasonably clear idea of who will be affected by it. This gives it the character of particular legislation analogous to a bill of attainder.

Later he writes:

> It is better to confine the concept of retrospectivity to statutes which give to conduct occurring before enactment a different legal effect from that which it would have had in the absence of the statute.

I believe that that is a good statement of why retrospective enactments are undesirable. This is clearly a retrospective enactment. It is not quite as retrospective in its effect as the Government had originally intended because the Government is now saying that the Bill will not reverse the effect of the Supreme Court decision but will apply from now on while this litigation is still in process.

So, the Government can return to the Supreme Court armed with an Evidence Act that is much improved from the viewpoint of its case and it can seek from now on to disadvantage the Bank of America in the litigation. Well might Government members feel uncomfortable about this conduct of their State Government. The Opposition believes that this Bill should only apply prospectively, that is, to litigation which is commenced after the commencement of the Bill. That is our principle; we urge it upon the Government. We oppose the Bill.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Spence for his support of the Bill. He gave all the arguments for why the Bill should be supported.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: You have had your turn. The honourable member knows full well that the rule of law sometimes gets badly twisted when we move from the common law to statute law, and this is no different. There is a clear understanding that the law as it stands under the Evidence Act would protect those negotiated outcomes that are achieved in many circumstances within the—

Mr Atkinson: On principle we agree.

The Hon. S.J. BAKER: On the issue of how well the law spells out its requirements when it moves from what is commonly understood and is common practice within the courts to a point where it is put in statute and interpreted by those people who make a lot of money out of interpretation of the law, one can cite numerous examples of where it has gone horribly wrong. Whilst we (and I think everybody else) believe that section 67 of the Evidence Act provided for the protection of all the matters involved in the negotiation of a settlement on the basis that they could not be used in a subsequent court case, the decision made by the Supreme Court put that issue at risk.

The issue is a matter of what is fair. I have a straightforward view on life, namely, that anyone using a device to get over a problem does not deserve a hearing. My common law approach to this problem is that a device is being used to frustrate a settlement of the Smoothdale matter. In answer to the member for Spence, I do not believe there has been the discovery of 5 000 documents, nor do I believe, as the member for Spence stated, that a subsequent action has been filed in the High Court. As the member for Spence would understand, if he would listen for a change, the matter was subject to further negotiations, and such negotiations have continued and, I understand, have reached or are reaching a satisfactory outcome. The issue of what devices are used by the legal profession to frustrate justice or progress is something about which I am continually amazed, because almost every area of the law comes under some scrutiny, manipulation or misinterpretation, presumably to the benefit of someone.

In principle we believe—and the common law has prevailed in this respect—that once those matters have been settled by negotiation they cannot be contested or examined in subsequent legal proceedings. I have a judgment also because we are actually dealing not with a change in the law as such but with the administration of the law. I have before me an explanation that may give comfort to the member for Spence. It states:

> Ordinarily amendment to the practice or procedure, including admissibility of the evidence and the effect given to evidence, will not operate so as to impair any existing right. It may govern the way in which the right is to be enforced or vindicated, but that does not bring it within the presumption against retrospectivity.

That was expressed thus by Mellish, L.J., in *Republic of Costa Rica v. Erlanger* (1876).

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Well, members may smirk, but it is these cases that set the common law, as the member for Spence can possibly relate to the House. It says:

> No suitor has any vested interest in the course of procedure nor any right to complain if during the litigation a procedure is changed, provided of course that no injustice is done.

Quite clearly no injustice is being done: it was merely a frustration of process.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: If the member for Spence wants to spend a bit of time brushing up on the law I can help him out. The case was Mellish, L.J., in *Republic of Costa Rica v. Erlanger*, 1876, III Chapter D62 at page 69. As a person well versed in the law—

Mr Atkinson: A nineteenth century English Chancery case.

The Hon. S.J. BAKER: Of course. As the member for Spence knows, that was the absolute basis of our legal system.

Members interjecting:

The Hon. S.J. BAKER: It does provide a sound basis on which to operate the legal system, and we do not have Rafferty's rules applying as the legal profession would sometimes like. The issues in terms of the Smoothdale case have been crystallised in another arena—that was my last advice. As to the protection of material germane to a settlement prior to this action, in principle I believe that the Opposition agrees with what the Government is attempting to do. As the member for Spence pointed out, there was a modification in the Upper House which removed a large element of the retrospectivity. I thank the member for Spence for his support of the Bill.

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

STATUTES AMENDMENT (COMMUNITY TITLES) BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1271.)

Mr ATKINSON (Spence): The Bill is complementary to the Community Titles Bill debated in this House last week. It amends 15 Acts to take account of that Bill, especially relating to rating and valuation. It incorporates into the Strata Titles Act those features of the Community Titles Bill that are undoubtedly sensible and beneficial. The package of two Bills with which we have been dealing enables strata corporations consisting of unit owners to transfer from the Strata Titles Act to the Community Titles Act after the latter is proclaimed. Such are the advantages of the latter that I have written already to one constituent advising him to have his strata corporation switched to the new scheme as soon as possible. I commend the Bill to the House.

Mr VENNING (Custance): I support the Bill, which tidies up some of the areas that have become unclear under the provisions of the Community Titles Bill. I spoke on that Bill last week, and I thought I would finish that contribution tonight. Provisions existing under the Land Tax Act, the Local Government Act and the Sewerage Act for the Valuer-General to determine whether the common property of a community scheme should be separately rated are obviously very wise. It is pleasing to note that the Government, as always, responds to public consultation and revises its plans accordingly to accommodate public needs and wishes. Leaving the Strata Titles Act intact and simply providing for the optional adoption of the Community Titles Act provisions is a good response to the consultation process.

However, the small change to the Strata Titles Act envisaged by this Bill is an added protection for strata corporations dealing with managing agents in that money held on behalf of a strata corporation must be deposited in a trust account. It is important that this requirement be in legislation, even though many strata managers already maintain proper trust accounts. This matter has been brought to my attention during two separate representations by constituents. The Bill, as the member for Spence said, is complementary to the Bill debated last week and which I supported. In view of the foregoing, particularly in respect of trust accounts, I support the Bill.

The Hon. S.J. BAKER (Deputy Premier): I thank both members for their support. This Bill is consequential on a previous Bill, which was a lot lumpier than this and which provided new procedures for the initiative of community titles. I believe it will be an initiative welcomed by a wide group, whether people involved in industrial estates or residential development where these measures provide greater flexibility than previously prevailed. Therefore, I welcome the comments of both members. I am sure there will be further amendments as we get used to the legislation and if problems arise. It is ground-breaking legislation for South Australia. It does occur interstate where it is being used very effectively. However, once we get into our own jurisdiction, the Bill will need further massage as circumstances change.

The rules we have laid down today will not necessarily be the rules that will prevail in the future. I again commend the Attorney for his initiative. The Bill has been a long time coming. I know that the real estate industry has been asking for it for a number of years, and it is to the great credit of the Attorney that he has pressed on with this initiative. The Bill is consequential and packages the whole legislative change encompassing community titles to the extent that now the full legislation will be available to those who wish to avail themselves of it, and that will be when both Acts and the regulations are in place.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr ATKINSON: During debate on the Community Titles Bill I asked the Deputy Premier what he thought of an idea that has been floated by a principal of L.J. Hooker to place a levy on strata corporation trust accounts with a view to raising money to fund an education program for strata corporation office holders. This might take the form of the publication of leaflets and manuals or new owner nights and the like. As so often happens when I ask questions of the Deputy Premier during these debates, he does not reply in his second reading summing up, and this was one such occasion. This Bill gives me the opportunity to ask the Deputy Premier to respond to Mr Russell's proposal.

The Hon. S.J. BAKER: If the member for Spence had read the debate in another place, he would have got his answer.

Mr Atkinson: I do not read the debates in another place; I read them here.

The Hon. S.J. BAKER: Perhaps the honourable member should tune himself up, because when the matter was debated and the letter from Mr Russell came forward—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: That is fine, as long as the honourable member has done his homework. All I ask is that the honourable member do his homework. Quite clearly, the matter was fully explained in another place in that, first, it was unnecessary; secondly, it would not be cost effective; and, thirdly, issues of income tax and other matters would have to be paid on those accounts because of the structure of the schemes. At least three good reasons were given as to why the scheme suggested by Mr Russell could not proceed. That was explained at the time. I do not know that, in a second reading reply, I must respond to a particular issue that has already been explained to the honourable member's colleagues in another place. As far as that issue is concerned, it was certainly strongly proposed by the Australian Democrats but, in fact, the Opposition—unless it has changed its mind—believed it was not appropriate to pursue that course, and the argument was so convincing that there was agreement in another place.

Clause passed.

Clauses 4 to 8 passed.

Clause 9—'Assessment of tax against land divided by a community or strata plan.'

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

To insert clause 9.

I point out to the Committee that all my amendments involve the insertion of money clauses.

Clause inserted.

Clause 10—'Land tax to be a first charge on land.'

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

To insert clause 10.

This amendment is consequential.

Clause inserted.

Clauses 11 and 12 passed.

Clause 13—'Rateability of land.'

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

To insert clause 13.

This amendment provides a procedure by which we can extract taxation. The Government is losing money out of this scheme. I explained that to the Attorney but he has pressed on regardless, at great distress to the Treasurer. We have made it a more efficient and effective scheme and it is cheaper, so the Attorney should be congratulated for the way in which he has pressured the Treasurer.

Clause inserted.

Clause 14—'Rates are charges against land.'

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

To insert clause 14.

This clause addresses the way in which rates are charged.

Clause inserted.

Clauses 15 to 35 passed.

Clause 36—'Capital contribution where capacity of undertaking increased.'

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

To insert clause 36.

This clause amends the Sewerage Act and again is related to the money side of the equation and deals with sewerage.

Clause inserted.

Clause 37—'Liability for rates.'

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

To insert clause 37.

Clause inserted.

Clause 38—'Liability for rates where land divided by community or strata plan.'

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

To insert clause 38.

This clause deals with the liability for rates.

Clause inserted.

Clause 39—'Amounts due to corporation a charge on land.'

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

To insert clause 39.

Clause inserted.

Clause 40—'Interpretation.'

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

To insert clause 40.

Clause inserted.

Clauses 41 to 47 passed.

Clause 48—'Liability for rates in strata schemes.'

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

To insert clause 48.

This clause deals with water supply.

Clause inserted.

Clause 49—'Liability for rates where land divided by community plan.'

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

To insert clause 49.

This amendment is consequential.

Clause inserted.

Clause 50—'Sharing water consumption rate in certain circumstances.'

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

To insert clause 50.

Clause inserted.

Clause 51—'Recovery of amounts due to corporation.'

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

To insert clause 51.

This clause deals with the recovery of amounts due to the corporation.

Clause inserted.

Clause 52—'Capital contribution where capacity of waterworks increased.'

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

To insert clause 52.

Clause inserted.

Title passed.

Bill read a third time and passed.

FINANCIAL INSTITUTIONS (APPLICATION OF LAWS) (COURT JURISDICTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1272.)

Mr ATKINSON (Spence): Over the past few years a uniform financial institutions law has been developed. This law or code regulates building societies and credit unions in like manner in all States and Territories of Australia. The exemplar was the Queensland Financial Institutions Act 1992 which, not unnaturally, vested appellate jurisdiction in the Queensland Supreme Court. South Australia and other States adopted the Queensland legislation: we did it in the past 12 months, as I recall. However, it would be difficult for us to have our appeals from decisions on the code by the Australian Financial Institutions Appeals Tribunal heard in the Queensland Supreme Court, so we are now amending our ratification of the code to vest appellate jurisdiction in the South Australian Supreme Court. This is the greatest blow to legal pilgrimage since the chauvinist killjoys of my Party abolished appeals to that august international tribunal, the Judicial Committee of the Privy Council. However, I am bound to say that the Opposition supports this rectification.

The Hon. S.J. BAKER (Deputy Premier): I am amused by the parallel cited by the honourable member. There are difficulties when we ask one jurisdiction to introduce model legislation and when that legislation and the vesting of the laws remain with that State. We are now cutting free of that arrangement. We will now have control over our own destinies. In response to the member for Spence, I am not sure where all the legislation belongs, because we adopted the Queensland legislation through our parliamentary and legislative process. I am told that it is not all sitting on our statute book. The law upon which we based the original legislation is stuck in Queensland, but at least we can have an appellate system based in South Australia. It is one of these issues we will have to get hold of in the future, simply because all those areas in our Acts for which we are responsible should be in our own legislation, in some shape or form. It may be a matter that the Attorney has to look at over time. As the honourable member suggested, it was great to get rid of the Privy Council and the Queensland courts as the only jurisdiction in which South Australian financial institutions could lodge their appeals. I appreciate the support of the member for Spence.

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

BUSINESS NAMES BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 1274.)

Mr ATKINSON (Spence): The Opposition has studied the Government's reasons for the Bill and finds no fault. The 1963 Business Names Act was passed to enable the keeping of a register of business names for the purpose of preventing the copying of an existing business name in a way that would mislead the public as to the identity of the business with which they were dealing. Since 1963, the State Corporate Affairs Commission, which administers the Act, has arranged with the Australian Securities Commission (ASC) for the former not to register a business name and the latter not to register a company name federally if there is a serious risk of the mischief I mentioned a moment ago.

The Bill formalises that cooperation. It also formalises a sensible approach to franchising that recognises that franchisees of the same franchisor will often use the same name, varying it only according to the place where they trade. It would be silly for the business names law not to recognise franchising. The Bill also recognises that the business names register is now computerised, and cooperation between the people who keep the South Australian register, their interstate counterparts and the ASC is conducted by electronic means. The Opposition supports the Bill.

The Hon. S.J. BAKER (Deputy Premier): I thank the member for Spence for his contribution. He has adequately described the Bill to this House. I reflect upon continuing frustrations when people choose names that are close or similar to those of a competing business. I note with some concern that, when the matter was brought before the Corporate Affairs Commission, they shrugged their shoulders and said, 'It was very close but it wasn't the same, and we really couldn't do much about it anyway.' We have a process whereby these business names can be unique. As the member for Spence could relate, this matter is a bit like horses: you could put up a number of horse names—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: —that's correct—and, after you had done six and they had said 'No', you could start off with another six. We have not seen the same level of dedication applied to business names as we have seen applied to horse names. At least when the SAJC decides that there is a similarity involving horse names such that they cannot be convincingly separated, it will say, 'You have to change the name; here's a suggestion.' That does not prevail in terms of business names. A lot of sorting out still has to be done in this area. There are people who for profit register trading names that are close to those of young and enterprising businesses simply to capture part of that business or, indeed, to get some sort of pay off from the business to remove its name from the register. A lot of work still has to be done in this area. With the explosion of the number of businesses and business names, it is not an easy job, and I do not understate that at all. We can do better in this area. I thank the member for Spence for his contribution and his support for the Bill.

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

WORKERS REHABILITATION AND COMPENSATION (DISPUTE RESOLUTION) AMENDMENT BILL 1996

Adjourned debate on second reading.

(Continue from 3 April. Page 1392.)

Mr CLARKE (Deputy Leader of the Opposition): The Opposition will support the Bill. However, we seek—and I will elaborate on it further—the agreement of the Government to an amendment. In debate on a previous Bill, the member for Spence, by way of interchange with the Deputy Premier, referred to my being the guest of the German Democratic Republic at some time in my past as a trade union official. I assure the House that I was never a recipient of money from either the KGB, as it then was, or the CIA through overseas trips. The only trip I had overseas during my entire time as a union official was to the former USSR in June 1990 on an Australian political exchange program which comprised representatives of all political Parties. Had I gone to the GDR, I would not be ashamed of it. However, for the sake of the record, I thought I would point that out in case the member for Spence should dine out on that comment for many years.

The DEPUTY SPEAKER: The Chair points out that that was an unusual way of making a personal explanation.

Mr CLARKE: Yes. I thank you for your indulgence, Sir. This ties into the Bill, because workers' compensation in this State has always been a vexed, hot political issue. Unfortunately, the legislation that emerges, irrespective of which Party is in power, is sometimes confused and has errors in it because of the political processes of getting it through both Houses of Parliament where neither one major Party nor the other in government has control of both Houses. Often, because of that, legislation slips through which should not slip through and it needs correction.

With respect to the thrust of the Bill, basically, as the Minister's second reading explanation points out, it is a way of dealing more efficiently with the dispute resolution provisions of the Act to which this Parliament made substantial changes on a tripartite basis late last year. As I said on that occasion, I thought that the establishment of a working party with representatives of each of the political Parties in this Parliament, together with representatives of the major stakeholders—the Employers Chamber and the United Trades and Labor Council—was a very good exercise which resulted in what I believe has been very good legislation with respect to the disputes resolution issue.

As the Minister indicated, the major point is to ensure that the dispute resolution legislation that we enacted late last year can proceed, particularly as regards a cut-off date for review applications or appeals to be dealt with. The previous legislation provided that matters that had not substantially commenced (or words to that effect) could still be dealt with by the new legislation, not under the old dispute resolution procedures. As the President or Senior Judge of the Industrial Court pointed out to the working party, that is ripe for litigation. Hence, rather than create a problem which we can easily solve in the Parliament, we should change the legislation so that there is a clean cut-off date and everyone knows where they stand with respect to the dispute resolution processes under which each individual claim will proceed. I commend the Government for bringing in this tidying up legislation.

The amendment that the Opposition is keen to have carried relates to repealing division 4 of part 4 of the principal Act, which is commonly known as LOEC. Essentially, LOEC was introduced in 1992 by the former Government as a means of trying to save costs with respect to WorkCover by allowing workers to have their annual income maintenance payments commuted into a lump sum. Apparently, WorkCover did not need to pay income tax if it was paid in that form, the worker was to be no worse off financially and overall the scheme would save money.

Unfortunately, as a result of other amendments to workers' compensation in the middle of last year, particularly the two-year review, LOEC has become more serious, and I will deal with that in more detail later. Basically, whatever we do—whether we abolish or keep LOEC, whether we do away with it by administrative action or whatever—the fundamental problem with workers' compensation remains. I have had literally hundreds of phone calls and letters about this matter from injured workers around this State since December last year. I am not alone in that. I know that a number of my colleagues have been besieged with letters and phone calls in their constituencies, and I am sure that Liberal members also have had a number of phone calls and letters to their offices. The fundamental problem that they are facing in the immediate sense is LOEC, and I will deal with that in a moment, as I said earlier. Last year the Act was amended by the Australian Democrats, supported by the Government, and basically it allowed—

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: No; this is section 35(5). I do not mind owning up to my sins, but this was not one of them. Basically, the provision for the two-year review has allowed WorkCover, through its private insurance agents, in essence, to say, 'We believe that you are fit enough to do another job, whether or not that job exists. We believe that you could work as a car park attendant or as a service station console operator.'

One would think from the number of times that claims agents have told injured workers they could get a job as a car park attendant or as a service station console operator that the economic revival of this State was being led by the increased numbers of people being employed as car park attendants and service station console operators. Of course, the fact is that WorkCover and its agents may say that a person is able to do that work but there is no such work. Indeed, it is even doubtful whether those persons are physically able to do that work.

That brings me to LOEC. The fundamental problem facing injured workers stems from the amendments moved by the Democrats with the support of the Government in the middle of last year with respect to workers' compensation—the two-year review. I shall not be able to solve that issue tonight or tomorrow, because I do not think that the Government, with its majority in this House, will allow me to get away with repealing section 35(5) of the Workers Compensation Act and to reinsert the previous provision. However, we can help to ameliorate some of the difficulties facing these workers. If someone has been in receipt of weekly payments for more than two years and a claims agent sends a letter saying, 'We believe you could work as a car park attendant and we are cutting your income maintenance from $320 a week to $20 a week,' the injured worker is entitled to appeal and, pending the result of that appeal, he or she is able to maintain income for that period.

Of course, the appeal will not be heard straight away. At present, the earliest a result would be known would be several months after the appeal was lodged by the time it has gone through the current processes. Indeed, it could take even longer if it had to go to the full tribunal and then to the Supreme Court. Of course, we hope that, with the new dispute resolution processes, the length of any such court hearings will be a lot less. However, according to the Minister's figures, about 2 000 claims are currently being dealt with under the old system, so it will take some time, with the best will in the world, to process existing claims under the present dispute resolution procedures.

An injured worker under LOEC—that is, someone who has had his weekly payments commuted to a lump sum—can still appeal against that decision. We have had many decisions—and I will give the Minister a few examples—with respect to injured workers who have had their $11 000, $12 000 or $14 000 a year lump sum reduced to nil or next to nil.

The injured worker is able to appeal that decision, but because LOEC applies there is no income maintenance. As a result, that person has to wait for several months to get his or her case into court. The person concerned has no income, except for any social security benefits being received or a spouse's income. This can impose terrific financial pressures on that individual and the family. Our amendment seeks to remove LOEC altogether. That does not help in the immediate sense those individuals who have been affected to date. I contemplated trying to make my amendment retrospective. Frankly, so many agreements have been entered into that to try to unscramble that egg by having our amendment made retrospective would create a litigation feast, and I do not believe that anyone, in particular, the injured worker, would be the winner out of it. Basically, with respect to the future, we seek to rule it off and have a clean slate.

LOEC served a purpose only while it saved WorkCover money, putting less pressure on Governments of the day to cut the benefits to injured workers. LOEC was introduced at a time when no redemption was allowed either of the income maintenance or of medical payments under the old Act. The amendments passed in the middle of last year do allow for the redemption of payments to injured workers, so that there is an incentive for WorkCover, if you like, to negotiate a package and strike a deal with the injured worker, if both sides are agreeable. The difficulty with LOEC, if it remains as it is, is that the private insurance agents simply say to the worker, 'We will LOEC you and you can't appeal that. You can appeal if you don't agree with the quantum we reduce you to, but you can't appeal our decision to bring in LOEC. But we are offering you a redemption policy. You can come to us and negotiate a settlement up to $50 000.'

If you are an injured worker, particularly if workers compensation is the only income support coming into your household, and that is chopped off or substantially reduced—you still have to pay your electricity, rent and all the costs of living—you know you have the right to appeal but that it will take several months at the earliest to have your case heard—you have to survive somehow on social security benefits, with the possible loss of your house or other possessions along the way—and inordinate economic pressure is placed upon that individual injured worker to accept a deal that is less than just for that person. That person simply does not have the economic resources to stick out for what they believe they are entitled to.

Our proposal would ensure that in future all income payments by WorkCover would be on a weekly basis and they could not be commuted to LOEC. If the injured worker wished to exercise the powers of review under section 35(5), the corporation, or its agents acting on its behalf, could do so; but the worker can at least, by appealing that decision, receive income maintenance until a decision has been handed down. I know that the Minister has considered this issue—and I will allow him to speak for himself on this matter—but there are some things of which the Minister ought to be aware. I do not simply blame the private agents for this—the fact is that the Act was amended to allow the private agents to do what they are doing—but the real problem goes back to the amendments to section 35(5) of the Act. These private agents, as I indicated in a grievance debate earlier in this House, have acted in a despicable fashion. I will provide a couple of examples that have been brought to my attention. Constituents have come to see me in my office, but I have a couple of glaring examples to cite, one of which is as follows:

Ms M sustained injury to her back in the course of her employment as a domestic in a nursing home in April 1990. The injury resulted in a lumbar-discectomy being performed. Subsequently, Ms M resumed work on a 'light duties' basis, working restricted hours as a domestic. The rehabilitation process followed a fairly difficult and unsatisfactory course. Ultimately, however, a case conference under the auspices of the Commonwealth Rehabilitation Service resulted in an approved rehabilitation program which involved her undertaking 'a 12-month training course in community services'. . . As a consequence of the improved rehabilitation plan, she commenced the one-year course at Kilkenny and Port Adelaide TAFE on 27 July 1995. By separate letters dated 8 January 1995 from Knox & Hargrave, acting for FAI Workers Compensation, Ms M was directed to recommence 'suitable light duties' (that is, as a domestic) on 29 January 1996 but also offering her a redemption payment.

The first letter threatened discontinuance of weekly payments if Ms M failed to report for duties as directed. Unfortunately, Ms M did not consult us for legal advice in relation to the letters of 8 January. She reported for work, and thereby suffered an exacerbation of her normal condition. We subsequently provided FAI [the agents] with a copy of a letter from the treating orthopaedic surgeon which stated *inter alia*:

> I believe that (Ms M) is not suitable to return to working her pre-injury as a caterer and domestic although she may be able to cope with lighter administrative duties on a part-time basis.

The subsequent response from FAI completely disregarded the submissions put forward on behalf of our client and purported to undertake a review under section 38, reducing the weekly entitlements to '$Nil', for reasons set out in the enclosed letter dated 21 February 1996. Accordingly, having commenced a 12-month course of study—on the instruction and direction of the rehabilitation consultant and with WorkCover's approval—in July 1995, Ms M was directed in January 1996 to resume work on unsuitable duties, thereby suffering an exacerbation of her condition and causing her to be unable to resume or commence her TAFE subjects in early February.

In our view. . . the insurer is simply prepared to. . . undermine the rehabilitation process with a view to forcing [Ms M] to enter into a redemption agreement, and thereby earn more 'bonus points' from WorkCover before the expiration of the bonus point period on 31 March.

The Minister was reported in the press as saying that WorkCover cuts of between only 10 and 15 per cent incapacity were being applied to workers. I will provide two examples to show that the Minister's statement to this effect is not true. I am not saying that the Minister has lied, but he has not been given the correct information. I refer to a 61-year-old storeman assessed with a 30 per cent back disability who recently had his payments cut to nothing on the basis of a medical report from a WorkCover doctor obtained in October 1991.

A 36-year-old sole parent with a severe head injury whose treating doctor assessed her loss of total body function in the region of 50 per cent has had her payments reduced on the basis that she supposedly has a reasonable prospect of obtaining clerical work. I refer to a letter that I cited in a grievance debate last week which demonstrates what the biggest private insurer has been doing. This letter from MMI Workers Compensation, a company owned by the various employer chamber groups around Australia, was sent to all WorkCover clients who had been in receipt of income maintenance payments for over two years. The letter begins:

Have you been receiving WorkCover income maintenance payments for over two years? If so, read on. You face a choice of two options: (1) Redemption. (2) LOEC. What is LOEC? Where a worker suffers a compensable disability that results in incapacity for work for a period exceeding two years, MMI may assess the worker's loss of future earning capacity as a capital loss. The decision to make a LOEC assessment rests with MMI and our decision to make an assessment is not reviewable. In all cases the claim will be closely reviewed before calculations are made.

At the bottom of the page after a LOEC review is explained, an example is cited of how at the end of the two-year review process a worker can end up with nothing. The example is stated, as follows:

A worker has been incapacitated for over two years. Current weekly payments are $401.29. Minus tax, this figure is $346.46. MMI, as a result of careful analysis of all the facts, believe that the worker has the capacity to be a clerk.

It does not say whether a job is available or whether the person is able to do the job of a clerk. I digress for a moment to point out that a constituent came to see me. This person was very large in size, one could almost say obese, with no teeth and, in terms of personal appearance, would be a bit difficult to describe as attractive. The insurer claimed that that person was suitable for work as a salesman for three hours a day, five days a week. What a terrible joke! The letter continues:

The award rate for general clerical work is $336.40 per week. This worker would therefore receive a yearly lump sum of $410.59 only. . . In many cases this figure can be reduced to nothing. MMI do not have to find the worker a job but merely identify that capacity exists for doing the job. The worker has every right to review the amount of the assessment; however they will receive no further payments until the matter is heard which may take some months!

The last part of this document that I wish to quote, under the heading 'What is redemption?', states:

Redemption is a capital payment for future payments for income maintenance and medical expenses by way of a lump sum payout. This payment can be up to $50 000 tax free where an agreement is reached between the worker and MMI. Once a capital payment is made weekly payments cease and you are considered to be receiving your weekly payment entitlement.

My complaint with respect to this MMI document is that the whole thrust behind it is to place pressure on the injured worker, to force that person into a position of believing that their only option is to redeem, that they can negotiate up to a maximum of only $50 000, and that they had better do so quickly. The facts are that, under the Act, there is no maximum figure on which one can redeem: it is open-ended; neither the worker nor the corporation can be compelled to take a redemption; and the maximum amount of $50 000 used by MMI is administrative only.

The WorkCover Board, as is its right, has determined to say to its agents: 'You can negotiate a redeeming figure up to a maximum of $50 000; beyond that you have to go to someone else more senior in WorkCover.' I think that, if it is between $50 000 and $75 000, they must go to a more senior person in WorkCover and, for amounts in excess of $100 000, the CEO of WorkCover is the person who must

approve any such payment. However, those facts are not mentioned in the MMI document. The whole thrust behind this MMI document—and it is not alone in this, as other companies have done the same thing—is, basically, to panic long-term injured workers into believing that they have little choice but to roll over and accept a lump sum payment which may be much less than their actual entitlement.

The Opposition's amendment will not fix all those problems. As I said, section 35(5) of the Act is the root cause of their problem, but at least our amendment will in the future treat all workers who have weekly income maintenance on the same basis and give them the right to maintain their weekly income benefits whilst they appeal the process (however long that appeal process takes) and then see what, if anything, the courts will finally do about this matter. I have said this to the Minister before. I have referred to the manner in which these insurance companies behave: in particular, the way they just pick up the files of all persons injured who have been on the system for more than two years and blithely send out *pro forma* letters without investigating the individual circumstances of the worker concerned or seeking updated medical reports. They just assert that a worker can get a job as a clerk—or, in the case of my constituent which I cited, as a salesman—or as a car park attendant or a service station console operator.

I think the courts will see through that. The Government runs the very real risk that the courts will find such behaviour so repugnant to their notion of fairness that they will overturn those decisions when they finally get through to the Supreme Court. In doing so, they may over-correct the position according to their interpretation of the Act, and the Government may find itself with a very big problem of workers, irrespective of their capacity, their suitability for employment or their type of injury, receiving income maintenance forever. I know that the Government will say that that was the position it faced before in respect of the James case, a decision of some years back, but the Government faces the real risk that, because of the way in which these companies have interpreted the legislation, there will be a judicial backlash against what is demonstrably an unfair and an unjust way of arbitrating on a person's livelihood and the effect that may have on that person's family.

I know this suggestion has been put forward, that the WorkCover Board could, by administrative action, determine that it will no longer allow LOECs. It is entirely a discretion of the WorkCover Board whether or not it commutes someone to LOEC, and by administrative action the board could say that it will no longer offer it. In effect, that would have the same affect as my amendment. We prefer legislation in this area. Boards come and go; Ministers, as we found in December last year, come and go. Some Ministers never expected to disappear, but they did.

The Hon. G.A. Ingerson: I'm still here.

Mr CLARKE: That is true, but we do not know what will happen next Christmas. The Opposition far prefers the safety of the legislative change where it does not depend on the whim of the Minister or the whim of the board. Perhaps the board is finding it all a bit too hot on this matter as a result of the adverse publicity that has been attracted, but nonetheless the most effective means is legislation. If that is what WorkCover wants to do (that is, by administrative action cease the implementation of LOEC in future), and if that is the desire of the Government, let us take it out of the legislation and, if a subsequent Government wants to bring back a similar scheme, it has to bring it back before Parliament to be debated and passed into law after it has been properly examined, as it should be. We prefer the safety of legislatively enshrining these safety provisions with respect to LOEC. I urge members to pass the amendment.

That sums up the Opposition's position on this legislation. The Bill itself is supported by the Opposition. We have no argument with it, but we believe that this is the opportune moment to move in this area, as Parliament is now going into recess until the budget session at the end of May. There may not be another Government Bill dealing with WorkCover for some little time. Given that it is unlikely that a private member's Bill would pass through this House without the concurrence of the Government—given that our numbers are 36 to 11 (and we know what happened to a private member's Bill in another place with respect to mental incapacity)—we want the guarantee of legislative change rather than simply relying upon the good offices of the Minister, who may change overnight, or a board that also may change its mind overnight.

The Labor Party, representing the interests of its constituents, even with the combined support of the Democrats, cannot change legislation without the support of the Government in this place. Out of an abundance of caution we believe that our amendment should be carried. However, that leaves the problem of those individuals who have been LOECed since the end of last year and up until this legislation goes through, as I hope it will. I thought about trying to make my amendment retrospective, but legislatively that would probably create hassles without solving the problem. It is an area in which I believe the Government's administrative decisions and discretions through its WorkCover Board can be applied to sort out those problems.

If people have settled, that is it, it cannot be undone. If they have settled for an amount that is too small, or in the future it proves to be too small, unfortunately, as far as I know, that is it: there is nothing we can do about it. But there may be some people still in the pipeline, who have not yet signed up deals with respect to redemptions or anything of this nature, or those people without income support who have been LOECed to nil or close to it, who have appealed the matter and will have to wait several months to have their case heard in court. The Government, by issuing a direction to the WorkCover Board, could allow those people to revert to weekly payments as if they had always been on weekly payments until such time as their appeal has been heard. That is where the Government could certainly use its influence or discretionary authority to help those people currently in limbo. I urge the Government to support the amendment.

Ms HURLEY (Napier): I am pleased to have the opportunity to support the position of the Deputy Leader on this Bill and to support the amendment. As he indicated, we would like to see more far reaching changes to this legislation, but at least the amendment gives the opportunity for some change to be achieved. Although the Deputy Leader has gone through a number of examples, I cannot resist the temptation to give a few of the more outrageous examples of the way in which WorkCover seems to be attempting to destroy the lives of some of my constituents. I can cite similar instances of people who have been on WorkCover for a long time, who have severe injuries but have been told that they are able to get a job—a job that does not exist.

For example, a man over 50 years of age who has been a tug boat worker all his life has been told to go out and get a clerical job. A man who has been an industrial spray painter

and who is suffering from complications arising from a hernia has been told that he can go and get a job in a retail paint shop as a paint consultant. Another man, a former boilermaker, has injured his back on three occasions and, as a result, has severe back injuries and thrombosis. WorkCover has acknowledged that he is unable to work more than nine hours a week or more than 20 minutes from his home. He was told that he could get a job as a ticket seller or as a guide in a museum, so his income has been cut. Another man fell off the top of a truck and fractured his spine and has an artificial knee. He has been told that he can go back to work and his benefits have been cut. They are a few of the examples, and they are ludicrous.

I do not believe that any common sense has been displayed in those judgments or decisions. I want to dwell more on the financial and family difficulties in which those decisions by WorkCover and its agents place the families of these people. First, the fact that their benefits have been cut so dramatically often means that they are unable to afford proper legal representation. WorkCover Corporation and its agents are there with all the professional expertise behind them, with knowledge of the ramifications of the Act and the ways in which they can operate. They have a team of lawyers behind them who are able to go through cases and fight on their behalf, and they have access to medical experts. The recipients of WorkCover benefits are forced to live on very little. They need to get legal representation to have any chance of success in their appeal, but they are stuck in a situation where they live on next to nothing. They are in danger of losing their home, and they do not know how they can pay their bills, much less get food for themselves and their families, yet they must address the problem of legal representation.

It is a severe problem for most of my constituents because I represent an area which generally has low income workers who work on factory floors and in industries where there is a higher percentage of injuries, so they are more likely to be people who at some time may need WorkCover. Because they are on low incomes they do not have the savings or asset base to enable them to be cushioned through this period of three to 12 months before their appeal is heard.

This is causing enormous problems for them and their families. I cannot believe that the Government is prepared to dismiss these cases and leave these people destitute. I expect that the Government will have to do something about this, based on the influx of people coming to see me, and generally both partners have come to see me. The pattern is emerging that it is not only the WorkCover recipient who has health problems, because their partner also suffers from stress and health problems. This pattern is noticeable. Some *Advertiser* publicity has pointed this out dramatically, but in a much lesser way this is a common situation that I am seeing, with the whole family being badly affected.

I cannot believe that Government members will sit back and allow this to happen. Indeed, I look forward to members in the southern suburbs defending their constituents who must be in situations similar to my constituents. I hope Government members will support the Opposition's amendment so that we can make progress in what is an absolutely dreadful situation. During the WorkCover debates Government members tried to paint many WorkCover recipients as rorters of the system who do their best to exaggerate their injuries to try to get WorkCover benefits. I can tell Government members that being on WorkCover is not pleasant.

Recipients are constantly bombarded with letters such as the MMI letter that the Deputy Leader of the Opposition read out. People are constantly reviewed by WorkCover and are under pressure to prove the extent of their injury and any rehabilitation or medical treatment that they undergo. It is an extremely stressful and difficult way of life, and the constituents I have seen are on WorkCover only because they have to be. In most cases they would do anything they could to get off WorkCover.

In fact, the constituent I referred to earlier with a back injury who worked as a boilermaker injured his back three times. After the first two injuries he went back to work for long periods. However, on the third occasion he injured his back so severely that he was not able to return to work. This is not an uncommon experience. Government members cannot be listening to their constituents and people in their communities properly if they believe that all these people are rorting the system and having a wonderful time on WorkCover benefits. For low income people in the community the benefits are not all that great anyway. They do not amount to much more than social security, but at least it enables them to hang on to their house and continue paying their mortgage and some of the bills. I find it hard to believe that the Government would put any difficulties in the way of this amendment.

Mr BASS (Florey): I support the Bill. In his second reading explanation the Minister advised the House that the reform of the WorkCover dispute resolution system commenced in April 1995, when other key reforms to the WorkCover legislation were considered by the Parliament. At the time, agreement was reached to form a working party involving representatives of the two key stakeholder groups—the employers and the unions—who could sit down with members of Parliament not only from the Government but also from the Opposition and the Australian Democrats to develop a consensus proposal for a new dispute resolution system. As a result of the working party's consultations the Workers Rehabilitation and Compensation (Dispute Resolution) Amendment Bill was passed in 1995 with a minimum of debate and assented to on 9 December 1995.

At that time all members of the working party recognised that a substantial amount of work was still required following the passing of the reform and before its commencement, particularly relating to the development of tribunal rules and procedures. The Government is pleased that the cooperative approach adopted by the working party has continued since November 1995, and extensive consultation has occurred in relation to these transitional matters. Draft rules have now been finalised in preparation for the commencement of the new system at the end of May 1996. Because of this consultation and identification of some problems, the Bill deserves the full support of the Parliament. It addresses an important topic, the WorkCover dispute resolution system. The system of resolving WorkCover disputes is of practical significance in that it touches the lives of about 7 000 workers each year and their families and employers.

As the Parliament noted last year, the current system is grossly deficient, particularly in relation to delay and cost. This Bill is necessary to implement four further proposals made by the President of the Workers Compensation Appeal Tribunal last month and prior to the implementation of the new dispute resolution laws scheduled for May. The Government is to be congratulated for bringing this legislation before Parliament as a matter of urgency before the new system

commences. It shows that the Government is serious about getting the new system right from day one.

The Government and the Minister are to be congratulated for continuing to use the dispute resolution working party as the consultative mechanism for developing further amendments. The Deputy Leader of the Opposition and the Leader of the Australian Democrats should also be congratulated for continuing to work with the Government so that injured workers have an efficient dispute resolution system. Although the Government has had to move quickly to bring in this Bill, it is unlikely to be the last Bill dealing with the dispute resolution system. The Government will keep the new system under constant review and, if failings become evident in the current system, further legislation will be necessary.

I am confident that there will be ongoing consultation with the Opposition, the Democrats, the unions and employers. It will also be necessary for the Government to give serious consideration to the recommendations of the Heads of Workers Compensation Authorities of Australia, who will deliver a report on best practice in workers compensation systems to Labor Ministers around Australia next month. While the Government acknowledges that the new dispute resolution system in South Australia is the product of an industrial compromise, it will be important to keep modifying the system to ultimately reflect best practice. Again, I congratulate the Deputy Leader of the Opposition for his continued work with the Minister and I support the Bill.

Ms WHITE (Taylor): I support the comments of my colleagues the member for Ross Smith and the member for Napier in supporting the Government's four amendments. I also support the amendment to be moved by the Labor Party to abolish the section in the Act dealing with the LOEC provision.

The four amendments put forward relating to the transitional provisions between the old and new systems, the management and control of the review process, the recording of settlements by the tribunal and the delegation of administrative powers are provisions that the Labor Party supports, but importantly tonight this Parliament can abolish section 42A of the Workers Rehabilitation and Compensation Act, which deals with earning capacity assessments. As the member for Napier said, and I reiterate, increasingly people who have been on workers' compensation for in excess of two years are receiving the most intimidatory and unreasonable requests from some private insurers in relation to their workers' compensation payments.

The LOEC provision means that the corporation can assess the worker's loss of future earning as a capital loss. The provision is calculated by taking the worker's notional earnings, projecting them over the remainder of the worker's notional working life, deducting the income tax and then subtracting from that an amount calculated as the amount the worker could possibly earn, in a theoretical sense, had he or she been able to gain employment in a job that is deemed to be accessible to them.

The Minister is quick to quibble about the integrity of the section or who introduced it, and so on. Section 42A contains many reasonable sounding words, but the effect on workers, on my constituents, is particularly unreasonable, unfair and inflexible. The sorts of letters people receive from private insurers sometimes subjects them to what they see as a non-compromising solution to their predicament. My colleague and friend the member for Napier pointed out that many of the people in our electorates who fall within this provision and who are receiving these quite intimidatory propositions from private insurers are in very complex and desperate situations. Much of section 42A does sound reasonable. When an insurance company is assessing what it will provide for these workers, the Act is clear that they should give fair and reasonable weight to certain factors. Section 42A(3)(c) provides:

> . . . in assessing what employment is suitable for a partially incapacitated worker [the following factors should be taken into consideration]—
>
> (i) the nature and extent of the worker's disability;
> (ii) the worker's age, level of education and skills;
> (iii) the worker's experience in employment; and
> (iv) the worker's ability to adapt to new employment.

The examples given by the members for Napier and Ross Smith, and the examples given by most of the members in this session of Parliament, have shown that those factors are not being taken into consideration and are not being given reasonable weight: people who might have undergone open heart surgery are being told that they can get a job as a crane operator for more money than they were receiving in their previous employment and that, therefore, the Government owes them nothing. That is not fair. Members of this House have heard me speak often about individual tragedies and about people who have been dealt with unfairly.

A worker's age, level of education and skills should be considered, but what about the 60-year-old Italian lady with a literacy reading age of seven who is told she can work in a shop for about $400 a week? It is not realistic, and it is not fair to expect that people can do that work when the jobs might not even be available.

I wonder also about the motivation of some of these insurance companies. I cite one case that is typical of the constituents who come through my doors. Mr B, following an accident in January 1993, started receiving WorkCover benefits. In April 1994, Mr B's wife had an operation on her back and the doctor advised that Mr B should stay home to care for her. The doctor made representations to Mr B's employer concerning Mrs B's condition, and Mr B requested unpaid leave to take care of his wife. A section 36 notice was issued by WorkCover while Mr B was on unpaid leave declaring that he had abandoned his job and that his payments should cease. Mr B thought, 'What will I do?' He retained a lawyer. The case was heard and the decision in Mr B's favour was eventually handed down in October last year.

However, in the meantime, Mr B's legal costs had exceeded $2 500—certainly above the upper limit of WorkCover's allowance of $590. Mr B had a legal bill to pay even though the case was decided in his favour. That is one example of a section 36 notice. Mr B started receiving back payments with respect to his case on 6 December. His regular payments should have recommenced, but they did not because, by this time, his case had been taken over by a private insurer. On the same day as his back payments were commenced, the insurance company issued another discontinuance notice with some weeks' redundancy payment, claiming that Mr B had recovered sufficiently to return to work.

The court had found that the discontinuance notice was invalid but another discontinuance notice was issued immediately thereafter. This issue is currently being defended at a review hearing by Mr B's solicitor. In March 1996, out of the blue, Mr B received a LOEC notice from his insurer, MMI, together with a cheque to the value of just under $4 000, which was his entitlement as calculated under the

LOEC formula. Prior to the receipt of that cheque there had been no communication from the insurer concerning this matter. Mr B telephoned his lawyer and asked, 'What do I do?' The lawyer advised, 'Do not cash the cheque; send it to me.' Mr B then discovered that, on the very day the cheque had been written, Social Security had reduced his payments by $75 a week as a result of his receiving the cheque.

So he did not have the cheque, and his payments had been stopped. What was he to do as he needed the money? In the meantime, his injury had increased in severity, and he was in a worse situation. There had been two section 36 notices and, while one was still subject to appeal, the LOEC payment just appeared in the mail. Of course, constituents such as Mr B have been subject to the stress of all this, along with the cost associated with lawyers. The Minister talks about our system alleviating the need for expensive lawyers, but constituents such as mine who find themselves without good representation need to employ lawyers. They might be chasing only a tiny amount of money, but with that comes lawyer's fees.

For the sake of constituents such as those I have talked about on many occasions in this House, and for the sake of the constituents to whom the members for Napier and Ross Smith have referred, we urge all members of this House to consider the amendment regarding the abolition of section 42 of the Act, which deals with the LOEC provisions, to remedy in practice what my constituents are finding is an unreasonable, inflexible and totally devastating practical effect on their livelihoods.

Mrs GERAGHTY (Torrens): Along with members on this side of the House, I support the amendment. I would like to read two of the many letters that I have received recently, because both express the trauma, pain and indignity that injured workers are suffering. A letter from John states:

I address this letter to the Government and in particular to the Minister of Industrial Affairs, in respect to the changes in the WorkCover Act. The Minister and the Government have shown a complete disregard to the unfortunate workers who through no fault of their own have suffered a work related injury, at best one could say that the Act has been changed with all the best intentions. However, I question the best for whom.

On reading *Hansard* February 1995 to November 1995 it's quite clear that the intent of the Act favours the Government and the employers, in fact, there is no empathy shown towards the injured workers. I witnessed very little attempt in the *Hansard* to put the injured worker on a level playing field.

The intent of the changes to the Act as presented is quite clear. I can't accept that the perpetrators of such a draconian piece of legislation were not fully aware of the impact that their actions would have on the persons to whom it was intended.

Whilst the Act appears to address the rights of the injured party, one only has to witness the intimidating and blackmail methods used by the WorkCover contracted insurers, to coerce the injured workers to agree to the demands made of them, to realise the full intent of the Act. Recent media reports support my allegations.

I would classify the changes in the Act as a bad piece of legislation with its sole purpose to address the monetary interest of the present Government. There appears to be a complete disregard for the health and future well-being of the injured worker and their families. Legislators may well argue their interpretation of the Act, and its purpose however there is no excuse as to the way it is being presented.

An injured worker may well be excused to feel that they have been discriminated against adding fuel to the system that treats the injured worker at times as a second class citizen. Is it any wonder that the injured workers are suffering from unnecessary stress and trauma, brought about by the dogmatic attitude, by the Government in respect to the implications of the Act, and by the tactics used by their agents, in order to achieve the desired results?

His wife received a letter from MMI (a very well known and very disliked agent), which states, in part:

MMI will take into account what you could earn in suitable employment without actually finding you the specific job.

Her husband's letter continues:

To clarify the points made, and the issues raised, I present a brief insight into the effects that a work related injury has had on my wife and her family.

On 28 August 1988 my wife sustained an injury to her lower back whilst carrying out her function as a recruiting officer. As a direct result of the injury, my wife was away from work for nine months. Her employer during this period had decided not to reinstate her and would not place her within the organisation, you can see at this point that the discrimination process had began.

My wife obtained a position with a charitable organisation and was restricted in her employ due to the extreme pain and discomfort as a direct result of her injury, and the need to continue medical treatments as prescribed by doctor. Unfortunately the pain became so severe, causing restrictions in her basic functions, and on 3 February 1992 the first of four operations was performed, eight days later whilst still in hospital recovering, the second operation was carried out.

What followed from then can only be described as a nightmare. Two more operations were required in order to relieve the excruciating constant pain and discomfort that my wife was experiencing, the last being performed on 20 April 1993. As a result of the accident, my wife was left with a legacy of extreme pain, ongoing stress and trauma, with a dysfunction in her left leg. The need to take medication for pain at least four times a day, sleepless nights, and the distinct possibility of further damage to her injured spine, which could result in more nerve damage to her left leg, that could result in severe motor restrictions in her lower limbs.

In fact, the pain has been so severe at times she has suffered migraines causing temporary blindness. My wife is severely restricted in carrying out the fundamental day-to-day functions that most people take for granted.

He goes on to speak about the normal things we do such as bending, sitting, hanging out washing, climbing stairs, ironing, and so on. She has trouble even getting in and out of the car, along with any action that puts pressure on her lower spine. To add to her physical and mental suffering, there is the pressure and stress that the immediate family experience as a result, and I know that the member for Napier has mentioned this before. Unfortunately, this is just too often discounted by the bureaucrats. The letter continues:

I can assure you by my own experience that the families do suffer the mental anguish, and as a result has a distinct bearing on the family's future and well-being. Allied to that is the monetary loss incurred leading to lowering of the family's standard of living. And finally as if having to go through the ordeal to date isn't enough, my wife and her family are now faced with the *coup de grace*. The final act of the faceless ones, who will tell her, in complete defiance of her . . . doctor's reports, and disregard to her physical condition, that she is fit to obtain employment in some obscure position that may be totally unrelated to her skills and experience, that perhaps even Einstein would have had trouble trying to work out how they arrived at such a decision. Further to this she will be told that her entitlements will be reduced by the amount of the income derived from the nominated position, even though there is no position for her.

My wife has a right to appeal but this is strongly discouraged by the authorities, by virtue of their intimidating ways. I can assure you that 28 August 1988 is a day that my wife will never forget, as the day that changed her life and that of her family. All is asked is that my wife receive a fair and equitable resolution.

That letter is from a man who is exceptionally well educated and who had never previously encountered anything to do with workers' injuries. He is very angry. The other letter that I should like to read is from Paul, as follows:

I am writing to you to bring to your attention the deplorable course of events that I have had dealt to me through the WorkCover system. I was employed at—

I will not name the company—

as a maintenance person and general supervisor when on 14/6/91 I sustained a lower back disc injury (lumbar disc protrusion). I continued to work doing modified light duties for a couple of years,

but along with this change of duties came a $7 000 a year drop in wages because I was not able to do my normal duties which involved regular overtime.

In September 1994 I received $10 644 as compensation for the permanent loss of some lower back function and $11 856 as compensation for my employer's negligence. Only eight months later I was retrenched from work. At that stage I had been a permanent employee for eight years. I was the only one retrenched, even though the company continued to employ full-time casual staff. With the union representing me, we took an unlawful dismissal case before the Industrial Commission, our case being that because of WorkCover status and suing the company for negligence I had been singled out and retrenched. The commissioner said that he thought that it made good business sense to retrench a handicapped employee rather than an able-bodied employee and that I had no case.

And we call that justice! The letter continues:

While I have been out of work, WorkCover continued to pay me weekly, but again a further $5 000 a year drop in wages. WorkCover had me report fortnightly to [a particular consultant] who assists me with job hunting, resumes, etc. He also explained to me that I had been placed on the priority list with their Re-employment Incentive Scheme (REIS) where WorkCover had six full-time people combing the State, promoting the substantial financial subsidy and no obligation six-week free trial they would get if they employed somebody on WorkCover.

I have also registered with the CES and in the nine months I have only managed to get one interview, and prior to that interview they did not know about my disability. I asked WorkCover about retraining or courses that I could do to increase my chances as I am only 30 years old and have done only welding and maintenance work before, and my injury is permanent. They said that I had to get the job first and they would pay a couple of weeks training only, and now WorkCover have dropped my wage down to $1 855 per year because I have been incapacitated for more than two years.

WorkCover have stated in a letter to me that it is considered that I am suited for employment which I have a reasonable prospect of obtaining as a sales assistant and that as a sales assistant I could earn $22 152 per year, so they will only pay me the difference. They have also taken away the REIS assistance, so now I have even less chance of gaining employment.

Paul has been attempting to find work. He wrote to a sales store and asked for a position as a shop assistant. Part of the reply he received states:

Unfortunately, we do not have any vacancies which closely match your background, skills and experience. Therefore, I regret to advise that on this occasion I am unable to be of any assistance.

These are the sorts of letters that my constituents are constantly receiving. He goes on to say:

I would like to know how WorkCover believe I have a reasonable prospect of obtaining sales work when I have no experience and with the physical limitation I have in respect to standing or sitting and lifting. . .

It is clear to me that WorkCover is no longer interested in rehabilitation; its only concern for people who are incapacitated for more than two years is to cut them off the system. I am currently appealing WorkCover's decision. People on WorkCover not only have to cope with the hardship, pain and stress that comes with an injury but that which is provided by the WorkCover system. They expect me to live on $35 a week. I will have to seek welfare. Is there anything that you can do to help me in these matters?

Such sentiments have been expressed time and again in this place. I and other members have constantly raised the plight of injured workers. We simply have to do something about it. Injured workers are not fodder; they are valuable members of our community. They have been injured in the course of their work through no fault of their own. They choose not for it to happen. I think that anyone who sought to get onto the WorkCover system would be insane if they did so voluntarily. At this stage the system is cruel and inhuman and it causes pain to injured workers and their families. The words that I have read are not just my words; they are the words of hundreds and hundreds of injured workers and of their families as well.

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. G.A. INGERSON: I wish to make some comments in reply to members opposite. We need to recognise that we have been talking about issues which have nothing to do with the amendment, and I will come to those later. I will start with the Deputy Leader. It fascinates me that he should say that this whole process has been confused by Parliament. In 1992 the Labor Party brought in LOEC. It brought in a specific provision that prevented the review process. It was done deliberately by the previous Minister under a Labor Government, and there had been no complaints until we had a Liberal Government. It is quite amusing that all the criticism we made when we were in Opposition about LOEC and the fact that the review process did not have to be taken into consideration is now a different story.

It is absolutely amazing that we have the Labor Party coming into this place and going crook about its own amendment and the fact that the process that was followed saved the scheme a huge amount of dollars. It was introduced by the Labor Party and not one word has been changed by this Government. However, when things are different they are not the same. There is no confusion by Parliament. Parliament has set the rules and they have not been changed by this Government at any time.

The other issue brought up by the Deputy Leader was the numbers of people who had been affected. When we went through this legislation some time ago and made the changes in relation to the two-year review, I stated that more than 50 per cent of people who passed the second year had disabilities of less than 10 per cent. It turns out that 53 per cent of all people on the scheme for more than two years have a disability of less than 10 per cent. If members will bear that in mind they will see why, from some of the statements that I shall be making in a minute, that situation holds up. I have been informed that in the past three months $47.29 million has been paid out of WorkCover to 1 252 families.

I was informed tonight that in the past week $2.5 million on top of that had been paid out. So, since January nearly $50 million has been paid out of the WorkCover scheme because of the redemption process available to people. It involves 1 252 families and a total of only 5 000 people with injuries lasting more than two years. So, a quarter of the families have opted out of the scheme because the Liberal Party, with the support of the Democrats, was able to introduce redemptions.

Mr Clarke: We agreed with it.

The Hon. G.A. INGERSON: You say you agreed with it now but for the first eight years after your Government introduced LOEC there was no review process and 1 200 LOEC cases were dealt with in that period. There are now 1 400 families on LOEC. There were 1 200 families on LOEC under the previous Government's organisation. They were all handled with no reviews and no opportunity for those families to question the LOEC system, but now they all need to be questioned. Let us not forget that 1 259 families have opted out of the scheme because of the provisions introduced by the Liberal Party. The Deputy Leader said that it was all about LOEC. It is not all about LOEC: it is all about the fact that we now have a reasonable second-year review process.

It is interesting to note that the member for Giles has walked into the House. The member for Giles was the very person who in this House when the legislation was introduced said that, if we do not get a decent second-year review process, this whole scheme will fall to bits.

In 1986 the member for Giles said that if this does not work we will have to fix it up. It was not until this Government came into power that a start was made on remedying the second-year review situation. It is fascinating that, with all these people who said they were concerned about the second-year review process, 1 259 of those families have jumped off the scheme for $50 million: $50 million has been paid out in order to give people the opportunity to get out, and most of those people had disability levels of less than 10 per cent. We have heard anecdotal evidence that those very people have resumed work. They have got the $50 million. When it was not available they were on WorkCover because they could not work, but they are now back at work and $50 million is back in the community.

It is important to put into perspective the comments of members opposite. I accept that there are some cases in the WorkCover system where people have been treated unfairly. The Government, WorkCover and I are prepared to accept that. That is why we have a review process and why out of this system a very small number of people offered the ability to leave the scheme and take redemptions have actually put their hand up about review. They represent a very small number relative to the 25 per cent of cases that have decided to jump out of the scheme. This Government has paid out $50 million to 1 259 families, and that is something the previous Government did not want to do. The second-year review process is starting to sort this issue out. It is absolutely fascinating that, when cash is suddenly available, people who were not able to leave the scheme previously have chosen to do so.

Ms Hurley interjecting:

The Hon. G.A. INGERSON: Well, 1 259 people—

Ms Hurley: Are they all working?

The Hon. G.A. INGERSON: No, I did not say that. I said that a very large number of those people have jumped onto it. The honourable member opposite is prepared to say that that is not a good thing: $50 million has been paid out, because those people have accepted the changes to the scheme. Some members opposite talked about the deeming process. The deeming process is a nationally accepted process in WorkCover. Every single WorkCover scheme has a deeming process. WorkCover is not an employment scheme: it is about compensation for injuries at work. WorkCover has never been a guaranteed employment scheme, and nor should it be. WorkCover is a compensation scheme in which people ought to try to get back to work through a rehabilitation process.

An interesting issue which I mentioned in this House the other day is that under this scheme we now have the best return to work process and scheme we have ever had in South Australia. That is because there has been a recognition, supported by the Opposition, that we needed to have a better rehabilitation scheme. It is starting to work, because people are not on the scheme for as long as they were before. Members opposite continue to forget that we are talking about people who have been on the scheme for two years. We are not talking about people at the front end or in the middle process. We are getting improvement there, but we are now starting to get people with the opportunity to leave the scheme actually taking it. Almost a quarter of the people who were past the second-year process have decided to opt out. They have to have legal representation and financial advice, otherwise they cannot opt out. The 1 259 people who have taken the $50 million and gone out to do their own thing within the community have all had that support system supplied to them. Another matter referred to was that of extreme cases. I accept that there are extreme cases.

Mr Clarke: A lot of them.

The Hon. G.A. INGERSON: Let us put them into perspective. How many is 'a lot'? The honourable member opposite mentioned a dozen quickly, but we do not hear about the 1 259, because that does not suit the argument.

Ms Hurley interjecting:

The Hon. G.A. INGERSON: No, you have been talking about redemption. You have been talking about the deeming process and the review process. Those processes are in place to look after this extreme view. The Government has written to the Opposition and to the Democrats and said that there will be no further LOECs under this scheme. The matter will be before the board on Friday and will be ratified by the board on Friday. There will be no further LOECs. The Opposition's amendment totally ignores the fact that the 1 400 families currently under LOEC will, if this section is repealed, all cop income tax payments, because the scheme no longer covers anyone. We have to find accounting and legal opt-outs for all those people.

The Government is prepared to accept that issue and work through that process. One cannot suddenly repeal provisions involving 1 400 families and leave them out when the previous Government set them up in a scheme where taxation was saved and where they were put on yearly instead of monthly payments. One cannot simply turn that over and say that we will do it by repealing the Act and all will be well: it does not work that way. The Government is committed to sitting down with the Opposition and the Democrats to ensure that all those people who were put on by the Labor Government are looked after in this process of change. We have made the commitment sincerely to work through the process, but we are not prepared to accept a repeal of that section, because it leaves out 1 400 families that the Labor Party included.

You cannot simply repeal it, because they will be left out in the cold. The very people whom the Labor Party put on LOEC because it would save money for the scheme will now be disadvantaged because it wants to repeal it. You cannot do that. There is a commitment on the record that the Government will join with the Opposition to work through a process. There will be no further LOECs after the board meeting on Friday. We have already told the Opposition that, as a Government, we do not agree with that process. We have gone to WorkCover to make sure that all the people who have been disadvantaged by the review process—that is, those people who have not been able to receive payments—will receive interim payments. We have already made that statement in writing to the Deputy Leader of the Opposition—and that clears up the issue of those people who have been badly affected. By putting this legislation through in a hurry, we will not achieve what I am sure members opposite really want: that is, fairness for those who are already on the scheme and fairness for people in the future. We need to make absolutely sure that we do not repeal this Act and leave those people in a mess.

The sort of hypocrisy that we have heard tonight is quite amazing. It was the Labor Party which introduced this whole scheme. It thought it was wonderful, that it would actually

save money. Because we are using the same process to save money, the Opposition says that it is wrong: it is right in one hand but it is wrong in the other. That is absolute nonsense. We need to get down to the basic problem—that is, we need to sort out this process—but that cannot be done by repealing this part of the Act.

I think that sums up most of the matters which the Opposition has put forward tonight. At the end of the day, we must try to reduce our unfunded liability. We must get people off the scheme and back to work or redeem them. I keep on saying this: the fact that 1 259 families have taken $50 million out of the scheme in the past three months suggests that there is—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: It is estimated that the savings will be almost double that amount, but everyone has done it voluntarily. In essence, every single person who has done it has been required to get legal and accounting advice in respect of whether it is fair. I am advised that less than 20 per cent of the people who have taken a redemption have gone through the LOEC process. That is an important issue which the Deputy Leader ought to pick up on. About one-fifth of these cases have gone through the LOEC process; the remainder have gone through a straight redemption process. That is my advice, and I think that is important.

The Government is prepared to work through this process, but it is not prepared to do it tonight or during this session. It is a very complicated procedure, one which was set up by the previous Government, and the Opposition cannot unwind it just by repealing it. The Government is prepared to make sure that there are no further LOECs. I am advised that, whilst the LOEC process was of great value yesterday—and that value was taken on board by the previous Government—it has no value in the future because the redemption process and the second year review have overridden it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

New clause 2A—'Repeal of part 4, division 4B.'

Mr CLARKE: I move:

After clause 2—Insert new clause as follows:

2A. Division 4B of part 4 (comprising sections 42A and 42B) is repealed.

During my second reading speech I explained what the Opposition seeks by way of this new clause; however, I wish to make a couple of points in response to what the Minister said in his reply. I understand what the Minister is getting at with respect to those 1 400 families who have already received LOEC payments, and I accept that there could be some difficulties. It reminds me of the discussion I had with Parliamentary Counsel on this matter, which was to the effect that, if this legislation were accepted, there would probably be the need to insert some transitional provisions to cover those difficulties. However, on the surface it appears to me that our amendment is prospective; the only difference is that, in respect of those families who have already received LOEC payments, when they fall due in 12 months, what ordinarily would have been another LOEC commutation, they will simply revert to weekly payments. If that is not the case, it is not beyond the wit of us collectively to come up with some transitional provisions to overcome the difficulty that the Minister has outlined.

Another point that the Minister made in his second reading response was the payment of nearly $50 million to 1 259 families. Of course, that amount was not for LOEC payments but for redemptions. I wish to put on the record that, whilst the Opposition opposed much of the Government's workers' compensation legislation last year, it supported redemptions being in the Act for all the reasons which the Minister has put forward: that is, that many insured workers had been on the system for a long time and had had a gutful of WorkCover and all the pressures associated with it. They were only too happy to have an opportunity, in a sense, to buy out their weekly income payments in the form of a redemption package so that they could get off the system and get on with their life and perhaps open a small business. The Opposition supported that.

As the Minister pointed out, whilst WorkCover is paying out nearly $50 million in redemptions, that is a capital one-off cost and, had those workers been on workers' compensation weekly income payments for a number of years, it would probably have cost WorkCover and the employer community double that which has been paid out by WorkCover. So, there is a significant saving to WorkCover and the scheme as a whole. The Labor Party is not opposed to that.

In a redemption process, WorkCover will not pay out in a lump sum the full amount of money that the worker might otherwise have received to age 65, and the worker is prepared to accept less than that on the basis that they get access to some capital immediately, settle their debts, perhaps start a new life and a new career, and live a far better lifestyle after that. The Minister also referred to the hypocrisy of the Labor Party, saying that we brought in LOEC in 1992 and now we oppose it under the Liberal Party. The difference is that we are not dealing with like and like. LOEC has not changed—the Minister is entirely right in that respect. What has changed is section 35(5) dealing with the two year review under the principal Act. It was changed significantly by the Democrat amendments, which were supported by this Government almost 12 months ago. It made it far easier for people to be pushed off workers compensation income maintenance.

In 1992 we had the Peterson amendments (after the former Speaker), supported by the Liberal Party in this House and opposed by the Labor Party. Although in Government, we were a minority. We did not have the numbers on this floor and were compelled by political circumstances to change our vote in another place. Part of that package in 1992 took away the common law rights for pain and suffering under the workers compensation legislation. The scheme has changed a lot since 1986, as there is no common law for anything. In 1986 there was no common law for loss of income, but there was common law for pain and suffering.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: Well, the Peterson amendments took it out. The then Labor Government voted against it in this Chamber, but the Independents and the Liberal Party had the numbers on the floor of this House at that time. So, it is not as simple as the Minister would paint the picture.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I know that the Minister says it is very simple because that is how he chooses to believe life actually is, but it is not. I have pointed that out and will not belabour the point further. It just makes the point quite accurately in terms of the historic sequence of events and of where we are at today. In conclusion, the Minister says that we do not need this legislation as he has directed the board—and the board will be meeting this Friday—to give effect to the thrust of the Opposition's amendment.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister has said that the board will say that no further LOEC payments will be introduced. My amendment in principle does the same. As I pointed out, if the Government wishes to accept our amendment in principle we could work out the transitional arrangements quickly overnight and fix it.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: The Minister says that we cannot. The fact of the matter is that it can be. Whatever the Minister's protestations, we are masters of our own destiny and make the laws in this Parliament. If the major political Parties decide how the legislation will be drafted so that any problems the Minister has identified can be rectified by transitional provisions within the legislation, that can be done swiftly.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: I will wait with interest to hear from the Minister with respect to that area. I commend the proposed new clause to members. The Opposition will not divide on it, not because we do not believe in it but simply because we understand the weight of numbers in this House—36 to 11. There are other Bills to be debated, and this matter will be further agitated in another place and we will have our opportunity there. The fact that we will not divide does not lessen the strength of our argument; it is simply that we recognise the practical reality of the numbers in the Committee at this time, if the Government persists in opposing the proposed new clause.

The Hon. G.A. INGERSON: Section 35(5), which relates to the second year review, only reflects what the Labor Party believed it had in place prior to the James case. It is exactly the same principle. So, this bleating about not having a second year review takes me back to the comments of the member for Giles in 1986 in which he put on the public record, after questioning from me as a result of a QC coming forward and saying that the second year review would not work, the undertaking that if it did not work he supported the principle and would fix it up. It took eight years for that to happen.

It was because of the James case, and because the previous Government was not prepared to accept that the James case was an anomaly that should never have been allowed to occur under the original intent. Because it did occur and the courts accepted it, Parliament should have corrected it. Every time I brought it up in this place as shadow Minister the then Minister said, 'It's okay, don't worry about it, we think it's okay'. In reality, this amendment has exactly the same intent as the original intention to have a second year review, so there is no change whatsoever in intent.

In terms of common law, the Labor Party decided to give it away and sold all the workers down the drain. The reason it sold them down the drain was that it believed at that time that the weekly payment system we now have was a better option. I remember a paper, which the current Deputy Leader signed, verifying that he thought it was a good idea to take out the common law system and replace it with this as an alternative. No system is perfect. It was put in as an alternative.

Court decisions in relation to LOEC basically say that you cannot go back. We have received this amendment today. It is absolutely impossible for us to develop transitional clauses to pick up those legal cases and ensure that we pick up all those court decisions in relation to LOEC. However, it can be achieved by this Government's making a commitment in this place and administratively to the board on Friday. There will be a board decision on Friday, because this whole process requires not a legal decision but an administrative decision. It is not a legal issue or a simple change to the Act but an administrative issue.

If the board decides that there will be no further LOECs, exactly as the board made the decision some four or five years ago that we had to step up LOECs because the previous Government wanted to reduce the cost of the scheme, you can do exactly the reverse and unwind it. As Minister I have written to the board asking that that occur, and it is my advice that that is probably what will happen. There is no evidence to suggest otherwise. LOECs will stop there, and there will be no further LOECs from Friday onwards because it is an administrative exercise.

I accept that there are real difficulties with the 1 400 people currently in the scheme, and at the moment I cannot tell the honourable member what the issues are in respect of the taxation law. I accept that there are issues and I have told Parliament that, once we have had time to go through those issues—it could be one, two, or six weeks or 12 months—there is a commitment that we will sort out that process and look at the taxation issue. However, we also have to look at all the legal ramifications for the people on it. Those people in essence have saved tax themselves, as has the scheme, and we have to sort it out. You cannot do that in 24 hours. There is a will by the Government to recognise the problem, but you cannot fix it up in 24 hours.

We have given a commitment that we will come back during the budget session, after consultation with the Opposition and the Democrats, as we have done in the past 12 months, to start to genuinely sort out this process. You cannot do it overnight. As far as the Opposition is concerned, there will be no further use of LOEC in terms of the way it has been done because the board can administratively put it on or take it off. There will be no further LOECs and we have asked the board to do that, but I need time to sort out the 1 400 people, as I have given a commitment to do. Surely something done in good faith by the previous Government cannot be unwound in 24 hours simply by repealing it. That is our legal advice. You cannot do it by repealing it, as you will create problems for all these people. Surely the Opposition must recognise that, if the Government clearly puts down on the public record that it will work with it to sort out the problems in this area, that is the best possible outcome.

There is no way that we can design enough transitional clauses and neither do I have enough information on the tax law or the legal ramifications which are already in place—and we cannot go back. I cannot unwind that with transitional clauses in 24 hours. But there is a commitment by the Government to sit down with the Opposition and the Democrats to attempt to sort it out. If we require legislation, we will bring it in and sort it out. By putting in the transitional interim payments, by making a commitment that no-one will be out of pocket through the use of LOEC in the redemption process over the last three months and by getting rid of LOEC as an administrative process, we have covered every single issue about which the Opposition is concerned.

If the answer is to repeal the provision, we shall be happy to consider that in the Budget session. We have stopped the whole process and worked out ways and means to compensate or make interim payments for those who have been affected by the review process. We are really saying to the Opposition and the Democrats that we are going as far as we can legally go to stop and look after those involved. We have the problem of the 1 400 but we are prepared to work it

through. Certainly, we cannot do that in two days. It is not because we do not want to, because there is a commitment to do it: it is just totally impossible for us to come up with all the legal issues that I am informed will probably fall out for those 1 400 people.

New clause negatived.

Remaining clauses (3 to 6) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN WATER CORPORATION (PUBLIC INTEREST SAFEGUARDS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL 1996

Returned from the Legislative Council without amendment.

COMMUNITY TITLES BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments.

MOTOR VEHICLES (MISCELLANEOUS NO. 2) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

WITNESS PROTECTION BILL

Returned from the Legislative Council with amendments.

WILLS (EFFECT OF TERMINATION OF MARRIAGE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

RAIL SAFETY BILL

Adjourned debate on second reading.

(Continued from 3 April. Page 1397.)

Mr ATKINSON (Spence): This is another Bill which seeks to implement a uniform approach to a topic across Australia, in this case railway safety. One of the developments that has prompted the Bill has been the prospect of privately operated railways. I think these operate in a number of places in Australia, but the one that springs to my mind is the passenger service between Warrnambool and Melbourne

Mr Venning interjecting:

Mr ATKINSON: The member for Custance says there are none in South Australia, but I am sure that his Liberal Government will be happy to try to flog the Outer Harbor line and the Grange line to private operators and, if the Government does not succeed, it may be that the Grange line will be closed. That is a matter I will be following with great interest, as I represent an electorate with so many stations on the Grange line.

The Minister tells us that in February 1994 something called the Australian Transport Council was formed and it ratified the suggestions of a working party report entitled 'A National Approach to Rail Safety Regulation'. The purpose of the report was to encourage accreditation of railway owners and operators according to safety standards and mutual recognition of accreditation between the States and Territories and to facilitate competition between railways consistent with safe working practice.

All the Australian mainland States and the Commonwealth became parties to an inter-governmental agreement on this matter and this Bill is a fulfilment of the agreement in respect of South Australia. It provides that all owners and operators involved in interstate rail operations should be accredited, that there should be mutual recognition of the accreditation and there should be a method of resolving disputes. As it happens, there will also be safety accreditation for intrastate railway owners and operators such as our own TransAdelaide.

The Minister argues that mutual recognition will save money and that the scheme to be inaugurated by this Bill will allow independent investigations of all railway accidents and serious incidents. These investigations will be conducted by a person drawn from a national panel, which will consist of a number of experienced rail investigators nominated by each party to the inter-governmental agreement.

One incident that the investigators will be looking into is the recent fatal railway accident near Kalgoorlie in Western Australia. The Bill requires that accidents and incidents be notified to the accrediting authority. The Opposition has read the Minister's second reading explanation and the explanation of the clauses and finds nothing with which to quibble. Accordingly, the Opposition supports the Bill.

Mr VENNING (Custance): I have great interest in supporting this Bill. Ever since I entered this House, nearly six years ago, I have had a strong interest in the railways. The demise of the railways dates back to a former Labor Premier in South Australia, the Hon. Don Dunstan. I noted with great interest the speech made by the member for Spence. I appreciate his support for this Bill, but the hypocrisy and inaction of consecutive Labor Governments in South Australia have left our rail system in absolute and total tatters to the degree that many of our lines are either closed or have been pulled up.

Over the weekend I was driving from Eudunda to Kapunda and it is a disgrace that the rail line has been pulled up—another left-over problem from the Labor Party. It is an absolute disgrace. It is an important Bill and, hopefully, the outcome will mean a more efficient national and State transport system. The safety aspect is vital to market confidence in the rail industry, as well as efficiency in the economy of transport. I am pleased to see the safety accreditation provisions in this Bill in respect of some jointly-used tracks and other points of conflict between the Adelaide suburban rail system, the country system and the interstate operations.

We should see more lines jointly used by TransAdelaide, AN and, hopefully, private operators. It is a total disgrace that TransAdelaide does not run rail services outside metropolitan Adelaide. Likewise, it is a disgrace that AN does not run services within the metropolitan area. This is a total nonsense considering that, many years ago, the South Australian rail system operated railways throughout South Australia and, Sir, you know the history of the rail system, because it has been debated in this place *ad nauseam*. Dunstan sold the railways and we now have this mishmash. It is not a joke because it is not even funny: it is very serious indeed. We have seen our

rail system desecrated to the point of inefficiency. No-one uses it as it is user unfriendly and the lines are being pulled up.

My main interest in this Bill obviously relates to the provision under which accreditation will embrace not only Government-owned railways, private freight operations, including mineral haulage, and historical trains operating within the State but also private operators who run local tours and any other private operators who might be involved in the provision of future suburban rail services.

I noted that the member for Spence named some services. I await with great anxiety the re-introduction of the Barossa rail service. I had high hopes that a private operator would pick up this service, but that is yet to come to fruition. Unless we can find a way of overcoming prohibitive insurance requirements and costings associated with line and station access and casual hiring of crews, we will not be able to attract competition in the form of private operators to the transport system. Without saying too much, I know that a lot of interest has been shown in the operation of private rail services but, when private operators are told the costs to, first, access the track and, secondly, to hire or use rolling stock owned by anyone else—

Mr Atkinson interjecting:

Mr VENNING: I mean to use the track—to have access to the use of the track, however the honourable member wants to put it. They then have to pay the insurance costs, and it is no wonder private operators turn away and say, 'The risk is not worth it.' The costs are so high they would start behind the eight ball. This situation has been going on for years. Nothing happens and so a railway line is pulled up. It is an absolute and total disgrace.

Enormous problems are to be overcome in establishing private rail services but we must do that because it is an absolute and total disgrace that railway lines are being pulled up in South Australia. I have been fighting this practice ever since coming into this place. The road between Hallett and Burra is completely worn out. Heavy freight is using the road and alongside it the railway line has been pulled up. It is a total disgrace.

Mr Andrew interjecting:

Mr VENNING: I have not ridden my pushbike, but the way things are I will certainly have to. That road is no longer in my electorate; I will have to speak to the member for Frome about it. It is not funny. Something is horribly wrong with our system when railway lines in perfect condition are closed because of lack of use and are then pulled up. Many of these lines are vital links; they are long-haul lines that ought to be economic but are not being used because the rail system in this State and Australia generally has not been allowed to trade fairly with other modes of transport because of this nonsense.

At long last we see acceptance of the principle that private companies can operate our rail services, but these impediments and hurdles have been put in place to make it unprofitable for them to do so. On the other hand, the provision of safety accreditation is a definite step in the right direction. It has never been done before and it is a good beginning. If a private operator can gain safety accreditation and if the other provisions of the Bill provide a more safe, efficient and economic rail system in the longer term, it might be easier for the private operators to gain more favourable insurance premiums, and that creates a problem. What comes first: the cart or the horse?

I want to do everything I can to help the private operators, because the public system has shown quite clearly that it cannot do it. I believe this Bill is necessary to streamline further the rail industry and, as such, I welcome and support it. I stress that we must do something to make the provision of private rail services attractive to the operators. I will support any private operator who will provide a service, especially if there is not already a service in place, and in most instances in my electorate there is not such a service.

I will quote a few instances of such services: the Adelaide to Barossa Valley train service should be an easy one to pick up. It involves a top tourist destination and the railway line has been upgraded. But no private operator is interested. We have seen only intransigence by several bodies, including AN, and TransAdelaide to a lesser degree, although it is not bothered so much. I have referred to the prohibitive costs. It should be extremely easy to pick up this service. Many have shown great interest and many have expressed interest to the Minister but, of course, when it comes to putting down a name and working out a business plan, the prohibitive costs kill the proposal.

Our good friend from the railway union, Mr John Crossing, has often spoken to me about rail services. He has asked, 'Why haven't we tried to include a Barossa service as an outer suburban service?' I do not know; no-one seems to know; no-one seems to have asked the question. Time and again these rail questions are all too hard. I would have thought that, over the past 40 years, commonsense would have been involved in some of these processes but, no, we have been quite happy to sit here and see these rail services run down and eventually pulled up.

We know the cost of replacing these lines; we know they will not be replaced. It is a travesty. It is a complete and total run down of a vital State asset. Another service that ought to be picked up is the Adelaide to Freeling to Kapunda line, a very picturesque and historic train ride, and festival trains would certainly be very popular.

Members would know that the Riverton station is famous all over Australia, because there is a magnificent building at Riverton. That train ride could go from Adelaide to Riverton *en route* to historic Burra. The Port Augusta to Adelaide service is a favourite one of mine. This service, although not a tourist service *per se*, certainly ought to be reintroduced, and I have urged the Minister to do that. It ought to be trialled again. Joy Baluch and I were on the last train that ran from Port Augusta to Adelaide. I am very concerned because surely, with an area in the north of our State with three cities in close proximity, there ought to be a connecting rail passenger service. There is no excuse, because the line involved is of a high grade, with a high standard of safety devices. There is no excuse, because we have the rolling stock—the 2 000 class railcar. All we lack is the will to be able to manage it and put it in place.

I have been discussing this matter for six years, and we are no closer to achieving any success. At least this Bill addresses some of the problems, whereby people can come and say, 'The Government has failed; surely, as a last resort, private companies ought to be encouraged to have a go and see whether we can have a service.' If they cannot do it and it fails, we can admit defeat and pull out the railway lines. As a member of Parliament, this subject has been very close to my heart. Railway lines were put down by our forebears, and they certainly opened up our State. They are as relevant today, particularly for long-haul freight and passenger services, as they were then. I travel approximately

70 000 kilometres in my motor car each year coming to and from Parliament, and that works out to a lot of lost time for me.

Mr Atkinson: You could be reading Bills on the train.

Mr VENNING: As the member for Spence said, I could be reading Bills on the train, and so I could. My father used to when he came to this place. He got on the train at Crystal Brook on Monday afternoon, did three or four hours work on the train, got off at the railway station, walked to Parliament House, put his cases down and caught a cab to where he had to go. Is that not commonsense? As a person who tries to maximise time efficiency, it narks me to realise that I spend so many hours a year sitting in my car, moving to and from Parliament. It is a total loss. If the train service was there, hundreds of other South Australians and I could avail ourselves of this service. As I said, it is a subject that is close to my heart. Let us hope that this Bill can be the catalyst to change the situation so that we can see privately run services in South Australia, particularly where the public system has failed. I certainly support this Bill.

The Hon. J.W. OLSEN (Minister for Infrastructure): I thank the House for its support for this measure.

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

ROAD TRAFFIC (DIRECTIONS AT LEVEL CROSSINGS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 April. Page 1397.)

Mr ATKINSON (Spence): A serious accident recently on the Belair railway line just south of the Goodwood station near the old Victoria Street signal box has prompted the Bill. The police have had exclusive authority to administer level crossings during breakdowns, emergencies and track work. That exclusive authority has more often been honoured in the breach than the observance. The Minister argues that police officers are not normally available to supervise rail traffic during track work. The Bill will give railway employees—provided they are in uniform or carry identity papers—the authority to regulate movement of vehicles and pedestrians over level crossings during breakdowns, emergencies and track work. The Bill also applies to tramways and to regulating the movement of trains on the opposing directional track when only one track of a two-track railway is working. The Minister points out that the Bill conforms to the draft Australian National Road Rules. The Opposition sees the necessity for the Bill and will support it.

Mr VENNING (Custance): I rise in support of this Bill, which will facilitate the efficient running of our railways in South Australia. As the member for Spence said, it allows railway employees to protect level crossings. The need for this Bill arose from the Passenger Transport Act 1994, which we have passed in this House, and the associated amendments to the Road Traffic Act 1961. As a result of these amendments, a changed method of protecting our level crossings has occurred, mainly for legal reasons of responsibility and also indemnity to rail employees. General operating and safe working rules regulate train services across Australia, and incorporated within the safe working rules is a provision of allowing trains to operate on opposing tracks, where there are two lines. Patrons would naturally think that is one is an up track and one is a down track.

An honourable member interjecting:

Mr VENNING: They could be travelling either way. Usually, the right is up and the left is down. Because I am where I am in politics, I suppose that is fair enough. This measure gives flexibility so that, in the case of a breakdown, the rail services can use either rail, and can be indemnified when doing so. Of course, they would do this mainly when there is a breakdown or an emergency. Rather than shut down the service, they can then move the train onto the other line and keep operating. This will allow continuing train movements to operate safely during these times of closure; there will not be the delays can occur with rail services and, as much as possible, those services will be able to continue to operate. It will enable the railways to offer the best service and maintain timetables as much as possible.

As the member for Spence said, this Bill will also give the railway authority employee legal authority to regulate traffic across level crossings without the attendance of a police officer. As the honourable member also said, no doubt a uniform would have to be worn, accompanied by a certificate of accreditation, so that the employees concerned can be recognised. It gives these rail workers the legal authority to perform such duties. That is commonsense, because when these things happen often police officers are not present, and it gives the rail service so much more flexibility.

In addition, no direct communication is available between the police and the Railways Operations Control Centre. This communication link is essential for maintaining safety and communicating times of train movement through the respective level crossings. I want to ask the Minister a question, because I am not clear about this matter. I agree with the principle that this communication link is vital, but does this Bill provide for and/or does it insist on this communication link? It certainly needs to be there, but it is not clear to me whether this Bill insists on that. It is imperative that the essential track work continues on the rail systems in times of emergency or failure of the system anywhere at all, and that the railway authority—presently TransAdelaide—must be allowed to legally protect railway level crossings from dangers to road users and traffic generally. The Bill will allow this to happen.

This question of rail crossings has been the bane of my life ever since I was a child living in the country. Level crossings have always been a problem because, from my position, particularly in local government, government has always been hesitant to provide level crossings with warning devices. We still have many crossings in our country regions, and no doubt other country members have unprotected crossings with no warning devices at all.

For years I have been raising the issue of trains being black or unpainted. It is frightening in the middle of the night to come across an unmarked crossing and to realise there is a train there. I know of several people who have lost their lives having driven straight into a train not knowing it was there. In several different ways I have tried to coerce or force the rail authorities to paint reflective strips or put reflectors on the sides of trains so that people at level crossings which are not protected at least have a chance of seeing them. However, they have resisted that suggestion with a great deal of zeal. Even to this day, they have never admitted liability or said that they would do it.

I notice that today AN paints its railcars, particularly wagons, with a light colour which could almost be classed as

a yellow reflective colour. The authorities may have heeded my suggestion, but they will never admit that they are putting reflectors on trains. I suppose that is because they do not want to be held legally liable if the reflectors are not there or are so dirty that they cannot be seen. I want the Government, wherever possible, to encourage the placing of more warning devices on rail crossings. Several come to mind. One in particular is at Warnertown, near Port Pirie, about which the member for Frome would know. When I was the member for that area, I had many representations, and still there is no warning device there.

It worries me greatly that we have too many railway authorities in this State such as TransAdelaide, Australian National and National Freight. I hope that we shall have private entrepreneurs as well very shortly. In the 1930s we had three different gauges in some of our towns, and the railways were in a total mess. Admittedly we have addressed that situation. Whereas we have the lines in order, the management is far worse.

This is another Bill introduced by this Government in an endeavour to tidy up the problems of level crossings so that, when we get the rail systems going again, we can put in measures that can guarantee safety and allow the railways to operate with efficiency and, above all, be user friendly. I support the Bill and congratulate the Minister and the Government on introducing it.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I thank the House for its support of this measure.

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

CIVIL AVIATION (CARRIERS' LIABILITY) (MANDATORY INSURANCE AND ADMINISTRATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 April. Page 1398.)

Mr ATKINSON (Spence): The purpose of the Bill is to increase the maximum liability of airlines which carry passengers for reward and to eliminate some grounds for insurers avoiding liability for aviation accidents. All States and Territories have agreed to uniformity on this matter.

Mr Foley: It won't matter where you crash.

Mr ATKINSON: The member for Hart says that it will not matter where you crash. That is one of the fundamental purposes of the Bill. Australian Governments are of the view that liability limits have been too low for recent death and injury settlements. The Bill raises liability to a maximum of $500 000 for each passenger and insists that insurance policies not be voidable in the event of airline negligence or breach of Federal regulations. The new provisions will be administered by the Commonwealth's Civil Aviation Authority. The Opposition supports the Bill.

The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development): I thank the House for its support of this measure.

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

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 18 (clause 5)—Leave out 'there is at other times a continuous period of' and insert 'at other times there are'.

No. 2. Page 2, line 19 (clause 5)—After '24 hour period' insert '(which may be a continuous period of 6 hours, or 2 separate periods of 3 hours or 3 separate periods of 2 hours)'.

No. 3. Page 4, lines 17 and 18 (clause 10)—Leave out paragraph (a) and insert new paragraphs as follow:

'(a) as to $2.5 million—into the Sport and Recreation Fund established under this Part;

(a1) as to $3 million—into the Charitable and Social Welfare Fund established under this Part;

(a2) as to $19.5 million—into the Community Development Fund established under this Part;'.

No. 4. Page 4, line 20 (clause 10)—Leave out 'sum referred to in subsection (4)(a)' and insert 'sums referred to in subsection (4)(a), (a1) and (a2).'

No. 5. Page 4, line 21 (clause 10)—Leave out 'Community Development Fund' and insert 'various Funds'.

No. 6. Page 6 (clause 12)—After line 26 insert new sections as follow:

'Sport and Recreation Fund

73A. (1) The Sport and Recreation Fund is established.

(2) The Fund is to be kept at Treasury.

(3) The money paid into the Fund under this Part will from time to time be applied, in accordance with the directions of the Minister for Recreation, Sport and Racing, in financial assistance for sporting or recreation organisations.

(4) The Minister for Recreation, Sport and Racing must, before giving a direction under subsection (3), consult with the Economic and Finance Committee established under the Parliamentary Committees Act 1991.

(5) The Chief Executive of the Office for Recreation, Sport and Racing must provide the Economic and Finance Committee with such information as the Committee may require relating to applications for financial assistance made by sporting or recreation organisations.

(6) Financial assistance will not be given under this section to an organisation that is the holder of a gaming machine licence.

Charitable and Social Welfare Fund

73B. (1) The Charitable and Social Welfare Fund is established.

(2) The Fund will be kept at Treasury.

(3) The money paid into the Fund under this Part will from time to time be applied by the Treasurer, in accordance with the directions of a board that must be established by the Minister for Family and Community Services for the purpose, in financial assistance for charitable or social welfare organisations.

(4) The board established under subsection (3) is to consist of 5 members—

(a) being persons who have, between them, appropriate expertise in financial management and charitable or social welfare organisation administration; and

(b) at least 2 of whom are women and 2 are men.

(5) The procedures of the board will be as determined by the Minister for Family and Community Services.'

No. 7. Page 6, line 28 (clause 12)—Leave out '73A.' and insert '73C.'.

No. 8. Page 6, line 32 (clause 12)—Leave out paragraph (a).

No. 9. Page 7, line 8 (clause 13)—Leave out 'there is at other times a continuous period of' and insert 'at other times there are'.

No. 10. Page 7, line 8 (clause 13)—After '24 hour period' insert '(which may be a continuous period of 6 hours, or 2 separate periods of 3 hours or 3 separate periods of 2 hours)'.

Consideration in Committee.

Amendment No.1:

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

That the Legislative Council's amendment No. 1 be agreed to.

A number of changes were made to the Bill when it left this place as a result of consultation and negotiation with members of the Opposition. An issue that remained outstanding was that of the hours for which hotels and clubs would be required to keep their premises closed. The original provision within the Bill sought to ensure that for a minimum of six hours each day hotels and clubs would remain closed. I explained the reasons behind that provision put forward by the Government. That has been altered as a result of amendment No. 1, which deals with clause 5 of the Bill. The amendment provides:

. . . Leave out 'that there is at other times a continuous period of' and insert 'at other times there are'.

This is a test clause. It basically allows the hotels and clubs to remain closed for 6 hours, but they can make a choice of whether it is six continuous hours or two segments of three hours. I have my own views on the efficiency of this provision. My view is that in 99 per cent of circumstances six hours is the more appropriate provision given that we are trying to stop people from gambling by simply not allowing them to go on a continual gambling spree for 24, 48 or 72 hours, depending on how long they can last.

I received representations from several hotels on this issue. I raise it in this forum because, whilst I am willing to agree to the change here, it is not necessarily consistent with the original policy but still maintains a break in the trading hours. Whilst I am willing to agree with it, it is a matter of conscience. I put forward the suggestion that it is up to each member to make up their own mind. I believe that in the majority of cases there will be a six hour break. There will be very few hotels or clubs that will avail themselves of the opportunity presented by the amendment. It will probably be fairly messy for them to do so but I believe that the Bill achieves what it set out to do in this instance.

Motion carried.

Amendments Nos 2 to 10:

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

That the Legislative Council's amendments Nos 2 to 10 be agreed to.

The amendments which have been inserted in the Bill in another place deal with the provision of $2.5 million into the Sport and Recreation Fund, $3 million into the Charitable and Social Welfare Fund and the remainder, some $19.5 million, into the Community Development Fund. Again, it was a matter of discussion. I received representations from my Liberal colleagues on this issue. I would not wish a similar measure to be treated in this fashion again, because I believe that Governments should maintain control over the budgetary process; and, in any event, I believe that some of the recipients would have been beneficiaries of this process anyway. The extent to which that would have been the case would have been a matter of priority in terms of budget determination. I cannot at this stage—and nor could I until at least another month—determine whether those amounts were appropriate and whether they were a top priority as far as the Government is concerned.

However, I do recognise the logic expressed by persons on my side of politics and by persons opposite about the need for the Government to recognise certain deficiencies in the funding process. The issue in respect of who gains and who loses under this process has been well documented in debates in this Chamber. I will not repeat those debates, but I point out that it is a very messy process to create all these funds with the special provisions that relate to each of them. However, they do make general sense in that charities and the welfare sector have been recognised. As everyone is well aware, not only is there $3 million in the Charitable and Social Welfare Fund but there is a generous donation as well in the Gamblers Rehabilitation Fund of some $1.5 million by the IDC and by the hotels and clubs.

In terms of the Charitable and Social Welfare Fund, we believe that the Government would have made a significant commitment in this area. Whether it would have been more or less would not have been determined, as I said, until another month; but it is probably generally in line with what was being thought about at the time. I am not distressed by the hypothecation of this money: I am distressed by the principle of the hypothecation, as has been argued in this place. However, it means that there is some security of knowledge at least in that the Government is making a commitment to particular sectors.

Mr Foley interjecting:

The Hon. S.J. BAKER: As the honourable member points out, the original legislation did not receive my support. Of the $25 million, which was the target originally set by Government, $19.5 million is for more discretionary expenditure—it is not dedicated to a particular area of Government provisioning. That will make it possible for the Government to expend some money in areas which would not have been capable of being tackled under the normal budgetary procedures. The $19.5 million will be well-utilised for priorities such as education and health, and community development in its wider sense.

The Democrats wanted to hijack the whole increase in the poker machine revenue which is facilitated by this Bill. However, I am pleased to say that sanity prevailed and that members of the Upper House did not determine that they knew better than the Government how that money should be spent. There is still discretion in respect of the $19.5 million. I know that the Democrats do not give a damn whether it is $19.5 million or zero. They probably wanted to spend it on their own purposes, to curry favour with various groups and stand tall. I am a little tired of the politics played by the Democrats in this regard: whatever cause is going past, they grab hold of it and say, 'We can create another constituency because we are playing with someone else's money.'

The Democrats have no compunction about causing damage to what I think can be a significant contribution to the welfare of South Australians—and that is what it is all about. As Treasurer, I know that every day we have to battle with just meeting the immediacies of Government. The idea of the $25 million was to give the Government the capacity to do things which are special and which will make a difference to the future of South Australians. The $25 million was meant for that purpose and, to a large degree, that money will still be spent for that purpose even though three separate funds have been set up.

Motion carried.

SOUTH AUSTRALIAN MEAT CORPORATION (SALE OF ASSETS) BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (MEDIATION, ARBITRATION AND REFERRAL) BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 11.24 p.m. the House adjourned until Thursday 11 April at 10.30 a.m.