HOUSE OF ASSEMBLY

Wednesday 6 November 1996

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

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. Dean Brown)—

Operations of the Auditor-General's Department—Report, 1995-96

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

Legal Practitioners Disciplinary Tribunal—Report, 1995-96

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

Workers Rehabilitation and Compensation Act—Workers Compensation Tribunal—Rules 1996—
Notice of Dispute
Conciliation—Various.

COMMONWEALTH BUDGET

The Hon. S.J. BAKER (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.J. BAKER: I undertook to inform the House, when further details became available, of what budgetary measures the Government would make as part of the State's fiscal contribution to the Commonwealth budget targets discussed at the Premiers' Conference and reflected in the Commonwealth budget. On 1 October 1996, I advised that the Commonwealth Department of Finance figuring masked the true extent of the State's position, due to funding growth in new and existing targeted programs (which reflect Commonwealth priorities), changes in parameters, differing assumptions regarding allocative mechanisms and changes in accounting treatment and coverage of specific purpose payments.

Accordingly, I instructed the Department of Treasury and Finance to undertake a more comprehensive analysis of the Commonwealth Department of Finance data. This analysis was undertaken and provided to my Cabinet colleagues for confirmation. On 22 October 1996, I advised that the size of the cuts to specific purpose payments was some $24 million, resulting in total cuts of some $74 million. Subsequently, further work has been undertaken by the Department of Treasury and Finance in conjunction with Minister's offices.

On the basis of their advice, the net reductions in specific purpose payments to South Australia have been revised upwards by $.9 million to $25 million, comprising gross reductions of $26.9 million offset by increased funding to some existing programs of $1.9 million. These reductions will flow through to the maximum extent possible as cuts to the programs targeted by the Commonwealth. There will be no substitution of State funds to offset cuts which reflect Commonwealth priorities. However, it is our intention that the impact of the cuts on the community will be minimised as far as possible. It is important to note that the reduction in specific purpose payments of $25 million is less than the $33 million originally forecast at the time of the Premiers' Conference last June.

The major sectors affected by these reductions are health $12.2 million; transport $8.1 million; industry assistance and development $3.5 million; and vocational education and training $1 million. The health total includes a reduction of $5.5 million in the dental program. Various options are being considered by the South Australian Health Commission to ensure that there is an appropriate balance in the supply of dental services which adequately addresses public demand. Also included in the health figures is a reduction of $6.5 million in the hospital funding grant, which simply represents our per capita share of a total of some $70 million of costs which the Commonwealth claims States have shifted.

Concerns about the difficulties in definition and measurement of cost shifting, including reverse cost shifting to the State as a result of reduction in the number of privately insured persons, will be raised with the Commonwealth. At this stage, negotiations between respective Health Ministers are continuing and we would hope to minimise any effect on South Australia.

In the transport area, a reduction of $6 million is expected to be met through deferral of stages 2 and 3 of the Main North Road widening, and a $2.1 million reduction in maintenance expenditure is expected to be absorbed by contract maintenance savings.

The reduction in industry assistance and development largely reflects the $3 million cut previously announced in funding for the MFP. Also included in this category is a reduction of $500 000 in national estate funding. A number of actions are being considered including substitution of funding from other sources and seeking other opportunities such as commercial sponsorship.

In vocational education and training, in relation to the reduction in Entry Level (Pre-vocational) Training, there are 1997 Commonwealth proposals for similar courses to be offered either in schools or under the Modern Australian Apprenticeship and Trainee System (MAATS) access program. There will be some reduction in the pre-vocational program, however, as funding under these proposals will be less than under the current program. In addition, payments through the States have been reduced by $2.8 million, which is mainly in the area of capital grants on-passed to non-government schools and is unlikely to have a budget impact.

South Australia has also received funding for new programs of approximately $9 million. This mainly reflects payments under the Australian Land Transport Development Act for programs such as road safety black spots ($3 million) and national highways safety and urgent minor works ($5 million). These changes in Commonwealth allocations will have minimal impact on the 1996-97 State budget, which remains on track.

YOUNG FARMERS INCENTIVE SCHEME

The Hon. R.G. KERIN (Minister for Primary Industries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: The Young Farmers Incentive Scheme introduced by this Government has been a success and nearly 270 young people have been assisted to purchase land or become involved in leasing rural land or share farming. When the Government came to office, it pledged $7 million over three years as part of the Premier's 'Let's get South Australia really working' package of programs. This fulfilled one of the Party's election promises.

The scheme, which began on 1 May 1994, was an important part of the State Government's commitment to encourage young people under 30 years of age to stay on the land. The current scheme has been a success and the Government has fulfilled that commitment, with young farmers from across the State taking up the opportunity. A number of people knocked the scheme by claiming that there would not be sufficient interest, but the fact that nearly 270 young South Australians are benefiting indicates the widespread success of the scheme.

Just as importantly, these young people are staying in rural communities. The future of rural industries in South Australia rests with encouraging and supporting our young people. I commend all those who have taken up the challenge with this scheme. Under the $7 million scheme, interest rate subsidies were available from the Rural Industry Adjustment and Development Fund over three years to purchase land, or over five years to lease or share farm. The funding limit is expected to be reached this week when forward commitments for existing approved applicants are taken into account. Consequently, the scheme has now been closed to new applicants. The Young Farmers Scheme has served its purpose by providing a start for many young country people, but we must now move on to other programs.

Farmers wishing to hand on their properties to the next generation will still be assisted by being able to claim stamp duty exemptions on intergenerational farm transfers. This has been and continues to be a major reason why the average age of farmers is reducing. Young farmers can still apply for farm plan grants which assist with the development of property management plans. Interest rate subsidies are also available under RAS to assist in enhancing farm productivity. The Young Farmers Incentive Scheme has injected some well needed youth into our primary industries sector. We must build on that start for the good of the rural and State economy.

LEGISLATIVE REVIEW COMMITTEE

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

That the report be received.

Motion carried.

QUESTION TIME

EDS (AUSTRALIA) PTY LTD

Mr FOLEY (Hart): My question is directed to the Premier. Is the Government liable for the cost of fit out of the North Terrace building to be occupied by EDS and, if so, what proportion of these costs will the Government recover from EDS and other tenants?

The Hon. DEAN BROWN: You can be sure of one thing from the member for Hart—every time the Government gets out there with any new development he will get up and try to knock it and tear it down. What really hurts him is that for the first time in eight years there will be a major new commercial development in the heart of Adelaide. In addition, a new 170 room international hotel will be built on North Terrace. The previous Labor Government, and particularly the then Minister for Tourism, now the Leader of the Opposition, could not entice a new international hotel to locate there. The interesting thing is that the member for Hart should realise—

Members interjecting:

The SPEAKER: Order! The Chair wants no further interjections from either side of the House. It is entirely up to members as to who becomes the first to know what Standing Order 137 means.

The Hon. DEAN BROWN: What really hurts the member for Hart is that we have this development, the EDS building, without the Government having to buy the land. If it were at Technology Park, the Government would have had to purchase the land. It has been done without a Government subsidy.

Mr Foley: Who owns the land?

The Hon. DEAN BROWN: The land is owned privately. If the member for Hart says that providing land for an EDS building out there would not be at Government expense, I do not know what is. Of course it would be at Government expense if the Government owns the land. We have land that is privately owned and purchased—

The Hon. M.D. Rann: Olsen versus Brown.

The SPEAKER: Order! The Leader of the Opposition is warned for the first time.

The Hon. DEAN BROWN: Indeed, we have a very good deal: about $70 million worth of development in the EDS building and $30 million or $40 million worth of development with the car park for the international hotel. That is almost $100 million worth of development in the heart of the City of Adelaide. I know it hurts the member for Hart; I know it hurts the Labor Party; and I know that members opposite will go out and knock it every time they possibly can, but it is a good deal for South Australia. I raise one further matter with the member for Hart: two and a half years ago EDS employed two people in South Australia. Today it has 460 employees, and it intends to employ another 100 by the end of the year. That means that, by the end of the year, EDS will have about 560 employees in this State, and that is 560 jobs that the Labor Party could not create when it was in Government.

INTEREST RATES

Mr EVANS (Davenport): Will the Premier advise the House of the State Government's response to the Reserve Bank of Australia's announcement that it will reduce interest rates by ½ per cent to 6.5 per cent?

The Hon. DEAN BROWN: I appreciate the question from the member for Davenport. The announcement by the Reserve Bank today of an interest rate reduction of ½ per cent is very important, because I believe it has been long overdue. I issue a challenge to all banks and money lenders in Australia: make sure that you pass on the full amount to the people of Australia, whether they be small business people or people with mortgage loans—make sure they receive the full ½ per cent reduction, at least. My other message to the remaining financial institutions and the Federal Government is that real interest rates are still too high.

Australia has some of the highest real interest rates in the world and, frankly, they should be coming down. I know that they were maintained at a very high level under the previous Labor Government. I want to see those real interest rates come down, because that will provide the Australian economy with a real kick start. I include in this challenge to the banks to bring down their interest rates the suggestion that they also bring down the interest rate for credit card holders. So often we hear that the prime rate has dropped without it dropping for mortgage rates, small business people or credit

card holders. My challenge to financial institutions is to make sure that the full benefit is passed on.

I welcomed the announcement this morning, but I believe there is room to go further. I believe that this will be the start of an improvement in the home building industry across Australia, and I believe that it will start to build up badly needed consumer confidence. I raised this issue with the Prime Minister six weeks ago; I also raised the issue with the Prime Minister and the Federal Treasurer at the time of the Federal budget, and I am delighted to see now that this benefit has flowed through. One reason it has flowed through is as a result of the sort of budget that was brought down by the Federal Government. Now, let us ensure that the full benefit flows through to the people of Australia.

EDS (AUSTRALIA) PTY LTD

The Hon. M.D. RANN (Leader of the Opposition): Why did the Premier tell the House on 15 October that 'the negotiations are between EDS and the developer', and that the State Government was not a party to negotiations between EDS and the developer of the North Terrace building, when only the day before the Premier had signed a letter to Hansen Yuncken advising of the Government's agreement to lease the building for 15 years, subject to the completion of negotiations between the Government and EDS? The Opposition has been given a leaked copy of a letter signed by the Premier to Hansen Yuncken on 14 October, setting out the conditional agreement for the Government to lease the building for 15 years.

Mr Foley: Answer that one.

The SPEAKER: Order! The Leader of the Opposition asked a question. The member for Hart is warned. He took no notice of the comments I made earlier.

The Hon. DEAN BROWN: What I indicated to the House earlier was that it was up to EDS to negotiate commercial rates, and it did that with a range of parties. EDS looked at three sites in the city and at Technology Park and came back to the Government and said, 'Our preferred site is on North Terrace, and we are happy with the rental rates that are now being offered.' Therefore, the negotiations took place between the property developers and EDS, and EDS then came to the Government and said, 'This is our preferred option', and that is when the Government stepped in.

An honourable member interjecting:

The SPEAKER: Order! I warn the member for Hart for the second time.

The Hon. DEAN BROWN: I point out that there is nothing unusual about this.

Mr Atkinson interjecting:

The SPEAKER: Order! If the interjection came from the member for Spence, he is warned for the first time.

The Hon. DEAN BROWN: There is nothing unusual about this because back-to-back rental arrangements are in place, and that is the important point. There are back-to-back rental arrangements in place that simply—

The Hon. M.D. Rann interjecting:

The Hon. DEAN BROWN: It does not. I stress the point that the Government was simply taking the lease and then immediately renting the building back to EDS. There is nothing unusual about that. It is entirely different from what would have happened at Technology Park, where the Government would have built the building and then leased it. In this case, a private developer is building it.

MOBIL REFINERY

Ms GREIG (Reynell): Will the Premier advise the House of the details of the new development which has been undertaken by Mobil at its Adelaide refinery and also the export opportunities from South Australia which this creates in the petroleum industry? On 25 October the Premier commissioned a major expansion of the lubricant production facilities at the Mobil refinery at Port Stanvac.

The Hon. DEAN BROWN: It has certainly been part of the expansion of the southern suburbs, and I know that the local member, the member for Reynell, is very interested in what happens at the refinery.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader knows the consequences.

The Hon. DEAN BROWN: What we have now is a world class lube refinery here in Adelaide. In fact, it is the biggest lube refinery in the whole of Australia, and 70 per cent of its production will be exported out of Australia into the Asian region. That is a significant investment by Mobil: $23 million has been invested in this lube refinery. About 500 people were involved in the construction phase, and that is good in terms of jobs in the southern suburbs. When I opened the facility recently I had the chance to meet a lot of the construction workers and operators involved. I have to take off my hat to them: they have really lifted their productivity at the refinery now. Mobil was saying that the agreement in place and the flexibility and cooperation with workers make this a world class refinery in terms of productivity levels.

This is very important in making sure we further increase exports out of South Australia. We need to appreciate the very substantial nature of the exports: as I said, 70 per cent of the production out of this lube refinery will now be exported overseas. Mobil pointed out to me that its productivity is now at the world benchmark level and that it produces a full range of product and therefore is now probably the most important lube refinery in the whole of Australia. I congratulate the team and commend the member for Reynell for the very strong support that she continues to give to the Port Stanvac refinery.

EDS (AUSTRALIA) PTY LTD

Mr FOLEY (Hart): Why did the Premier tell the House on 15 October, in response to my question on where EDS would establish its Adelaide headquarters, the following:

> EDS has not yet notified me of its exact final destination regarding where it will put its data management centre in South Australia.

On 23 October he repeated:

> There was no final selection of site made when I answered that question last week.

In a letter that the Premier wrote to Hansen Yuncken on 14 October, he agreed to lease the whole building to be constructed on the old News site on North Terrace, with part of the building being subleased to EDS.

The Hon. DEAN BROWN: The answer is very simple indeed—because, at the stage at which I answered both those questions in the House, no deal had yet been finalised with EDS.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: No deal had been finalised. In fact, it was not until the actual day that I announced it at

the annual dinner of the Employers' Chamber that the documentation was signed in Perth. It was not known until that very day whether or not the company that owned the land would even transfer it to the property development.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I do not want any further interjections.

The Hon. DEAN BROWN: This is where the member for Hart just cannot accept the facts. The fact is that until the day it was announced—and I announced it about six hours after the documents were signed in Perth—there was no deal; there could not have been any deal. Sure, a range of options were being looked at, but no deal was done until that very day. If members want to look at the property transfer documents, they will find that the properties were transferred on the following Monday. It is there in the Lands Titles Office for everyone to see clearly. They were signed on the Friday in Perth and, up until that day, there was certainly significant uncertainty as to whether or not the developers could even get access to the North Terrace site, because they did not own it at that stage. They owned it on the day I announced it and they transferred the property on the following Monday.

SHACKS

Mr MEIER (Goyder): Will the Treasurer inform the House of the progress being made towards the freeholding of shacks in South Australia? As members would be aware, the policy of freeholding of shacks was announced prior to the last election in 1993, recognising the desire of shack owners for security over their assets.

The Hon. S.J. BAKER: I thank the member for Goyder for his question, and I know of his interest in this matter—

The SPEAKER: And the Chair's interest.

The Hon. S.J. BAKER: Yes, the Speaker certainly has an interest in the matter. After 20 years and a number of false starts—we made a policy in 1989 but were not successful, although we were warmly applauded for that policy to freehold shacks on Crown land—in March 1994, after the election, we reiterated that promise. A committee was formed under the chairmanship of the Hon. Peter Arnold and he prepared a report. It has been a long and interesting haul to get to the point where we are now saying that the first four deeds have been signed for the freeholding of shacks.

Last Thursday, in the company of the Hon. David Wotton, the President of the Shack Owners Association and a number of other important and distinguished people, we held a very small but important ceremony. We can now see that the promises and frustrations that have been with us for 20 years, particularly in the past six or seven years, are now dissipating to the extent where people can see that there is a capacity to own their own shacks.

The benefit of this is that we will see the removal of many of the unsightly shacks we see today. We will get a quality product in the process. Important environmental results will come from this system because, before each of the shacks can be freeholded, it has to conform with a whole range of requirements. One of the most important requirements is the health requirement of the disposal of sewage. All members would welcome the fact that we will have a greater capacity to clean up the Murray River than we have had in the past and we will see a better result along the coastline than we have ever seen.

I welcome the architects of the original policy and those people who worked their way through—the Asset Management Task Force in conjunction with the Department of Housing and Urban Development and the Department of Environment and Natural Resources—and have now dispensed and will continue to dispense the task of freeholding shacks.

It is interesting to note that, of the 1 534 shack owners who are eligible for freeholding, some 1 173 have expressed interest in so doing. Those who do not wish to freehold their shacks will continue under the leasing arrangements that exist at the moment. We hope that everyone will warmly applaud this initiative. A number of important and positive aspects are associated with it. Shack owners welcome it and those who really have an interest in the environment and who really want to clean up some of the messes of the past are particularly happy about the changes taking place. For all those officers involved and for the people who are still interested and want to freehold their shacks, the event last Thursday was a landmark, and I am sure that as we progress over time we will see all the environmental results which we all crave, as well as seeing beautification of areas that have deteriorated over a long period.

EDS (AUSTRALIA) PTY LTD

Mr FOLEY (Hart): Given the Premier's answer to my first question concerning financial liability for the fit out of the North Terrace building, can he now explain to the House his undertakings to Hansen Yuncken to pay $1.225 million per year for 15 years, plus automatic annual price increases of 4 per cent, and adjustments for increased interest rates; and will these costs be fully recovered from EDS and other tenants? In a letter signed by the Premier on 14 October 1996, the Premier committed the Government to pay Hansen Yuncken $1.25 million for 15 years, subject to interest rate adjustments and price escalations of 4 per cent *per annum* for a fit out cost totalling up to $12 million. This would represent a subsidy to EDS of approximately $67 per square meter for floor space, with a total of more than $800 000 *per annum*.

The Hon. DEAN BROWN: I have already explained this to the House. The member for Hart, who is a member of the Economic and Finance Committee (which I know discussed it this morning), knows that EDS is taking a back to back lease from the State Government for the full costs of the EDS bill.

Mr Foley: And fit outs?

The SPEAKER: Order!

The Hon. DEAN BROWN: And fit outs. Therefore, the full cost of this is being passed on to EDS, so that is there in black and white. I highlight again that the actual ownership of the site did not take place until the Friday evening when I announced it, and I think the member for Hart was present at the dinner at which that announcement was made. Up to then, EDS still had a range of options, which included building at Technology Park and the option of the North Terrace site. I certainly supplied a letter; there is no secret about that. The Deputy Premier and Crown Law went through—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: EDS was negotiating with a number of parties. It still had an option to go to Technology Park, to North Terrace and to one other building in the city (which I will not name because it was not taken up), and that

was not finalised until the documents were signed, in Perth, between the property developer and the owner of the land on the day that I announced it. It is as black and white as that. Therefore, any suggestion that everything I have told the House is not absolutely spot on is wrong, because EDS did not even get the land until the Friday it made the announcement.

The Hon. M.D. Rann interjecting:

The SPEAKER: I call the Leader of the Opposition to order.

The Hon. DEAN BROWN: Clearly what has occurred is that the member for Hart has some documents and is trying to concoct a story, but if he visited the Lands Titles Office he would see that it will not be substantiated by the registration of the title of the land.

SMALL BUSINESS

Mr CUMMINS (Norwood): Will the Minister for Industry, Manufacturing, Small Business and Regional Development report on the impact in South Australia of the Commonwealth's recent review and regulations paperwork and say what steps the South Australian Government is taking to help overcome this burden? Many small businesses in my electorate have complained about the amount of paperwork and regulations left over by the previous Federal and State Labor Governments—

The Hon. Frank Blevins interjecting:

The SPEAKER: I call the member for Giles to order.

Mr CUMMINS:—required to be met to run a small business in South Australia.

The Hon. J.W. OLSEN: Interestingly, the report on the Small Business Deregulation Task Force, commissioned by the Prime Minister as a result of an election commitment, highlights the fact that small business across Australia—and this is the point—told the task force that they are doing it tough. Across Australia we have difficult economic circumstances impacting on small business. Against that backdrop, in responding to the report, the small business community said that it is generally confused and weighed down by the complexity of dealing with Government, and that is reflected in time lost, expenses incurred, business opportunities not pursued, anxiety and frustration. In addition, they clearly identified that most small businesses spent 16 hours per week undertaking bookwork, and accounting and administration procedures, of which four hours is devoted simply to Government requirements.

That four hours per week equates to $7 000 a year in the cost to small business. Is it any wonder they are asking for major change in terms of the operational requirements under Federal and respective State legislation? Importantly, as regards the recommendations coming forward from the task force, South Australia has already put in place a number of these reforms. We are ahead of the pack and ahead of what some of the other States have done. For example, the report recommends establishing a unique business number and a single entry point. We have the business centre on South Terrace, where we have consolidated with a range of enterprise improvement programs and support services to small business. The centre has a single telephone number, with a single point of entry, therefore, and 35 000 telephone calls were received last year from small business seeking guidance and advice on licensing, financial requirements and the like. We are ahead of the task force recommendation.

The other point involves introducing service charters for Government departments and agencies. The South Australian Government signed off on this either late last year or earlier this year, with performance benchmarks being set for Government agencies and departments in meeting the requirement of small business. If a small business lodged a form and did not have it back within three to seven day parameter, it knew something was wrong. This is benchmarking Government agencies and departments to ensure that they perform efficiently and well.

In addition, the task force recommended establishing effective consultation and accountability to the small business sector. Once again, South Australia has the Business Centre and the Centre for Manufacturing. This year, funding for that centre has increased substantially to meet the needs of the manufacturing industry in this State. We are giving effective consultation and financial support to the small business sector in South Australia. That does not mean that we cannot and should not improve in terms of performance and delivery of services to small business, because they are, as often quoted, 'the lifeline of South Australian industry'. According to the task force report, you can benchmark South Australia ahead of other States of Australia in many respects. That is where we intend to stay so that we have a vibrant small business community in this State and so that we can restructure, refocus and rebuild the State's economy. That is why this State has delivered electricity tariff cuts to small business of up to 34 per cent when Jeff Kennett is promising to do 22 per cent by the year 2000.

EDS (AUSTRALIA) PTY LTD

Mr FOLEY (Hart): Why has the Premier just told the House that EDS would pay the fit out costs of $1.2 million per year, which would represent a total cost of $329 per square metre for the EDS office space, when the Director of Project Coordination in his office has written to the Economic and Finance Committee of the Parliament stating that EDS will pay only $192 plus fit out costs, representing $268 per square metre? Mr Speaker, with your leave and that of the House, I would like to briefly explain.

The SPEAKER: Order! The honourable member has already explained his question fairly well. I suggest he be brief and not comment as he did when asking his previous question.

Mr FOLEY: Thank you, Sir. In a letter given to the Economic and Finance Committee, Mr Andrew Scott, Director of Project Coordination in the Premier's Department, advised the committee that EDS will only pay rent at $192 per square metre and outgoings at $70 per square metre, and no mention was made of the nearly $70 per square metre for fit out, representing a shortfall on the project of $1.2 million per year to be met by Government.

The SPEAKER: Order! The last part of the question was comment. The honourable Premier.

The Hon. DEAN BROWN: I have not seen the figures the honourable member has worked through on his own calculation, but I have a copy of the letter. However, he has made a fundamental mistake and failed to realise that there are other tenants in the building as well. He has taken the fit out costs for the EDS portion and for the total building and has failed to look at the fact that other tenants are in the building. It is a pretty fundamental mistake to make. In fact, as the honourable member knows full well, the Government has said that it will lease the building to EDS, with EDS

paying the full costs to the Government of that portion of the building. As I have already explained to the House—

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart is warned for the second time.

The Hon. DEAN BROWN: In answer to a question from the honourable member some weeks ago, I said that five or six companies were looking at going into the building. I am now told that up to 20 other companies are interested in the building. The honourable member has made the absolutely fundamental mistake of taking the total building cost and suggesting that EDS will not cover that cost when EDS will not take the full building. Other parties will be in there as well.

The SPEAKER: I call the member for Unley.

Mr Meier interjecting:

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

Mr Cummins interjecting:

The SPEAKER: Order! The member for Norwood is out of order. The member for Unley does not need any help. The member for Unley will ask his question or I will call the next member.

GUIDE DOGS ASSOCIATION

Mr BRINDAL (Unley): Will the Minister for Health inform the House of the basis of the decision to award the contract for services to people with hearing impairment to the Guide Dogs Association? In press reports last week, there was some criticism of the Minister's decision by another group which had previously been responsible for this area.

The Hon. M.H. ARMITAGE: I thank the member for his question about this important matter. The Health Commission's decision to award services for people with hearing impairment to the Guide Dogs Association was based on the specific recommendation of a completely independent tender panel. That panel looked at a number of submissions and, following a completely independent overview of what could be provided by the various tenderers, the panel took the independent view that the Guide Dogs' proposed service models were current and innovative, intensive and professionally based, consumer centred and responsive to the needs of the consumers, and could build on current networks whilst providing the opportunity to develop a number of future networks. The panel considered that a number of the other tenderers were simply not able to provide that range of service.

It was perhaps no surprise to note a number of media reports, particularly from the Opposition, which could be characterised as 'speak now, think later' attacks. Indeed, the Opposition attacked the Government for awarding the contract with a range of arguments, which I should like to address. One of the arguments used for criticising the Government was that one of the other tenderers, Better Hearing Australia, has a 57-year history of service provision. That is true, but the Government is interested in the quality of services that can be provided now and in the future. People with a disability want us to pay for the quality of the services that they receive, not for the heritage of the providers in the past.

Another criticism was that the awarding of the contract would see a loss of skills. That is simply not correct because Better Hearing Australia does not employ any full-time professional hearing specialists. The Guide Dogs Association employs three and, between them, they have 20 years of experience in providing services. Because of the complex nature of disabilities, the Guide Dogs Association has been a long-time service provider to people with a hearing loss because about 40 per cent of its clients have both hearing and sight impairment. Since 1987, the Guide Dogs Association has had a specialist audiological facility.

The final reason that the Government was criticised by the Opposition was that not everything should be put out to tender. It is simply not a case of contracting out this service because it has always been a non-government service. In fact, what the Opposition Health spokesperson is saying is that, once we have a contract, we should have it forever. That is clearly ridiculous.

It is unfortunate that a tender that will see an increased provision of services to people who badly need them has been attacked, and, in my view, it is appalling that an association with a history such as the Guide Dogs has been utilised as part of an attack for political ends. The Guide Dogs Association is one of the State's most respected charities. It provides a world-class service for people with disabilities, and the members of the Opposition who criticised this decision did not even ring the Guide Dogs Association to find out the details of its tender. It is a pity that such an excellent organisation, which has such a glittering future providing services to people with a disability, has been denigrated for political ends. I suggest that the Guide Dogs Association awaits an apology.

EDS (AUSTRALIA) PTY LTD

Mr FOLEY (Hart): Why did the Premier tell the House on 24 October that the Government 'was not indirectly underwriting the cost' of the North Terrace building when the Premier signed a conditional agreement on 14 October 1996 offering the developers of the building a subsidy—

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

Mr FOLEY:—of $1.2 million, including an exemption from stamp duty and a five-year exemption from land tax? The Opposition has obtained a copy of a submission made to Cabinet on 17 October.

Mr Brindal: What lies!

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

Mr FOLEY: It states that the Government will refund stamp duty at a cost of approximately $400 000 and provide a five-year land tax concession which, according to the Cabinet submission, will represent income forgone of nearly $800 000.

Mr Cummins interjecting:

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

The Hon. DEAN BROWN: First, what the member for Hart has failed to read to the House from the letter to which he has referred today is this:

> This building has been sublet to EDS on the following conditions: that EDS commit to sublease under terms and conditions satisfactory to the Government and approval by the Finance Committee of EDS.

The Government has said that it will pass on the full cost of renting the building as on a back-to-back lease to EDS. The member for Hart knows that. Let me explain to the House why the member for Hart is so uptight about this today. Since the announcement that EDS would go to North Terrace rather than Technology Park, the member for Hart has criticised that fact. This morning some information was presented to the

Economic and Finance Committee which showed the difference in cost to the Government of EDS going to the city compared with Technology Park. I know that he was given a table that showed that, first—

Mr FOLEY: I rise on a point of order, Mr Speaker. As the Chairman of the Economic and Finance Committee will attest, I would love to bring that document into this House—

The SPEAKER: Order!

Mr FOLEY:—but I was forbidden to do it—

The SPEAKER: Order!

Mr FOLEY:—by my Chairman.

The SPEAKER: Order! I name the member for Hart for defying the Chair.

Members interjecting:

The SPEAKER: Order! The members on my right will get the same treatment. The Chair called the member for Hart to order. He continued with what was not a point of order. He was making comment. Does the member for Hart wish to be heard in explanation or apology for his conduct?

Mr FOLEY: I am prepared to apologise for my conduct, Sir, if you found it to be unparliamentary.

The SPEAKER: The Chair accepts the apology, but the member for Hart will not get the call for the rest of the day.

The Hon. DEAN BROWN: The member for Hart knows that this document was put out publicly. I suggest that the member for Hart sit down, keep his temper and listen to the facts, because he has not bothered to listen to the facts until now.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: The document to which I refer was put out publicly last Friday.

Mr Foley: You've gagged me.

The SPEAKER: Order! The member for Hart is testing the tolerance of the Chair and, if that is what he wants, he will be named. Even though I have my suspicions as to who they were, unfortunately I could not identify a couple of other members on my right who were interjecting, but if they continue they will get the same treatment. The Chair is sick and tired of members who think that they can run the House. Let me assure them that they will not. I do not want any further interjections, frivolous points of order or defiance of the Chair.

Mr FOLEY: I rise on a point of order, Mr Speaker. I am being gagged by this Government, because you will not let me explain my question. You are gagging me because you will not listen to the truth.

MEMBER, NAMING

The SPEAKER: Order! I name the member for Hart. The member for Hart has deliberately set out to defy the Chair. He set out to get named. He has been accommodated by the Chair, and his conduct is far below what one would expect from someone who normally acts responsibly. Does the member for Hart wish to be heard in explanation or apology?

Mr FOLEY (Hart): Yes, I am prepared to be heard, Mr Speaker. Earlier, the Premier referred to a letter that he said I should have read to this Parliament. At the committee meeting this morning I had that letter, which was very damaging to this—

The SPEAKER: Order! The member for Hart has been invited to explain his conduct. He is not to enter into debate. The Chair has invited him to apologise or to explain his conduct.

Mr FOLEY: I have been ruled off the question list, and I was provoked by the Premier to read to this place a letter that the member for Peake, in a committee meeting this morning, said I could not. It is a deliberate attempt to deny me my right as the shadow Minister for Infrastructure to question the Premier on a deal that will cost this State dearly. He knows it and he is not prepared to debate it.

The Hon. S.J. BAKER: I rise on a point of order, Mr Speaker.

Mr FOLEY: Mr Speaker, on a point of order—

The SPEAKER: Order! The member for Hart will resume his seat. The member for Hart has had an opportunity. The Chair does not accept the explanation.

The Hon. S.J. BAKER (Deputy Premier): The Government will not accept the explanation, either. The member for Hart has deliberately provoked the Chair on numerous occasions today and previously. Sir, I admire your tolerance for the way you have treated the member for Hart. There has been a range of interjections by the member for Hart since this Parliament started in February 1994. Sir, you have been very tolerant. You have called the member to order, and you have warned the member. Even then, when he took a point of order, he again overrode you, Sir. He yelled at you during earlier proceedings, and you accepted his apology. He then decided that he would make an issue. That is what it is. This is a bit of grandstanding. This is a showcase for the media or whoever else may be interested. That is what it is about. The member for Hart is on very shallow ground, so he says, 'I am going to make an event of this; I am going to try to beat this up a little bit.'

Mr ATKINSON: I rise on a point of order, Mr Speaker. To what issue before the House is the Deputy Premier speaking?

The SPEAKER: Order! There is no point of order.

The Hon. S.J. BAKER: I am explaining why the explanation is not acceptable, and I will be moving that the explanation be not accepted.

An honourable member interjecting:

The Hon. S.J. BAKER: I can explain it on the way through, but I will make it clear. I move:

That the honourable member's explanation not be accepted.

Mr Atkinson: Thanks for doing it.

The Hon. S.J. BAKER: That's fine. I am quite entitled at any stage during my response to tell the House exactly—

Mr Atkinson interjecting:

The Hon. S.J. BAKER: No, that is not required—

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence will resume his seat.

The Hon. S.J. BAKER: I suggest that the member for Spence read Standing Orders. In response, I can indicate at the beginning, the middle or the end exactly what the Government intends. I am doing that now. If the member for Spence was in any doubt, I am informing him that the explanation is not acceptable and I so move for the reasons that I have outlined to the House. Irrespective of whether there is any argument or anything of favour to the member in the explanation that he put to the House, he deliberately defied the Chair. In fact, he defied the Chair on more than one occasion—there have been at least five occasions today

when he has defied the Chair. Either this Parliament runs properly and smoothly, or we will have—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: The issue is not about questions: it is about the behaviour of members opposite in this House. The behaviour of the member for Hart on this occasion and on previous occasions is and was unacceptable. It continues to be unacceptable and, therefore, the Government refuses to accept the apology.

The Hon. M.D. RANN (Leader of the Opposition): I rise with some consternation about the activities of the Government this afternoon. When the member for Hart asked his first question, when he said that he had a letter that was signed by the Premier of this State which totally contradicts what the Premier of this State told the House last week, the member for Unley yelled out, 'You are a liar.' The rules of this Parliament must apply to both sides of Parliament.

The SPEAKER: Order! The Leader of the Opposition has been given the opportunity to explain why he believes the member for Hart's explanation should be accepted. That is the motion currently before the Chair and, accordingly, he must address his remarks to it.

The Hon. M.D. RANN: That is exactly what I am doing: I am talking about the rules of this Parliament.

Mr BRINDAL: I rise on a point of order, Mr Speaker. The honourable member referred to me as interjecting; that is not true. He implied that I said someone was a liar. I object and ask for a withdrawal.

The Hon. M.D. Rann: It was absolutely accurate.

The SPEAKER: Order! I take it that the member for Unley objects to the Leader of the Opposition's comment. If the Leader of the Opposition's comment was unparliamentary, I invite him to withdraw.

The Hon. M.D. RANN: Mr Speaker, I did not make the unparliamentary comment—the member for Unley did. He was not called to order at all. What an extraordinary palaver—

Members interjecting:

The SPEAKER: Order! If members will resume their seat, the Chair will sort out the matter. The conduct of certain members today is far below what the Parliament would expect. The Leader has been asked to withdraw a comment. I therefore request that he does it forthwith.

The Hon. M.D. RANN: Absolutely. The nub of the issue this afternoon is that the Premier accused the member for Hart of breaching the privilege of a parliamentary committee, and later on—

The Hon. Dean Brown interjecting:

The Hon. M.D. RANN: No, you listen to me; you have had your say—

The SPEAKER: Order! The Premier will not interject.

The Hon. M.D. RANN: He then went on to say that he had that information this morning when he realised that the member for Hart had not done so. Then, in a complete reversal, he said that the member for Hart had revealed it to the Parliament. The member for Hart stood up, quite correctly, on a point of order to explain the circumstances of what had occurred during the committee meeting this morning and why he had been forbidden, quite properly, from releasing that letter to the Parliament, even though it exposes the Premier for his—

The SPEAKER: Order! The Leader of the Opposition is debating a completely different subject.

Members interjecting:

The SPEAKER: Order! I do not want to hear members on my right. The Leader has to address himself to the reasons why the member for Hart's explanation should be accepted. The Leader should not go into the substance of the debate in relation to a previous question.

The Hon. M.D. RANN: What happened then was that during his point of order, in which he explained the circumstances about which he had been accused, you, Mr Speaker, ruled that the member for Hart could ask no further questions for the rest of day in the middle of a fundamental inquiry about the probity of the Premier of this State. That is why this Parliament has fallen into disrepute.

The SPEAKER: Order!

The Hon. M.D. RANN: The Premier has been caught out once again, and his Government does not like it.

The SPEAKER: Order! Let me make it very clear to the Leader and other members: the set of circumstances that has arisen this afternoon is not of the Chair's making. It is my responsibility to uphold Standing Orders, and I have attempted that with a great deal of tolerance—far more tolerance than Speaker Trainer, Speaker Peterson or any other Presiding Officer in Australia. They would not have put up with this situation. I am aware, because of their small numbers, that the role of Opposition members is somewhat difficult. However, the Chair cannot tolerate complete defiance of the Chair and, having been warned once, having been named once, the member for Hart continued to disregard the authority of the Chair, and he was taken off the list because of his conduct. In any other Parliament in Australia, he would have been named very early this afternoon. The Leader of the Opposition.

The Hon. M.D. RANN: In conclusion, today's Question Time is about one of the most fundamental issues that any Parliament should face, and that is whether the Premier of this State has told the Parliament the truth.

The SPEAKER: Order! There is a point of order. The Leader will resume his seat.

Members interjecting:

The SPEAKER: Order! I do not want any further interjections. It would appear to the Chair that other members want to be named also. Being named is a very simple way of getting publicity. The Chair knows exactly the tactics: get yourself named and you have a good chance of appearing on television. That is the tactic. The member for Goyder has a point of order.

Mr MEIER: It is my understanding, Mr Speaker, that the question is that the explanation be accepted, yet the Leader has strayed and is venturing into the territory of what this Parliament was on about during Question Time. I therefore ask you, Sir, to rule him out of order, because the question is that the explanation be accepted or not be accepted.

The SPEAKER: Order! I have already asked the Leader to confine his comments to the motion before the Chair.

The Hon. M.D. RANN: I will confine my comments to the motion before the Chair that we eventually got from the Deputy Premier. The issue today is about the probity of the Premier of this State, and the member for Hart was stopped from asking legitimate questions, and therefore his explanation should be accepted.

The SPEAKER: Order! There is a point of order.

The Hon. S.J. BAKER: Mr Speaker, the honourable member is not debating the motion. The behaviour of the member opposite is the subject of this debate.

The SPEAKER: Order! I uphold that point of order. The member for Playford.

Mr QUIRKE (Playford): Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order!

Mr QUIRKE: I think we ought to have a little look at what has happened and a replay of it. In essence, what happened this afternoon is that a line of questioning was being proceeded with by a member of the Opposition—

The SPEAKER: Order! I point out to the member for Playford that the question before the Chair is that the explanation be agreed to. That does not permit the honourable member, or any other member, to go into a lengthy debate. I, therefore, constrict the member for Playford to that particular motion.

Mr QUIRKE: Thank you, Mr Speaker. Questioning this afternoon was cut short by you, Sir. The events that proceeded followed from the imposed censorship of legitimate Opposition questions. That is what happened here.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I point out to the member for Playford, very clearly, that the Chair does not engage in censorship, and any reflection upon the Chair will be dealt with. I clearly point out to the honourable member that it is entirely the Chair's discretion as to who gets the call. The Chair does not have to advise a member. I have adopted the practice that, if I intend to take that course of action, I will advise the member in the House. Therefore, the member for Playford cannot continue down that line. The motion before the Chair is that the explanation not be accepted.

Mr QUIRKE: Thank you, Mr Speaker. I was, in fact, going down that road and explaining what seemed to me to be ridiculous circumstances which have existed in this place this afternoon and which I legitimately believe will be seen by the public of South Australia—particularly given the number of interjections from the other side—as being just like a bunch of school kids. In fact, I am pleased that they are not in the gallery today because I do not think they would be too pleased with the conduct or these proceedings this afternoon.

I believe that the member for Hart's explanation ought to be accepted. In fact, I think that the member for Hart was provoked by the Premier because the Premier obviously has unfettered access to a document to which the member for Hart, the member for Giles, some Government members and I also have access but which we have agreed not to use either here or outside Parliament. The proceedings this afternoon stem from that and from the fact that legitimate Opposition questioning was gagged on this issue.

The SPEAKER: Order!

Mr QUIRKE: We will not be gagged, Mr Speaker.

The SPEAKER: Order! The member for Playford will not proceed down that line. He knows that that is out of order. The motion before the Chair is that the explanation not be agreed to.

An honourable member interjecting:

Mr QUIRKE: I have not finished yet.

The SPEAKER: I say to the member for Playford that, if he continues to make comments that relate in any way to criticism of the Chair, he will be finished.

Mr QUIRKE: Mr Speaker, you can finish with me any time you want. I say straight out that what has happened this afternoon is an absolute disgrace. I am sorry, but I am not one who is warned in this place; I do not remember ever being warned, but I am not happy with what is going on here this afternoon, because this crowd will use any means to close down debate on these legitimate issues.

The Hon. M.H. ARMITAGE (Minister for Health): This matter that we are debating is at the heart of Standing Order 129: it is about nothing else. This debate is not about censorship; this debate is not about lines of questioning; this debate is about Standing Order 129, which states:

> Whenever the Speaker rises during a debate, all members, including the member speaking, sit down and the House keeps silent and the Speaker is heard without interruption.

The member for Hart absolutely, categorically and quite clearly offended against Standing Order 129, and I believe that his apology ought not be accepted.

The Hon. FRANK BLEVINS (Giles): I believe that the explanation from the member for Hart ought to be accepted for one simple reason: the member for Hart, along with all other members on this side, has been subjected to extraordinary provocation. There is absolutely no doubt about that.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: Just take that reaction as an example.

Members interjecting:

The SPEAKER: Order! The Minister for Tourism is out of order.

The Hon. FRANK BLEVINS: I am almost inclined to rest my case there, but what happened is that—

Members interjecting:

The Hon. FRANK BLEVINS: You can have a barrage of noise from the other side, a wall of interjections and personal abuse—as we just heard from the Minister for Health calling a member on this side a 'jerk', or even worse—and we must cop it. If a member on this side, as the member for Hart did today, responds to this provocation from the Premier and others in a vigorous way—a little bit of tit for tat, and that is all it was—what happens? Something that has never happened before—

Members interjecting:

The SPEAKER: Order! The Minister for Tourism is warned.

The Hon. FRANK BLEVINS: —in my 20 years in this and the other place. A spiteful little action is taken to withdraw him from the questioner's list. I believe that that is the cause of these kinds of outbursts and explosions. If a member has transgressed Standing Orders and has gone beyond the spirit of give and take, okay, I do not argue with that—deal with that member as is appropriate. But this behaviour of saying that the handful of people on this side are always in the wrong and that the vast majority of members in the Parliament who keep up a constant barrage of noise and interjection are never wrong and have never been dealt with in any substantial manner—no member on the other side has ever been taken off the Speaker's list and their behaviour is exactly the same as that of members on this side—I believe constitutes extreme provocation. And here is another—

The SPEAKER: Order! The member for Lee has a point of order—and I hope it is a point of order.

Mr ROSSI: I believe that the honourable member is straying from the original motion.

The SPEAKER: Order! I cannot uphold the point of order. The member for Giles.

The Hon. FRANK BLEVINS: If anybody on this side had made that point of order, we would have been abused for taking frivolous points of order and—

The SPEAKER: Order! The member for Giles will resume his seat forthwith. Let me point out to the member for Giles that the Chair has upheld every legitimate point of order from the Opposition benches. He knows that full well. The Chair has exercised more tolerance than any other Speaker. When anyone gets named in this House, it is my experience that they deliberately do so. It is a rare occasion. The member for Giles.

The Hon. FRANK BLEVINS: I do not disagree that the Chair has exercised extreme tolerance, but all the tolerance has gone one way, and that is what I strongly object to. If anybody in this House can tell me when anybody on the other side has been taken off the questioners' list, given their behaviour, I will agree that there has been some even-handed direction from the Chair. That is not the case. I would argue that the member for Hart has been strongly provoked; he has been accused of doing things which the Economic and Finance Committee would not let him do but which he wants to do and which I should imagine he will be doing on the steps of Parliament House in 10 minutes. When he attempts to carry out his legitimate duties here as a shadow Minister, he is gagged one way or another, and I think that is absolutely wrong. If you want to toss him out, that is okay, but let us not have all this nonsense that we hear every day with members on this side being threatened with being taken off the Speaker's list, an action that had never occurred in this Parliament before 1993.

Members interjecting:

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

Mr CLARKE (Deputy Leader of the Opposition): Speaking with some experience on this matter, I join with the member for Giles on this issue, and I will not take very long because he has covered the points adequately indeed. Of those members who have been and will probably be named in this House (and I am including the member for Hart, because the numbers have preordained that) and will join the select band of people who have been banished from this House for a period of time since this Government was installed in office, three of 11 of us would have been sent into Coventry for a day or more.

The interesting point about that is that, as the member for Giles said, of the 36 Government members, all of whom are pretty raucous and do not mind dishing it out to the Opposition—and my memory is pretty good in this area—I do not think any of them have been warned more than twice on any occasion. Not one of them has ever been named. The only exception is the member for Lee, when the Deputy Speaker was in the Chair and he took 15 minutes to supply an apology to the Deputy Speaker, only after members of the Government, including the Deputy Premier, got down on bended knees and begged him to understand that he had to say 'I am sorry.' That took 15 minutes. The member for Hart, the Leader of the Opposition and I have been out of these doors in less time because of the arrogance of this Government on this issue.

All we ask is this, Mr Speaker. On the numerous occasions when the House collectively has been told that, if members on either side interject one more time they are out, I have made sure that I have kept my mouth shut, as have members on this side of the House, and I have heard a barrage of interjections from the other side, but not one honourable member has been named. So, all I ask, as the member for Giles has done, is that you do not be like a Victorian umpire but play with a straight bat.

Mr ATKINSON (Spence): The Speaker's veto on Opposition members asking questions, in defiance of the Whip's list, is contrary to precedent. At the earliest opportunity I shall be calling for a meeting of the Standing Orders Committee to prevent this partisan abuse of our Standing Orders.

The SPEAKER: Order! The honourable member has reflected on the Chair. He will withdraw the comment.

Mr ATKINSON: No.

The SPEAKER: Obviously, the honourable member is aware of the consequences; he will be dealt with on this matter. I invite the honourable member to withdraw the comment, because the Chair has no wish to deal with people in a harsh manner. He has reflected on the Chair, he knows the comments are inaccurate and therefore—

Mr ATKINSON: Sir, I said I shall be calling a meeting of the Standing Orders Committee, and I will.

The SPEAKER: Order! That is not a point of order. The honourable member is obviously wishing to draw attention to himself. The Deputy Premier.

The Hon. S.J. BAKER (Deputy Premier): In closing the debate, I wish to take up one or two matters, because I think it is a matter of importance to this Parliament. We do not wish to see the behaviour that we have seen here today. I will refer back to the Deputy Leader.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J. BAKER: I have had to leave this Parliament on three occasions. I was in Opposition for some 11 years and I do not think a Government member was removed during that time, either, and I can say that the Speakers we had then were a lot less tolerant than the Speaker we have today. In respect of an honourable member continuing to interject after he has been warned, that has occurred on numerous occasions, again, simply because of the tolerance of the Speaker. The tolerance of the Speaker has been sorely tested. If the Opposition wants to do something vigorously, it is entitled to do so, but it is not entitled to speak over the Speaker when he is on his feet. I mentioned previously that you are not entitled to do that. You can make a vigorous point to this Parliament whenever you wish, provided it is in accordance with Standing Orders.

Having been named for that transgression and having been warned previously about continued transgressions and the right of the Speaker to notice an honourable member when it is that member's turn to ask a question that has previously been notified to this Parliament, the member then decided that it was no good his staying in the Parliament, so he would get named. It is on the member's head; no other member of this Parliament is responsible.

I have heard some outrageous comments from the Opposition on the rights of parliamentarians. The right is that this Parliament conducts itself in a proper fashion. Irrespective of whether a person believes they have right or wrong on their side in this Parliament, the facts of life are that the member transgressed in a way that the Standing Orders and finally the Speaker could not tolerate. The member knows

that he was totally out of court. Not being allowed on the speaking list which the Speaker had previously notified to this Parliament, he then said, 'What am I doing here? I might as well get named.' I do not think the Parliament should put up with that behaviour, and believe that the Parliament should show that it has respect for the Chair and for the right of the Speaker of this House to uphold debate in this Parliament. I ask members to support the motion.

The House divided on the motion:

AYES (33)

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

NOES (11)

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

Majority of 22 for the Ayes.

Motion thus carried.

The SPEAKER: I ask the member for Hart to withdraw from the Chamber.

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

That the member for Hart be suspended from the sittings of the House.

Motion carried.

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The SPEAKER: Has the Premier finished answering the question?

The Hon. DEAN BROWN: No; as members would know, I had only just started. The member for Hart has really made a fool of himself, because I point out to the House that I released publicly last Friday the document to which he claimed I was referring and which went with a table to the Economic and Finance Committee this morning. The ABC news last Saturday brought us back—

Members interjecting:

The Hon. DEAN BROWN: So, the whole reason for the member for Hart's getting himself into a froth and having himself expelled from the House concerns details that were released to the public in a document last Friday. The member for Hart has made a complete fool of himself. I will explain why the member for Hart has carried on the way he has this afternoon. He was trying to accuse the Government of something by saying that with EDS going to North Terrace instead of Technology Park it would cost the Government more. The fact is that a table was put out last Friday showing exactly the opposite and, equally, the Economic and Finance Committee this morning received information that fully backed that up.

The member for Hart is upset because he has been running around saying that the Government was subsidising EDS into the building on North Terrace but not at Technology Park, and the table I released showed that at Technology Park the Government was having to buy or own the land, therefore putting up the cost of the land; that the Government was having to construct the building and having to put $3 million to $6 million into community facilities for EDS out there; and that the Government would have to subsidise the EDS facility there to the tune of $4 million to $5 million. That is the real issue behind the whole performance this afternoon.

The member for Hart, having publicly run a line for three weeks, suddenly found that he had egg on his face. The one issue that the member for Hart raised in his last question was this: why was not stamp duty being paid a second time? The fact is that stamp duty had just been paid a few months ago to transfer this site across to another company, and along went Hansen Yuncken's development company and had it transferred again. It is normal Government practice, where the land transfers from one development to another, to exempt such transfer from stamp duty. It is a standard practice that has applied on numerous occasions and it applied again on this occasion. Stamp duty had been paid on this site when it was purchased by the Perth development company just a few months ago. Therefore, the member for Hart has been jumping up and down and frothing over the fact that stamp duty was not paid when in fact stamp duty was paid on the site just a few months ago.

I highlight three points the member for Hart raised this afternoon: first, the argument that I had misled the House when in fact EDS apparently had done a deal. Until the document was signed, that deal could have gone to Technology Park or any other site, because the developers did not even own the site. Secondly, he is trying to accuse the Government of not protecting the full cost of the building. In fact there is a back to back lease with EDS on that. The letter that the member for Hart had showed that there was a back to back lease, and he knew it. Thirdly, he tried to complain about the costs being higher with EDS in the city as opposed to Technology Park, but the costs are much lower for the Government. So, the whole line that has been run by the member for Hart for the past three weeks has fallen into one big hole. He knows it this afternoon, and he is now trying to get out of his hole; hence, the public stunt he has been carrying on.

The SPEAKER: Order! I suggest to the Premier that those comments are unnecessary. He cannot reflect on a vote of the House.

The Hon. DEAN BROWN: I will not reflect on a vote of the House. However, we all understand that what happened this afternoon happened because of the member for Hart.

GRIEVANCE DEBATE

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

Mr QUIRKE (Playford): I want to talk today about cars—or, as they will be seen if this Government goes ahead with its proposal, movable billboards, and I will pursue this matter over the next few weeks to find out exactly how far this Government will go. I am concerned about the matter as it involves a number of issues. I have a document which states that pizza parlours, chicken takeaways and video shops will able to advertise on the back of police cars anywhere in South Australia.

Mr Clarke interjecting:

Mr QUIRKE: The Deputy Leader of the Opposition interjected about brothels, but I do not think they are on the list. However, I am sure that Stormy could make a deal with them that they would not want to turn down.

Mr Brindal interjecting:

Mr QUIRKE: The member for Unley talks about his friend Stormy.

Mr Clarke: He hasn't got friends.

Mr QUIRKE: I didn't know that he had friends, as the Deputy Leader says. I take it as fact that he is her friend, and possibly the advertising rate might be varied for Stormy to overcome some of the problems. Under the scheme launched at Norwood yesterday, any legitimate business can now advertise in space on the back window of a police car. I remind the Deputy Leader and the member for Unley that prostitution is not yet legal or an appropriate business. However, rest assured, there are people working on that in the Social Development Committee. They are all working against each other on the committee, but they are working on it nonetheless.

Mr Brindal interjecting:

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

Mr QUIRKE: The cost of these things is not all that great. For about $25 per week an advertisement can be placed on the rear window of a police car. The scheme also features the Crime Stoppers number, to which we have no objection. If advertising options were taken on all the 218 patrol vehicles in the Police Force, revenue of more than $280 000 a year, or about $5 450 a week, could be generated. The Police Department is getting 50 per cent of this, and the rest is going to the manufacturer and supplier of the 'grab ad'. This is one of the more curious ideas that has emerged, and I am somewhat puzzled as to how far this idea has gone. I do not know whether it has gone to Cabinet yet, but it must have. There was some announcement about it recently, but I do not know that it has gone to the real Cabinet yet. The backbench of the Liberal Party, at one of its Tuesday morning meetings, may have considered it. This one will probably be as big a lulu as some matters discussed yesterday.

The public will assume that these advertisements have police endorsement, and that is not really the way our Police Force in South Australia should be treated. If I were a backbencher in this Government, I would be concerned about a short-sighted project such as this that may, at the very least, cause a degree of concern in the community and will do nothing to enhance the reputation of the Police Force. It should be said that the South Australian Police Force has the best reputation in the country: I firmly believe that to be so. I am absolutely satisfied with the work it does; it does a good job. It needs to be supported by members of Parliament and by the Government, but I do not really think it needs support such as that from Charlie's Pizza House.

It is not appropriate to lower the esteem of the police and their presence in the community by having this measure brought in. If it is Charlie's Pizza House or anyone else, they probably need to get their establishment advertised on a highway patrol vehicle, because those vehicles are seen in more places than are ordinary police cars. At the end of the day, the Government ought to have a closer look at this idea and dispatch it to where it belongs—the waste paper bin.

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

A quorum having been formed:

Ms GREIG (Reynell): I take this opportunity to put on record my gratitude to and appreciation of the emergency services within my electorate who responded swiftly to what could have been a major disaster in the Reynella/Morphett Vale area. At 4.7 a.m. on Sunday 4 August, the South Australian Metropolitan Fire Service received a call in relation to a major gas leak from a SAGASCO district regulator. To put members in the picture, a district regulator is a somewhat larger installation than a domestic gas meter, and SAGASCO estimates that about 4 000 cubic metres of natural gas was lost into the atmosphere. A release of this amount of gas is classed by the South Australian Metropolitan Fire Service as a dangerous to very dangerous fire, explosion and disaster hazard. The SAGASCO technicians ran out of breathing air and could not complete the task of sealing the gas leak.

It was at this point that the South Australian Metropolitan Fire Service Incident Commander ordered the evacuation of residents downwind of the incident. South Australian Metropolitan Fire Service crews, wearing breathing apparatus, then completed the task of sealing the leaking pipe. The police, who are responsible for the coordination of such evacuations, organised the use of the Morphett Vale High School, which is upwind of the incident. Both the police and the South Australian Metropolitan Fire Service crews took on the responsibility of advising people to evacuate.

The South Australian Metropolitan Fire Service standard operating procedures call for initial evacuation 600 metres downwind in such circumstances. Mr Deputy Speaker, I am sure you can imagine how substantial a problem this is in a residential suburb; such an evacuation is extremely difficult. As I mentioned earlier, the school was deliberately chosen because it was in an upwind direction and, indeed, the natural gas—which, I might add, is 97 per cent methane—is both heavier than air and an asphyxiant, and it would have been blown downwind towards homes and not towards the school. I am told that wind direction rather than distance is the critical factor in ensuring the safety of the public during such incidents.

Concern was raised about the decision to leave some people in their homes, and this decision was not made lightly. Our emergency services had not only to act expediently but to decide what was in the best interest of the residents, particularly elderly and sick people. There is always a balance to be struck between the threat to a person's health if they are moved and the danger that they remain in if they are not evacuated. However, we would all agree that the primary concern of emergency services crews is, first, to secure the safety of the public (and, during this incident, we know that was achieved) and, secondly, to deal with the incident itself. Our emergency services achieved both objectives in difficult circumstances.

As a resident, it is often difficult to fully appreciate the decisions being made, and there is little time to ensure that the public are fully informed of what is going on. We have

to remember that public safety is the primary concern and, in this situation, the safety of residents, the size of the evacuation task, the circumstances of the incident and the time of day were all important factors to be taken into account in having to deal with the situation at hand.

I have nothing but praise for our Metropolitan Fire Service, our police, our State Emergency Service crews and the South Australian Ambulance Service. Our emergency crews often deal with difficult and, at times, horrendous situations, and they do this with very little thanks. I guess it is seen as just part of the job. Notwithstanding that it is part of the job, I believe it takes a special kind of person to take on the role of an emergency services worker, and all of us should spend a little time to look at the type of work these people do, the lives they save, the disasters they prevent and the risks they take to ensure our safety. There are many reasons why we should thank our emergency services but, on this occasion, on behalf of my constituents, I want to pay special thanks to the emergency services for assisting them on 4 August.

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

A quorum having been formed:

Mr ATKINSON (Spence): Yesterday in the House and in another place, a letter sent to electors by Mr Anastatios Koutsantonis was criticised by Liberal MPs. Mr Koutsantonis is the Labor candidate for one of the State districts that include the inner western suburb of Mile End. Last year the Presiding Member of the Social Development Committee (Hon. Dr Bernice Pfitzner) told Adelaide's morning newspaper:

> A red light district similar to Sydney's Kings Cross should be created in Adelaide to help control prostitution.

She continued:

> I haven't been to Kings Cross but if Kings Cross is tight and closed and compact, I would favour something like that.

Dr Pfitzner said that railway districts were suitable for brothel zones because of their short distance from the established nightlife of the city and their light commercial and industrial nature. I know the *Advertiser's* quotes are correct, as I was there when Dr Pfitzner conducted the interview with the *Advertiser*. As someone who lives in the railway district of Kilkenny, which also contains industries such as agricultural implements maker John Shearer and Pre-cast Concrete Products, I found her remarks as extraordinary at the time as I do now.

Dr Pfitzner mentioned Mile End more than once and did so, it seems to me, without remembering that the 1993 general election landslide resulted in Mile End being in Liberal-held electorates for the first time. No-one tricked Dr Pfitzner into selecting Mile End or into saying what she did. It was all her own work. She has not publicly repudiated her statements. It was not surprising that the Mayor of Thebarton (Mrs Annette O'Rielly) told the *Advertiser* that she was sure residents of Mile End, Thebarton and Torrensville would be bitterly opposed to Dr Pfitzner's suggestion. Mrs O'Rielly said:

> I would like to suggest that Dr Pfitzner has the red light district right next to where she lives (in the eastern suburbs) and see how she would like it.

For the information of the House, I advise that Dr Pfitzner lives in the foothills suburb of Skye. I ask Dr Pfitzner: why was she silent when Mayor O'Rielly criticised her but yesterday, in another place, threw a tantrum because Mr Koutsantonis drew to public attention again statements from which she has not resiled? Could it have something to do with Party affiliation? Could it have something to do with the proximity of the general election? I say it is because Dr Pfitzner will not take political responsibility for her own public statements as Presiding Member of the Social Development Committee.

Dr Pfitzner is a Liberal MP. She is seeking renewal of her Liberal preselection for the next general election. Dr Pfitzner was appointed Presiding Member of the Social Development Committee by the Liberal Party. By virtue of being the Presiding Member of the committee, Dr Pfitzner obtained a deliberative and a casting vote on the committee's prostitution report. Dr Pfitzner used both those votes so that she could get certain recommendations and wording into the report. Without the dual voting conferred by the governing Party—the Liberal Party—certain recommendations and wording would not have the prominence they do.

The Prostitution Bill that Dr Pfitzner has circulated would confine Adelaide's brothels to industrial and commercial suburbs and would require brothels that now operate discreetly in exclusively residential inner suburbs to move to brothel zones in industrial and commercial areas. The South Australian Police report on prostitution tabled in the House last year stated that most of Adelaide's brothels are, for commercial reasons, within five kilometres of the GPO.

Mr Koutsantonis is right to point out to people living in Mile End and neighbouring suburbs that Dr Pfitzner has proposed corralling brothels into particular areas. He is right to point out that, but for the Liberal Party's acting collectively to install Dr Pfitzner as Presiding Member and therefore having two votes, the brothel zone proposal would not have the prominence it has. Mr Koutsantonis' worry about the effect of a brothel zone on residents in an industrial or commercial zone is not original. It was a point made strongly by the Attorney-General's senior legal officer, Mr Matthew Goode, at page 108 of his paper The Law and Prostitution.

Yesterday the Attorney-General, who was blissfully unaware of the substratum of fact on which Mr Koutsantonis had based his letter, claimed Mr Koutsantonis could be punished for his letter by the defamation law, by the Electoral Act and by parliamentary privilege. Wrong, wrong, wrong. Mr Koutsantonis' letter has the defences of truth, fair comment and the Theophanous case defence of free speech on political topics. The Electoral Act does not apply before an election is called, as the Attorney-General smugly told me in reply to a parliamentary question I asked in which I complained about Liberal Party advertising in 1994.

As to parliamentary privilege, its application to a candidate for Parliament who has issued a letter that is not civilly actionable seems to be more appropriate to the seventeenth century than the twentieth. Indeed, in light of what has happened in the New South Wales Parliament in the past week in respect of parliamentary privilege, I do not think the Attorney's mind was in gear when he said what he did. I put it to the Liberal Party that, instead of threatening Mr Koutsantonis with a defamation action, a prosecution under the Electoral Act or commitment to prison without trial for breach of parliamentary privilege, it do what is normal in a democratic society which enjoys free speech under the rule of law, that is, issue a letter to the electors of Peake, expressing its contrary view about the matter. The electors of Peake are adults. I say let the electors of Peake decide.

Mrs PENFOLD (Flinders): Last week the fishing and seafood industry in South Australia reached a milestone. The first trainees in a 12-month fishing industry training program were presented with certificates following the successful completion of their course. After a long battle to convince the master fishermen and then an even longer battle to convince others, South Australia has led the nation with the first trainee scheme for young people wanting to enter the fishing industry. Fifteen young men were recently presented with certificates at a function in Port Lincoln, and it was a very proud Chairman of the Fishing and Seafood Industry Training Council, Mr Hagen Stehr, who informed me that, of the 15 young people who had successfully completed the training program, 12 had full-time work in South Australia's tuna fishing industry.

Masterminded by the Fishing and Seafood Industry Training Council, the 12-month trainee program responds to industry training needs. Its purpose is to skill the next generation of employees and to ensure the sustainability of the industry. The program provided on-the-job training for approximately nine months of the year with a further three months spent in TAFE classrooms. The training ensured that these young men reached competency standards in vessel handling, radio telephony, rope work, weather forecasting, safety in fishing operations, senior first aid, elements of shipboard safety certificates, coxswain's certificate of competency and diesel engineering operations, thus ensuring them of full-time employment opportunities.

Funding was sourced from both the State and Federal Governments, with a great deal of commitment being expressed by senior members of the fishing industry. The employment outcomes for these young men have been particularly pleasing and clearly demonstrate what can be achieved when Government and industry work together in a spirit of cooperation.

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

A quorum having been formed:

Mrs PENFOLD: Mr Stehr encouraged the young men, saying that they had chosen a very worthwhile industry in which they could look to the future with confidence. Bob Miller, Executive Officer of the South Australian Fishing and Seafood Industry Training Council, said the fishing industry in every other Australian State had contacted him requesting the manuals and data relating to the successful South Australian exercise. When other States want what we have achieved, it is very satisfying for everyone in South Australia. Mr Stehr praised the work of TAFE and the role it played in delivering its part of the training program. Mr Stehr's enthusiasm was matched by that of the students who said they now had a greater understanding of the role they had to play in making the fishing industry safer and more sustainable.

Mr Stehr also acknowledged that the master fishermen had to be convinced that training was necessary to take them into the twenty-first century. However, he said every other fishing nation in the world was already undertaking industry-based training, with the Japanese leading the way. Apparently, the Japanese have a complete university totally devoted to training for their fishing industry. I also believe that the South Australian Brown Liberal Government can take some of the credit for the success of this new training program, as it was the new Industrial Relations Act which permitted the industry to negotiate an enterprise bargaining agreement allowing the training program to get under way. However, the union movement almost torpedoed the program when it opposed the enterprise agreement in the industrial court—

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

Mr BECKER (Peake): This afternoon we saw yet another disgraceful performance by the member for Spence in relation to Labor Party newsletters being circulated in certain parts of my electorate. Now that I am retiring, my electorate can expect a plethora of misleading misinformation, smears, letters bordering on slander, and half-truths and information that is deliberately designed to scare the people within the electorate. However, the people within the electorate are far more mature and are better behaved than the Deputy Leader. People in the electorate of Peake will see through what is happening as the campaign unfolds.

We will not be forced into any action that is considered unnecessary, except to say this: to distribute a letter which warns people that their property values will drop by $50 000 because the Liberal Government will put a brothel alongside you is absolutely untrue, misleading and false. The Presiding Member of the Social Development Committee, Dr Bernice Pfitzner MLC, is quite competent and capable of handling that issue and will respond appropriately. The legislation that her committee proposes is supported by the Democrat member and the ALP member on that committee and will be presented to Parliament in due course.

I have always made clear that I have no time for brothels. I am not in favour of legalising brothels so that they can be anywhere within the residential area of my electorate. In fact, whenever brothels have been discovered in my electorate we have closed them down. The location of brothels is left to the local council. The councils have sufficient control. The police have sufficient powers to deal with the issue. But that is not the only issue floating around my electorate at the moment. There is a whole plethora of issues which are scaring the people.

The latest issue is that the Liberal Party will lift the curfew at Adelaide Airport. I point out that there would not be a curfew at Adelaide Airport if it were not for me, because in the 1970s I was able to negotiate with the then Liberal Government for an 11 p.m. to 6 a.m. curfew. That curfew has been maintained by both Liberal and Labor Governments. Labor Governments have honoured the requirement because I have persistently asked questions. At one stage we forced Ministers who travelled on small VIP jets to land at Edinburgh airfield. They did not appreciate having to land there at 2 a.m. or 3 a.m. The point is that the curfew was respected, and that will continue.

As a member of the Adelaide Airport Environment Committee—and I was put on that committee by a Labor Minister, Mr Brereton—I will do all I can to protect that residential/environment issue. To say that we will lift the curfew is false. The Minister for Infrastructure has denied that. The South Australian Minister for Transport is preparing a response to the issue, even though it is a decision for the Federal Government. Here we have an inexperienced, young, keen Labor candidate, aided and abetted by the member for Spence, trying to prove himself on various issues and trying to create issues. We know that the tactic of the member for Spence is to use parliamentary privilege to enable him to say whatever he wants. He then gets on the Bob Francis show or some other radio show and says, 'There you are'.

The performance of the member for Spence in the House today was absolutely atrocious. It is all very well for a

political Party to say, 'We will introduce a code of conduct in respect of the behaviour of members in the House.' What we saw today will go down in history as the worst example of Labor members ignoring their code of conduct. There will never be a code of contact; there will never be any principles; and there are no protocols—they have gone out the window. One can expect the next State election, whenever it is held, to be a dirty, filthy campaign run by the Labor Party and sponsored by the trade union movement.

Ms HURLEY (Napier): I highlight yet another Government service which has been closed down in my area and which has, again, disadvantaged families in my electorate. The latest one to go is the Davoren Park Community Day Care Centre, the funding for which obviously comes from the Federal Government. This community day care centre served a very valuable role in the Davoren Park community. I understand that 85 per cent of the children who used the centre were there for respite care. These children were from families who often suffered a great deal of stress and who needed the respite. Their children also needed the socialisation and training available at the Davoren Park Community Day Care Centre. The staff at this centre were extremely dedicated, talented and caring. They were very useful in assisting these young children from families under stress.

Part of the problem with so many families being on respite and under stress is that it has made the financial circumstances of the centre very difficult. The centre was closed because debts had been accumulating. The Federal department funding that centre was not prepared to provide any grants to cover its restructuring. There were some plans to cut down the number of places at the centre and to restructure its finances. If we, as a community, had been given a chance to assist in this process, a number of people would have got behind the centre to help out and to discuss options, but the management committee for the centre was informed on Tuesday night and the centre was closed on Friday. This gave parents very little time to find alternative places for their children and gave the staff little time to adjust to their situation—staff who, as do the rest of us, have debts, mortgages and other commitments—

Mrs ROSENBERG: Mr Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Ms HURLEY: I am dismayed that I was interrupted, because I was about to mention the cuts that have been made by the State Government to services for families in our area. Perhaps members in the southern suburbs do not suffer from this problem, but the people in my area are getting sick and tired of the way the Liberal Government keeps talking about support for families and then undercuts every family support, including the Para District Counselling Service, Care Link—

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

PAY-ROLL TAX (SUPERANNUATION BENEFITS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 201.)

Mr QUIRKE (Playford): The Opposition supports this legislation. My reading of the Bill and the Minister's second reading explanation a few weeks ago indicate that the legislation ostensibly arises from the fact that, as I understand it, a large number of workers today are in receipt of 6 per cent of the SGC, increasing to 9 per cent by the year 2000 or perhaps 2001. In effect, that now comprises a fairly large part of wages paid in South Australia, and this legislation seeks to put beyond doubt that payroll tax will also be levied on that amount of money. It is a more significant amount of money today.

The powers under the Bill allow a degree of flexibility by Treasury to determine various schemes so that appropriate payroll tax cannot be avoided. The Opposition supports that view, although I, along with all members in this House, recognise the shortcomings of payroll tax. We recognise that it is one tax that we would all dearly like not to have, and one would hope that, at some stage in the future, progress can be made to eliminate that tax on larger businesses in South Australia. With those remarks, the Opposition supports the legislation.

The Hon. S.J. BAKER (Treasurer): I thank the honourable member for his support. The Bill is straightforward. All employers are required to pay payroll tax on the gross wages, which includes the superannuation component. There has been a reluctance by certain entities, particularly in Government, to meet their liabilities and consistency is required. Certainly all private employers must do it, and this legislation ensures that all people are aware of their obligations. I thank the honourable member for his support.

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

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

A quorum having been formed:

INDUSTRIAL AND EMPLOYEE RELATIONS (PRESIDENT'S POWERS) AMENDMENT BILL

The Hon. G.A. INGERSON (Minister for Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Industrial and Employee Relations Act 1994. Read a first time.

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

That this Bill be now read a second time.

It seeks to ensure the validity of the appointment of His Honour Judge Jennings as President of the Industrial Relations Commission of South Australia. From time to time it is necessary for the President of the Industrial Relations Commission to exercise the powers of an industrial commissioner, particularly an enterprise bargaining commissioner. There is only one full-time commissioner appointed which is sufficient, but on occasions during this commissioner's absence from duty it is necessary for someone to exercise his powers. Consequently, the President was appointed as an enterprise bargaining commissioner.

However, uncertainty has arisen whether the President of the commission may simultaneously hold the office of commissioner. This uncertainty has arisen following the comments of members of the High Court in the recent case of *Wilson v the Minister for Aboriginal and Torres Strait Islander Affairs*. Members may recall the case. It was the successful challenge to the appointment of Justice Matthews

to advise the Minister on the Hindmarsh Island bridge. The case raised the issue of one person holding inconsistent public offices. It is also an issue raised by the Auditor-General in his most recent report.

While there is no specific provision in the Industrial and Employee Relations Act which expressly prevents a person from holding the office of President and the office of commissioner, common law principles apply. The principle is that an appointment to a public office vacates the appointment to a previous office when the duties of the two offices cannot be faithfully and impartially discharged by the same person. The principle will apply if the duties of the two offices are inconsistent.

It is the Government's view that the duties of the two offices, that of President and commissioner, are not inconsistent and can be properly discharged by the one person, but there is an element of doubt as to which should be eliminated to ensure that there are no challenges to the acts of the President or the present validity of his appointment. This is the purpose of the Bill. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of s. 36A

Clause 2 inserts new section 36A which provides that the President may exercise any of the powers of a commissioner. Subclause (2) provides that the amendment is to be taken to have come into operation immediately after the commencement of the principal Act (*i.e.* on 8 August 1994).

Clause 3: Cancellation of appointment

Clause 3 cancels the purported appointment of the President as a commissioner and provides that the appointment is to be taken never to have been made.

Mr CLARKE (Deputy Leader of the Opposition): The Opposition is prepared to support this piece of legislation. I trust that the Government notes that the Opposition has been very facilitative to ensure that this Bill can be debated and proceeded through the Parliament at a very quick pace, notwithstanding the provocations that occurred this afternoon during Question Time when one of our members was in our view unfairly suspended from the House because, basically, the Opposition is prepared to put the interests of the State ahead of Party interests.

It is a principle that I know is foreign to the Government but it is something which the Opposition is prepared to do, because we cannot have a situation where the decisions or actions of the commission can be brought into question because of a dispute as to whether or not the President of the Industrial Relations Commission of South Australia is technically still in office by virtue of an amendment that was carried late last year or earlier this year when he was appointed as an enterprise bargaining commissioner under the Act. So, the reasons for the Government's introducing the legislation are well understood by the Opposition and therefore we are prepared to cooperate in the public interest on this occasion.

I might say, Sir, that I would hate to be thought of as churlish by saying in my concluding remarks, 'I told you so' or, 'This is a fine mess you've got us into again, Ollie' or anything of that nature. I would not be so crass as to say that, but I do remember the words I uttered in this Chamber in 1994 when the Minister introduced his Bill to replace the old Industrial Relations Act 1972 and scrapped the existing provision under which the President of the Industrial Relations Commission was also President of the Industrial Relations Court. There was no need for a specific enterprise bargaining commissioner to be appointed, because lay commissioners appointed under the old Act could have dealt with enterprise agreements just as effectively under the provisions of the enterprise agreements sections of either the current Act or the old Act.

Some of the hiatus we have had with respect to various appointments and amendments having to be carried to correct mistakes in the original Bill that this Minister introduced in 1994 need never have occurred if the Minister had listened to me, but he chose not to and this is the consequence. Again, I do not want to be churlish and say, 'I told you so'; nonetheless, I will say for the record that I did tell the Minister so, not exactly but in general principle. I am glad to see that the Minister has recognised that some of my comments were right by proposing these amendments. With those concluding comments, I indicate that the Opposition supports the Bill as a result of our concern to support the public interest in proceeding with this Bill here and in another place to avoid any difficulties that might arise with respect to the appointment of the Senior Judge and President of the Industrial Relations Commission

The Hon. G.A. INGERSON (Minister for Industrial Affairs): I thank the Deputy Leader for his comments and I note with interest that they were totally out of context. He knows that this is a technical change which is beyond this Parliament and which results from part of a High Court decision in another case. I feel sorry for the Deputy Leader that he has to get to that sort of level. I thank the Opposition for its support, because it is a very important Bill that we have to get through. Whilst it is a legal technicality, I do not think any one of us would want to be caught in this State without a President of the commission.

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

ADOPTION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 208.)

Ms STEVENS (Elizabeth): I am pleased to lead the Opposition in looking at this very important matter. As the Minister said in his second reading explanation, adoption is a particularly sensitive area and one that we need to deal with sensitively, as far as possible trying to balance the often conflicting needs of the groups involved in this process. One of the factors that make that difficult is that adoption throughout history has been characterised by periods of openness and secrecy, and there have been a number of changes to legislation in this State since 1926. We have had almost a seesawing of more and less openness. This culminated in 1966 with total secrecy being brought back into adoption legislation. In 1988 legislation was passed in South Australia which changed that situation again and approached adoption in a much more open way. That 1988 legislation recognised the importance for people of knowing their origins, of having the truth and being able to deal with themselves knowing the full facts.

As members would know, in that legislation regard was taken of those people who had been adopted during the secret years prior to the Bill of 1988. In order to handle this situation a system of vetoes was allowed so that people could

put a veto on the release of information about their history and origins.

The Bill before us now makes some changes (although not a great number) to that legislation passed in 1988. The Bill itself comes after a review of the 1988 legislation. The adoption review was set up and established by the current Minister in May 1994. The review reported later in that year, and we now have it before us in the Parliament two years later, in November 1996.

In the introductory section of the review report the authors noted that a less than expected number of submissions had been received by the review committee in performing its task. They made the comment that they believed that this could have been because 'this possibly points to a growing awareness and acceptance of the issues involved in adoption today'. The committee said that perhaps this was the reason why fewer than the expected number of people put in submissions and made known their views. The other point the review authors raised in their introduction was that over 90 per cent of submissions received related to the access to information and veto matters. In terms of the representations made to me, certainly the vast majority of concerns relate to that very sensitive but important matter.

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

A quorum having been formed:

Ms STEVENS: In relation to the adoption review, I have had many comments from people expressing their concerns about the length of time that this process took. It needs to be said and taken on board that, when we are reviewing sensitive matters like adoption, the people involved—the people that this affects—are in a state of tension in relation to what the future might hold and what the result of the review will be. I know that considerable concern was expressed by many people about why it took so long.

When we consider that the report of this committee was available two years ago, we realise that it has taken a long time for it to arrive here. We need to bear in mind that there is considerable tension and stress on people in this sort of position waiting for a decision. I acknowledge that the decision was a hard one, but the fact remains that concern was expressed by a large range of people about the length of time it took for this legislation to be introduced in Parliament. I will quote from a letter I received from a person in relation to the adoption review. The letter and the points, which are self-explanatory, states:

> When this review was first announced, I contacted Rosemary Whitten by telephone to air my concerns, my most immediate concern being the panel of members selected to consolidate and report to the Minister their findings and recommendations. After being informed of the panel membership, I learned that there were no relinquishing mothers, no adoptees and no adopting parents at all on the panel. I am still at a loss as to how a team of experts (with due respects) can possibly make rational decisions on behalf of the people most affected by this process when there are none of those affected on the panel or, it appears, not even available for consultation. I would imagine that, from a scientific research point of view, in order to be fair to all parties a survey of the majority in all areas was needed and not just take the word of a few who either have the intestinal fortitude or were coerced into a premeditated response.
>
> Then there is the question of the meetings which were abandoned simply because there was insufficient response, leaving those affected ill-informed and abandoned. It is therefore quite disappointing that the Minister believes that 'the great majority are sufficiently satisfied with the current arrangements that they did not comment as part of the review'. Does the Minister/committee really believe that the remaining of the great majority did not want to respond in any way? The Minister has also been led to believe that the great majority has actually been informed and this deception is the epitome of adoption as it stands at the present. If this was the basis of the entire analysis, then the outcome is seriously flawed, questionable and should be rendered invalid.
>
> Firstly, as a ministerial exercise the assumption that, because a response is not forthcoming, it does not constitute valid proof, the impression created that all affected parties were reached is clearly false. Secondly, that public meetings were held was not widely known until well after the event and only served to pay lip service to a rather limited survey with respect to the real people involved, not to mention those anticipated meetings which were cancelled and not replaced. Clearly those affected had not been reached.
>
> The adoptees and relinquishing mothers were, by your own admission, not consulted within any form of concentrated effort or investigation, nor was a sufficiently representative sample consulted. It is clearly not possible to arrive at a valid conclusion if a sufficiently large representative sample of the groups most affected are not consulted and clearly this has not been done.
>
> Certainly no attempt was made to search out and interview those adoptees and relinquishing mothers who find discussion on the topic distressing for various reasons, not the least being the impossibility to write their feelings down, let alone attend a public meeting had they known about it. Most importantly, this cannot be assumed to mean that the topic should never be raised but that the cause of the distress in the first instance should be addressed and not hidden, the question of identity resolved and heritage restored and not locked away in secret.

That issue is fairly self-explanatory. A comment was made in the introduction of the review to the effect that a lack of submissions meant that people were happy with the way things are. The person concerned was also making the point that it is difficult for many people who have been involved to come forward at public meetings or, as was stated, to put their feelings down. This makes it difficult to get such information. It exemplifies the point I was making that this is a sensitive matter and that we need to take special measures consulting with people.

I note that a number of recommendations in the review of the Adoption Act were not put into the Bill itself. For instance, I note that the review process recommended something different from what is in the Bill regarding vetoes. The review process recommended lifetime vetoes, with a combination of other vetoes. It also talked about contact vetoes. I would like the Minister to put on the record the reasons why he did not take up those recommendations in the review, because many people have written to me asking what was the point of the review if the recommendations were taken out. I am not saying that I disagree with the Minister's decision, but I would like him to outline his reasons for it.

Other recommendations relating to birth certificates were not taken up and put into the Bill. The review recommended single birth certificates from the date of proclamation of this amendment. This has not been adopted, and a number of people also voiced their disappointment about this. I would like to hear the Minister's reasons for not taking that up. I would also like the Minister to comment on the recommendations regarding negotiated adoption plans, the adoption information exchange and the close adoption service. All those issues are quite reasonable in terms of the need for support, exchange of information and ongoing support for people involved in the adoption process.

I was interested to read in the discussion paper that went with the review the summary of the South Australian adoption statistics. It is worth pondering them again. I will relay some information that was in the accompanying discussion booklet. In the period 1927 to 1993, approximately 26 500 adoption orders were granted; during the period 1937 to 1989, approximately 12 500 secret adoptions took place—that is, the identities of the parties were not known to each other. The total number of adoption orders increased each

year from about 150 in 1927 to a peak in 1972 of over 850, and declined to the present level of about 100. This includes newborn babies, intercountry adoptions and step-parent adoptions. In 1993, 16 Australian-born babies were adopted; in 1983, there were 94; and in 1973, 467. Intercountry adoptions peaked at 93 in 1986-87, and in the last few years have been between 30 and 40 each year. Since the introduction of the present Act in 1989, approximately 3 800 requests have been made to access information. The up-to-date figure on that now is 5 000, because this discussion paper was put out two years ago.

The document also states that roughly two-thirds of the requests were made by adopted people, and the majority of the requests for information have been granted. At present, 930 vetoes are still in place from people adopted prior to 1989. In the period 1989 to December 1993, approximately 1 340 vetoes were placed—the number now is 1 456—and 990 of the vetoes were placed in the first six months of operation. About two-thirds of these were placed by adopted people. The first five-year veto period is due to expire in 1994, and about 220 vetoes have been renewed in the period to the end of April 1994; 45 per cent have been placed by adopted people; and 55 per cent by birth parents.

I would now like to talk about the Bill and work through some issues. As I mentioned before, the issues are emotional and need to be handled sensitively. People need help and support in dealing with them, and they need help, support, understanding and respect in coming to terms with the situation. This applies to those people who have been part of the process after 1988—never mind those people who were part of the process prior to 1988.

I will refer to a number of issues in the Bill. First, there is the issue of advice to the Minister. In this Bill, the adoption panel that existed has been removed, and the Minister has stated that he needs greater flexibility in the consultation he undertakes in relation to this matter. I have no problem with that, but I would like—and I will pursue this in Committee—some information and detail about the specifics of what he has in mind for this consultation. This was an issue for a number of groups who said, 'Okay, the adoption panel has gone. What will be in its place? What guarantees can we have that the Minister will be seeking a wide range of advice from groups and people who have been involved in this situation? What happens to any reviews that might be required?' I will take that matter up further in Committee.

The other issue that was raised with me was the need for support for people who have been part of the adoption process—if they choose to take it. That is why I am interested in the Minister's comments on the adoption information exchange recommendation in the post-adoption service, and so on. Groups such as ARMS, the Adopted Persons Support Group, Jigsaw, Parents of Adoptees Group, and so on, have an important role, and they will continue to have an important role for many years to come. If we think about those statistics, we realise that many in our community have been touched by this. There is a great need for people to access support, if they need it, in relation to dealing with any of the issues involved.

A number of people have expressed concern to me about the involvement of the Department of Family and Community Services. I say this carefully, because the department has endeavoured to manage this matter sensitively. I was interested to hear, from a number of people, concern about over zealous welfare workers, perhaps with a bias, trying to push a person in a direction in which the worker might believe but the person concerned might not. I have raised this point because it was mentioned to me by a number of people. I recognise that FACS workers have a difficult job to do. Whoever does that job needs to be sensitive and able to link in well with the people they are dealing with at all times so that, after the transaction, the person feels that they were not pressured in any way, that their views and decisions were respected.

The Opposition fully supports the provisions in relation to our seeking compliance with The Hague convention. I understand that Australia is likely to sign that agreement at the end of this year, and our legislation needs to be consistent with that. We also have no problem with the amendments that relate to children being afforded the opportunity to be heard in judicial proceedings. That issue is also attached to the United Nations convention.

The issue to which I should like to refer concerns the veto provision. The Opposition supports the position that the Minister has put forward in the Bill. We did a lot of thinking about this, and a lot of correspondence and information was sent to us. We recognise that it is a very difficult balance to strike and that it is almost impossible to please all the people. There is a need to strike a balance. The Bill maintains that the interests of adopted persons are paramount, while at the same time it tries to balance the right to privacy of other parties, and we support that. Our Caucus tossed around a number of different views on this matter but, in the end, we decided that what is in the Bill is about as good as we can get. We support that.

During the Committee stage I will go through some issues that were raised with me, both to put some information on the record and to raise them with the Minister. Those issues include giving information to lineal descendants, lifetime vetoes, which I will raise again in Committee, and the option to exchange information. Concerns have also been raised about possible undue pressure to accept an interview when seeking information or making directions, and I will elaborate on that in Committee. The Opposition believes that the option for people to give reasons when they apply a veto is a good one.

Another issue is the adoptive parent's right to privacy as long as that did not hinder the adopted person's right to be located and to make contact. A number of groups raised with us their concern that this would not be practical, and I will raise that with the Minister during the Committee stage, because quite a number of people in the community cannot see how that will work. The Opposition supports the Bill, and I look forward to asking a number of questions in Committee.

Mr BECKER (Peake): I place on record my disappointment again that, under this legislation, adopted persons have to place a veto every five years. For the life of me, I cannot understand why, if someone wants to place a lifetime veto, that veto cannot remain. It was a recommendation to the review committee; yet it was not adopted. The Adoption Privacy Protection Group (South Australia) of Edwardstown has written to me and all members, and I will read their letter into the record. Dated 29 October 1996, it states:

> Your attention is drawn to correspondence from the Minister for Family and Community Services (Hon. David Wotton) 4 August 1995 regarding the review of the Adoption Act. Extensive work was done by the review committee for changes to the adoption legislation. We draw your attention to the paragraphs headed 'Recommendations re access to information and vetoes'. Two provisions clearly stated on page 4 are:

1. These provisions give on the one hand a capacity to place a lifetime veto rather than a five year renewable veto which in effect closes the door more tightly and answers those who are very uncomfortable with having to renew every five years.

2. At the same time it is recommended that birth parents be able to place a veto on contact only and not on the release of identifying information. This slightly opens the door in the interest of the adopted person.

The draft questions and answers on changes to the 1988 Adoption Act, page 2, state that the length of the veto will not change and will need to be renewed every five years. We are disappointed that the work of the review committee has been ignored by Cabinet and this recommendation not made.

All people between 18 and 90 years of age who wish to retain their confidentiality must place a veto every five years of their life. This clearly is an imposition and causes distress and inconvenience for these adult people and is contrary to the recommendations of the review committee. We ask you to vote against this Bill and insist that it be redrafted to the recommendations of the review committee.

The Government has decided to amend the legislation for other very good reasons, except this one, and I have trouble with that decision. The Minister knows that and the Government knows that, and I have been consistent in my attitude since the legislation was redrafted in 1988.

I am 61 years of age and I know what it is like to go through life being discriminated against or being accused of all sorts of things that had nothing to do with me, except that my father was German, my mother was Australian and I went to school during World War II. All the ethnic debate nonsense that is going on now also happened in the 1920s, 1930s and 1940s. I was given a simple family message: learn to live with it. I have had to live with it for 56 years that I can remember, and I know what it is like. I would never wish it on anyone else.

I also would never wish on anyone that they have to register their veto every five years. What a terrible imposition that really is. We talk about human rights and United Nations charters but, for the life of me, I cannot accept that any human, no matter where they live or what they are, if they do not want to be contacted, have to place a veto every five years—once is enough.

I thank the Minister for the information that he has provided as to the number of vetoes that have been placed and the number of vetoes that have been renewed. I have already been contacted by families where members of the family have forgotten—some cannot be bothered—to renew the veto. They have said that if anything happens they will not cooperate. The Minister has advised me that, since 1988, 1 407 vetoes have been placed and that, of 911 adopted people and 496 birth parents, only 629 were in place in 1995. I know that a number of people have been contacted. Even allegations of stalking have been made to me. Some people have discovered where their birth parent is or where they may be and have stalked them. That is a terrible situation. We have to nip this in the bud before it gets out of hand.

At the same time, life being what it is, we will not stop it entirely. So, that type of thing will continue. I thank the Minister for providing me with information which indicates that by far the majority of people who approach family information services for information from adoption records are adoptees. Of the 4 387 people seeking information since 1988, 75 per cent were adopted people. In 1994, when the vetoes were up for renewal, fewer than 50 per cent were renewed. That indicates that there is a problem. The problem is that people either forget or, as is the case with some people I know, they are sick and tired of it. However, of the 629 vetoes now in place, 363 were placed by adopted people and 266 by birth parents. Yet the Minister tells me that, since records have been kept, about 100 000 people have been adopted in South Australia. That is an extremely high rate. I am surprised that there is such a high ratio.

The Minister said that, while about 100 000 people in South Australia have in some way been personally affected by adoption, only about 200 chose to voice their opinion in the review. That is not a bad figure because, with the complacency of the electorate in general, I would be very satisfied with 200 people voicing their opinion. That is a fair indication of the number of people who are concerned.

The new legislation does not satisfy those who want complete secrecy or those who want it to be much more open. On behalf of adopted parents and adoptees I appeal to the Minister to provide a lifetime veto. Again, I beg the Minister to consider that issue in isolation in the near future and to continue to respect the people who are affected. I think there were 12 adoptions in the past 12 months. So, the number of adoptions has dropped dramatically. You will not convince me that it is because of this legislation. After all, for some time we have had a fair run on abortion legislation. This must have had some impact on adoptions in South Australia. Unfortunately, not many people are adopting children from overseas, because it is not easy to do that now.

As people get older, whether they be in their 50s, 60s or 70s, they should not have to put up with this humbug of continually having to remember or be reminded to renew their veto. No real reason has ever been given why people should have to do that. I accept the fact that, in the case of rare medical or genetic problems, there is a need to research a person's history. Apart from that, I believe those records can be and should be strictly maintained in confidence. I do not know how, but I am fortunate to have lived 61½ years of age. I know what it is like to be discriminated against. I feel sorry for these people, because it must be like living with a time bomb. When there is a knock at the door, they never know why a stranger at the door is seeking them out.

The people who have worked with this legislation—and I have been to public meetings, so I know the type of people involved—think it is quite clever to break down this barrier. Friends of mine have made contact with children they have adopted out. In one case I was not convinced that it was the best thing. The natural mother would have been better advised to leave the child alone, but that is my opinion and it would differ from every social worker in the country. On behalf of adopted people I ask the Minister to provide an undertaking that this part of the legislation will be under constant review.

Mr ANDREW (Chaffey): The amendments before us reflect significant community consultation. They also reflect what has been extensive reference to the developments in international conventions concerned with the protection of rights. These include The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and the United Nation's Convention on the Rights of the Child. While the current Adoption Act is based on a desire to balance each individual's rights, the law cannot always be successful in resolving situations where individual rights and opinions effectively conflict.

I understand that representations to the Minister and contributions to the review that has taken place have clearly underlined this point. Because of this it is important that the processes put in place are designed to be fair and equitable. The Minister has acknowledged the difficulty in incorporating differing attitudes and reasons regarding access to

information while at the same time highlighting the success of a more open approach to the adoption process. This is consistent with respect to those organisations I mentioned earlier.

A constituent has discussed with me her discomfort at being unable to place a lifetime veto on contact with a child she relinquished many years ago. I am conscious that this issue has been a common thread of some of the representations and comments made in part of the review process. In her case she sees the need to review the veto every five years as a burden and is particularly fearful of the changes to the information access made available through the provisions of the Bill. I sympathise with her and understand her personal reasons, which illustrate many other concerns I will allude to. Notwithstanding this, figures indicate that one to five vetoes are placed every month.

I also understand that current figures indicate that about 930 vetoes are in place at present; however, this number is reducing every year. The fact that there are 10 times as many requests for information as there are vetoes is significant, because these are encouraging figures which indicate considerable progress for the concerned parties in respect of this issue. They provide an insight into how sensitive handling of individual situations and anxieties can be dealt with under this legislation, because it is a framework that includes the necessary flexibility and scope to incorporate the shifts in public awareness and the rights and responsibilities of all those concerned.

Among the issues raised in the 1994 review of the Adoption Act was the rights of descendants of adopted persons. I believe that it is a very reasonable expectation that a descendant might want to make contact, but under the current provisions such a request cannot be dealt with. Arguably, this was an oversight in the 1988 Act, as descendants of birth parents already had the ability to access such information. With that brief contribution, I support the resolution of this issue and the clarification of the existing provisions, which are very aptly achieved in a fair and reasonable way with respect to all parties concerned.

Mr EVANS (Davenport): My contribution will be brief. As to the issue of veto, I have a view similar to that of the member for Peake. My Party, and certainly the Minister, are aware of my views. I can see no reason for a five-year veto. My view is that, if the individuals concerned want to release that information, it is the individuals' choice. I do not see why a person should fill out forms to continue a five-year veto. Why we would want a bureaucracy to reinvent itself every five years is beyond my comprehension.

There are too many areas in which errors can occur, and the Minister is well aware of one case that is presently before him concerning my electorate. A letter regarding the renewal of a veto was sent to an address that was four years out of date and, because the veto was not returned, an adopted person has now been introduced to her birth parents. This was of some surprise to her. She has since been informed that her birth parent now does not particularly like her partner, does not particularly like where she lives and does not particularly like her children, as well as a number of other matters. This has generally turned life on its head overnight, all because people believe that she has some duty to society to fill out a veto so that her information is not released on a five yearly basis.

I believe that that is a totally incorrect way of looking at one's individual rights. My view is that, if the adopted child does not want their details released, that is their right. If they want a lifetime veto, that is their right. When the time is good and ready for that individual, they can approach the authorities that be and, if the birth parents have approached the authorities that be, the two parties can get together. But a system that reinvents itself every five years is one that will eventually fail. Some individuals will be caused great trauma and stress, and that is certainly what is happening.

I do not see why a system cannot be set up whereby the individual has a choice: they can opt for either system. A person can opt for the five year system, if that is their wish. Under that system, every five years they can chose to sign the veto. On the other hand, if they want to adopt a lifetime veto, that option is also available. I do not understand why the system is not set up to cater for both points of view. This is a Government that talks about the right of the individual to decide whether to vote. It is Liberal Party philosophy to uphold the rights of the individual, and that is something I hold very precious. Given that background, I do not understand why we are not setting up a system so that the individual can chose either procedure, and that is a fair system.

If the individual says, 'I want a lifetime veto', surely that is their right. If they do not feel comfortable being introduced to their birth parent, for whatever reason, why should a Government say, 'We will set up a system that puts that at risk.' I do not believe it should. I strongly support the view that the five-year veto system is flawed. It is unfair on the adopted child and others, and I certainly do not support that clause in the Bill. The Minister is aware of my view and, with those few comments, I will be seated.

Mr BRINDAL (Unley): I am, as are previous speakers in this debate, disappointed with aspects of this Bill. I am particularly disappointed, because I have written to the Minister over a number of years on this important and complex issue and have looked forward to the result of an extensive and rather expensive review that was held into this matter. What disappoints me most is that, notwithstanding an extensive and expensive review, the key consideration of that review could be totally ignored because it is all too hard. I thought that this Parliament was elected to consider hard questions and not to decide that some questions are simply too hard for the people of South Australia to deal with. What else are we being told?

The review cost about $300 000. We have a report; we have a key decision in that report; and then we just decide to ignore it because it is too hard. I remind the House that I was elected to do a job and I am not afraid to do it, and if it is a hard decision I am prepared to stand up and take that hard decision. I do not like legislation that waters down paid for recommendations. I would like to know whether the Minister's department will reimburse the cost of the investigation because, if we are to have investigations, spend over $250 000 and then ignore them, frankly, we have wasted Government money.

I am particularly worried—and I share the concerns of the members for Davenport and Peake and others—about the power of veto. The Minister, to his credit, keeps us informed and speaks honestly about the provisions, and he tells me that adoptive parents for the first 18 years—until the child reaches a majority—have the right of veto. I think that is more than fair since, by adoption, in law the child becomes, for all purposes except genetically, the child of the adoptive parents. I see this quite simply. If one wants to give up a child because one cannot afford to look after the child, that child can

become a ward of the State and be fostered out. That is an available alternative.

Adoption is different. Adoption quite clearly in law—and this goes back to Roman times—is the relinquishing of all rights in respect of the raising of the child, and the adoptive parents become, for all intents and purposes according to the law of the State, the parents of the child. It is so binding and so solid that the fact that they are not the biological gene pool of the child is totally irrelevant. I would remind members of this House that Caesars basically inherited a throne because they happened to be adopted. That is how solid adoption was regarded, and it is no less so in our system of law. But the law that we have waters that down. The law that we have now says, 'You can give up your children to adoption and you can give away, in law, all rights, but we have an Act that says you can give away all rights up to a certain extent.' Some of that qualifies what was clearly previously understood, and I do not like that as a principle in law, but I—

Mr Cummins: You don't understand it.

Mr BRINDAL: The member for Norwood says that I do not understand it. I do not have a lawyer's brain: I have an ordinary person's brain, and I thank God and pray that it long remains so. I do not wish to have a lawyer's brain if the member for Norwood is any example of what that means. Why is it that the adoptive parents cannot have, at least, an automatic right to put on a veto for 18 years? I am fairly sure that most of them would do it. It will be their problem to raise—

Ms Stevens interjecting:

Mr BRINDAL: The member for Elizabeth says it is not a good idea and I look forward to her contribution in this debate, but they are adopting, putting in the resources and time and doing all the parenting. They will have to cope with all the problems of which the member for Elizabeth would be aware. She practised as a teacher, and I heard that she might even have been a good teacher.

Mr Scalzi: She was.

Mr BRINDAL: The member for Hartley says she was a good teacher. I thought every good teacher would instinctively understand that it is difficult enough to raise a child without making hugely complex issues. I would think that a child's life could not get much more complex than suddenly, at the age of 12, having somebody arrive on the doorstep saying, 'Hi, I am your Mum or Dad you never knew about.'

Ms Stevens interjecting:

Mr BRINDAL: No; the member for Elizabeth says it never happens just like that. Why is it that most of the representations I have had are cases where it has happened just like that? Most of the excuses I get from the department are explaining away how that was an aberration and was never intended to occur. That is what happens, and the member for Elizabeth should know. I am sure that many of the same people have seen her as have seen me. I cannot see why adoptive parents do not have a right of veto until a child reaches their majority, or why, as the member for Davenport maintains, that should not be fairly automatic.

Ms Stevens interjecting:

Mr BRINDAL: The member for Elizabeth says—

The DEPUTY SPEAKER: The member for Elizabeth is out of order interjecting, and I ask the honourable member not to respond.

Mr BRINDAL: I will certainly not respond to the member for Elizabeth, Sir; but if somebody were to pose me the hypothetical question—

The DEPUTY SPEAKER: It would still be out of order.

Mr BRINDAL:—certainly—of children needing to know the truth, I would ask the member for Elizabeth about something that can actually occur. If a child who is put out for adoption is the product of an incestuous relationship, what good will it do to tell the child? Does the honourable member think the rest of their life will be made happier or more content or that somehow they will be better adjusted for knowing they were the product of incest? I doubt that. I would contend to the member for Elizabeth—

Ms Stevens interjecting:

Mr BRINDAL: Now the member for Elizabeth, who is not interjecting, says that children deserve to be told the truth but not necessarily a complete version of the truth. The member for Norwood can tell me if I am wrong, but I thought that the oath you swear in court is to tell the truth, the complete truth and nothing but the truth. But, as is typical of the wont of members on her side, the member for Elizabeth will choose which bits of the truth to tell children—selective truth—but still maintain the importance of the truth. I thank the member for Elizabeth for her contributions; they are making my debate much more interesting.

The member for Davenport raises the important point—which I would like to take up in this debate and which I do not think the Bill addresses—why a veto cannot be imposed indefinitely and why it is not revocable at will. I cannot see much difference between an 18 year old saying, 'I want to place a veto' and 'If at any time in the future I change my mind, I am equally at liberty to say "I wish to revoke my veto."' The interesting thing about that is it that it would save us from having a bureaucracy of any sort—major or minor—that has to keep looking at these things every five years, sending out letters to remind people to renew and checking that they have renewed, and all the Government expenditure involved in something that is basically not a Government matter.

We may save that expense for the taxpayer. It may be an easier, simpler and better system that we would have as a result, and I do not know why we will not move towards that system. I have heard it said—and I acknowledge the argument—that there are points on both sides of this debate, that it has to be skewed one way and that this legislation is, in fact, skewed toward those who would wish to exercise a veto.

Ms STEVENS Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr BRINDAL: It has been put to me that, no matter what you do in this matter, the law by its very nature is skewed. Either it must be skewed towards those who wish a long term veto and therefore away from revoking the power of veto or it must be skewed towards revoking that power of veto. In this case, this legislation is skewed towards revoking the power of veto. I would put to the House, as have the members for Peake, Davenport and others, that it is a wrong skewing. I would put to the House, exactly as did the member for Davenport, that our Party, the Liberal Party, the Party which is in government, should be about and has most of its philosophy directed towards the primacy of the individual. I am not happy that elements of this Bill really address the needs of individuals but rather are more pointed towards some sort of ethereal notion of good and what is to the betterment of society. I am afraid I see elements of some type of social engineering in aspects of this Bill.

To go on with that theme, members have not commented on the albeit not obligatory power but the power under the Act for the counselling of those who would wish to revoke

a veto. It is section 73 of the Act, I think, that provides that, if you want to revoke your veto, you will be encouraged to seek counselling. I find that an absolutely offensive provision. What does that section provide? That section provides that, as a mature adult who has been adopted, I might not know my own mind. So, I have to go into FACS like a little boy and say that I wish to revoke a permission or to exercise a veto and, before they accept my right as an adult citizen to exercise the veto, they will encourage me to be counselled. I had a very powerful—

Mr Quirke interjecting:

Mr BRINDAL: The member for Playford says that in my case it would be a good idea. I assure him that I know where I came from, and if he does not that is his problem. I will never need to be counselled. I think he reflected on my parents then, and I do not think that is very nice.

Mr Quirke interjecting:

Mr BRINDAL: I am glad it is deep down, because I would not like it to be high up. The notion that mature adults who wish to exercise the power of veto need counselling I find offensive and anti-liberal. It is not the sort of thing that you would expect people on this side of the House who say they espouse liberal philosophies to be saying.

Ms Stevens interjecting:

Mr BRINDAL: I know. I will quote one instance to the House. A woman had to take time off from a busy schedule. She was a psychologist or psychiatrist: she spent her whole day counselling people. She decided that she wished to reconfirm her veto. She went to FACS and was told by those people that of course she could continue her veto (this was a five-year renewal and not a first-off veto), but of course she first needed counselling. Here was a professional person, more highly qualified than any of the FACS officers concerned, who in fact had left a roomful of patients seeking her counselling, being told that she needed counselling and that she needed the services of people less qualified than she to tell her what to do.

I am reliably informed—and I inform the House and the Minister of this—that the entire counselling consists of that sort of subtle coercion exercised by social engineers in many instances in our society to the effect, 'Do you realise the suffering that your poor birth mother might be going through? Do you realise the circumstances in which your birth mother might have relinquished you?' All the counselling is directed solely towards achieving not a balanced view but to get people to change their mind. I find that anti-liberal, offensive and repugnant in this Act.

I conclude by challenging the members for Elizabeth, Playford and all members of this House to deny what I am about to say. I can quote an instance of a teacher reporting a rape and having to wait until the others go home, and the first question a FACS worker asks the teacher is, 'Has the girl been examined?' That would be quite illegal—teachers are not allowed to physically examine students. A FACS worker asked whether the girl had been examined, and it was a little more specific than that but I will not detail it to the House. The teacher waited around until six o'clock for a FACS worker to show up and not one did. The teacher then contacted FACS finally at 9 o'clock the next morning, having had no choice but to send the child to a home environment in which the teacher believed that that child was at risk. The teacher was then told by the FACS worker that the girl had told them fibs before and that therefore they had not made the matter a high priority.

That may be explainable but, if FACS has the resources to spend time counselling people on whether they should fill out a power of veto, it also has the resources to attend to young girls who may have been raped, to attend to the homeless and to all the others who, day after day, present to every member of this House. We all get a procession of excuses on how this Government is cutting back and has cut FACS to the bone; people can never get to see the right people in the right time scale. It happens to every one of us. If they can get to the right people in the right time scale, I am prepared to consider letting them (I do not agree with it, but I am prepared to consider it) counsel adoptive people. However, if there are not enough resources to attend to children who are really at risk, homeless, etc., let us get this provision out of the Act. It is offensive, repugnant and anti-liberal. I therefore express my disappointment with the Bill as presented to the House.

Mr BROKENSHIRE (Mawson): First, I place on the record my appreciation to all parties involved in putting submissions forward on the review with respect to the Adoption Bill and I congratulate the Minister. I have not been in the House all the time but have not heard too many people congratulating the Minister on being prepared to review what is a very difficult area, namely, adoption. I have had a reasonable number of people come to my electorate office, some in favour of one argument and others in favour of another, and I have not found a lot of middle ground, which has made it difficult for me as a member of Parliament adequately to assess what should happen with respect to the amendments. It is interesting when you talk to some people who are adopted. A friend of mine was nearly 27 years old before she found out who were her real parents.

At the time a lot of stress was caused to her adoptive parents by that decision and they felt that this may be a case where that person might reunite with her birth parents and damage could be done to that committed family. I can understand why that family felt that way, because in every case in which I have spoken to or met with parents who adopt a child they do a superb job with that child, having had the option of choosing that child, and make every effort to bring up that child well.

I have not seen one instance where the love, care and efforts have not been provided to do the very best for that child, and I can therefore understand some of the concerns those parents may have, especially if they have been privy to some of the background concerning why the child was put up for adoption. Often the child does not know and has not been aware of any of the background of the birth parents. One lady came to speak to me about her situation. She was adopted by a family; she was the only adopted child in that family, the other children being natural children of the parents. She is as close and committed to the parents and her brothers and sisters as if she had been born into the family. Interestingly, her birth mother had had a difficult life and had got caught up in some of the things in society that one would hope to avoid. Some of her biological brothers and sisters who had stayed with that mother had also unfortunately ended up in circumstances in which most of us in this place would not wish for.

She said that she was so grateful and appreciative of the fact that for some reason she was able to be adopted out and was able to enjoy this great life. She had no desire whatsoever to meet the mother and found it really frustrating when, because there was not a veto in place, her brothers and sisters

had found out where she lived and she was getting harassed by them and did not want a bar of them because she was committed to running a normal family. She is in a situation where she herself is considering adopting a child. There are the other arguments: one friend of mine badly wanted to meet her birth parents. I attended her wedding and it was interesting to see that at that wedding the birth parents and the adoptive parents got on well together. There had been no change whatsoever in the commitment that that person had to her adoptive parents.

Many people have been concerned about the fact—and I listened to the member for Unley speaking about this matter—that there should be lifetime vetoes with an option to allow the person concerned to make a decision to revoke that veto, and that it should not be for five or 10 years. There is an argument for that option to be considered. There is also the opposite argument that there should not be any veto and that five years is a balance between the two. When you think about it, if an adult knows there is a veto, it is a responsibility they need to take on board to make a decision on whether to renew that veto. I have had representations that perhaps notifications should go out and that it should be up to a department, an organisation or an agency to ensure that they contact those people. I have thought about that matter considerably since I heard the suggestion. They were saying that the information service should be there to track down those people.

I have talked to some people in the past 24 hours, and it is unacceptable in every way, not the least of which would be an invasion of privacy, if those people had to be tracked down. Irrespective of whether you are adopted, you have responsibilities once you become an adult, and it is up to you to decide whether you want to extend the five-year veto period.

I would like it to be as easy as possible for a person to reapply for a veto. I hold different views from some I have heard expressed. In my electorate, I deal with FACS on many occasions because I have some constituents in both lower and higher socio-economic circles who want to access FACS for a number of reasons. I have had nothing but assistance from FACS, irrespective of why I was contacting it, whether it be reporting a case of child abuse or getting some counselling for a constituent: FACS bent over backwards. Some of the areas FACS deals with are fairly difficult. Some of the most complex of Government agencies would be the family and community service areas. As a member of Parliament, it is easy to jump up and down and demand more and more, or agree to disagree and then reinforce your point. However, I have adopted a different stance since I have been in Parliament. When I was in the private sector, I thought that many public servants were there just to collect their pay packet. However, that opinion has changed since I have been working with a lot of them from 7.30 in the morning quite often until 11.30 at night. Most of those people are committed to the cause.

It is not easy when a child has been reported as having been sexually abused, for example, and you have to make a decision. Your first commitment should be to protect the child. If that is not done, everything can backfire on you. If you discover that everything is fine after you have made your investigations, you let things return to normal. You must be extra careful and, if you have to make a decision, it should be in the interests of those young people. It is the same in this case. I was concerned—and I have not had this confirmed—when told that, when a person goes to renegotiate a veto, the counselling that takes place currently may be a little heavy handed and may encourage that person not to sign that veto. I hope that that would not occur.

That has never been reported to me by a constituent of mine, but I have listened to many people's arguments. One person indicated to me that a heavy handed approach was taken and that they were trying to encourage the person in question not to sign. I would hope that that would not be the case. There is a real difference between counselling for the sake of counselling and trying to put your stamp on what you feel should happen with respect to this or any other situation and unduly influencing that person. I will discuss this matter with the Minister to make sure that that is not occurring.

With regard to general counselling principles, I have heard what the member for Unley said. The counter argument to that could be, 'What's wrong with counselling on any issue?' If it is done properly, all it does is give that person an opportunity to weigh up the pros and cons. Years ago, a teacher said to me, 'Robert, it never hurts to listen to all the arguments, as long as at the end of the day you weigh up those arguments and make your own decision.' Given the complexity of this matter—again I have already highlighted that during this debate—and all the pros and cons that must be weighed up, it is a fair to say that if it is done in a balanced format it will not hurt. It also does not hurt for parents to spend time on a daily basis counselling their children, and I hope that as parents, irrespective of whether our children are adopted or biologically ours, we all do that: that is part of life. We get counselling in this House, and some members need a little more counselling than others. I do not think we listen to that counselling all the time, except when it comes through the Speaker or the Chairman—

The SPEAKER: Order! The Speaker is listening very carefully to the member for Mawson.

Mr BROKENSHIRE:—and then I, like my colleague the member for Playford, always listen to that counselling, because I am told it is wise counselling. It is certainly wise to listen to it at the time! This review was probably a difficult review to undertake. Nothing had been done since 1988, and certainly much demand has been placed on politicians, especially the Minister, to review the Act. The easy option would be to say, 'Well, I won't review the Act at all; I won't touch it. Let's leave it and hope it goes away.' That did not happen. The decision was made because a policy to review the Act was put in place. From what I have been told, people who had plenty of time put forward their comments. When those comments were put forward—be they written or oral—they were carefully assessed and, at the end of much deliberation, this Bill was drafted.

The Bill will not please everybody. This is one issue—and there are lots of others—on which we will never please everybody. The important thing is that an opportunity has been provided. This is the first opportunity since 1988; it is nearly a decade since any Government has given anyone in this State the opportunity to give some input into the adoption legislation. That has now been done, and the Minister has put forward this Bill, which contains the balances I have touched on today. As a member of Parliament, I can rest easy tonight and know that everything was assessed and considered and that the outcomes of this Bill will be as fair as possible and will give everybody a reasonable go. Therefore, I commend the Bill to the House.

Mr SCALZI (Hartley): I, too, commend the Minister for the wide consultation he has undertaken on this important

Bill. We all know how sensitive this type of Bill is, given that it deals with laws involving adoption. You can never satisfy everyone concerned, and you will always have a spectrum of ideas from people because they are affected differently in areas such as this. The Minister has had that wide consultation. There needs to be a balancing of rights and needs of all parties affected by adoption—past, present and future—regarding access to information and respect for the privacy of individuals to whom the information relates. Not everybody can be completely satisfied. I have had many representations made to my office. Some have said that the five-year veto is a problem and some feel uncomfortable with the law as proposed. We must consider the overall wellbeing of the community and how both parties in the adoption process are protected. The review and the Bill achieve that, and the matter has been looked at it in a responsible way.

The review committee's recommendations have considered compliance with The Hague convention on the protection of children and cooperation in respect of intercountry adoption, which is due to come into force in Australia later this year. The principle that children's views be heard in judicial proceedings is in keeping with United Nations conventions on the rights of the child and have been adhered to, and there is consistency with recent changes to the Family Law Act and other pieces of legislation. The Bill addresses a range of minor technical difficulties and omissions in the current Act and provides clarification of the rights of all parties.

As I said previously, while there will always be exceptions because of hardship and while particular problems will come to light, in a situation such as this one can never make everybody satisfied with the law, but good law is not based on an exception. I agree with the member for Elizabeth that, in certain circumstances, as was outlined earlier in the debate, children should not necessarily have the right to be told in all circumstances, but the principle and the right to know is important. As the member for Unley said, if an adoptee was conceived as a result of incest, it would not be in the interests of the child, but it is important to look at the overall wellbeing of the people involved, to have a balanced view, and to look at important humanitarian principles, and they are reflected in the Bill.

The Bill has a balanced view and it maintains provisions for the protection of privacy where that is required. Whilst the Bill is not perfect—and I do not believe that any Bill in this area can be—it is the most sensible way to go, and hopefully it will promote the wellbeing of all those involved whilst at the same time giving individuals the right to review their position from time to time. I commend the Minister and support the Bill.

The Hon. D.C. WOTTON (Minister for Family and Community Services): I thank members on both sides of the House who have contributed to the debate. As has been said by a number of members, the legislation is very sensitive. As far as I am concerned, as Minister, this is probably one of the most difficult pieces of legislation that I have had to deal with. The Government has introduced the legislation because of a policy commitment that was made prior to the last election that we would review the legislation, and I will say more about that review a little later.

The first thing that we need to realise is that the 1988 legislation was considered very progressive and innovative. I remember very clearly the debate that took place in this House and in the Upper House, where there was a significant amount of debate on the matter of adoption. The 1988 legislation followed a period of extensive research and consultation and was thought to be widely representative of community views. The Adoption Act 1988 was seen to keep pace with national and international trends towards more openness in adoption and, as I say, it could be regarded as leading the way in many areas relating to adoption.

The 1988 Act also created a balance between the right to access personal information and the right to privacy. As a number of members have said in this debate today, that is the most difficult part of the legislation. It is particularly important, given that past adoptions were conducted under a climate of secrecy where the parties were guaranteed lifelong confidentiality. The capacity of the legislation to respect the rights of those persons seeking to retain their privacy was considered essential if the legislation was to work and if the legislation was to be truly representative of the needs of all parties.

As has been pointed out, I established the review committee in 1994, and I commend the people who were responsible for that review and the way in which they went about it. In debate today, recognition was given to the consultation that took place. With a subject such as this, there would never be enough opportunity for consultation. The member for Elizabeth referred to the public meetings and said that some of them were not well attended. I assure the member for Elizabeth and other members that every effort was made to make people aware.

Of course, the other point is that, because of the review, those who supported its recommendations did not find it necessary to make further representation, either by attending public meetings or by making contact with me as Minister or the agency. That is understandable. It was only when it was recognised that all the recommendations of the review would not be accepted by the Government that a number of people expressed their concern one way or the other.

In response to the submissions received, the committee produced some 26 recommendations which were considered in detail in the preparation of the Bill. The member for Elizabeth referred to the time that elapsed between those recommendations being brought down in the report and the introduction of this legislation. I can say only that that was not intentional. As I said earlier, I have found it very difficult legislation to deal with. A considerable amount of consultation has been had since the report was brought to my attention at the end of 1994.

I have received many submissions from various individuals, groups and organisations associated with adoption. I have taken those opinions into account in the drafting of the amendments. I should like to put on record my appreciation for the patience shown by those involved in the review, because I am sure they felt that they would never see any form of legislation. The member for Elizabeth referred to the 'tension and stress' evident in the community as time proceeded prior to the decision being made as to the way that we would move in legislation. I was very much aware of that. I attended a considerable number of meetings and received representations, both personally and in writing, from people who expressed concern. Most members of this House, if not all, would have received correspondence from various groups and would be aware that the variation in opinion is significant. From the time the review was handed to me at the end of November to this time, there has been a lot of representation.

I will remind members of what we are trying to achieve in the Bill before I deal in detail with matters raised by members on both sides of the House. First, we wanted to achieve a balance of the rights and needs of all parties affected by adoption, both past and present, in relation to access provisions. As far I was concerned, new section 27 was the most difficult to deal with. We tossed that around from the recommendations coming out of the review to other representations I had received. Secondly, we seek compliance with The Hague Convention on Protection of Children in Respect of Intercountry Adoption, which is due to come into force in Australia later this year and which has been subject to discussion at ministerial conferences with Ministers from States and Territories and the Commonwealth Minister.

Thirdly, we seek to ensure that, in keeping with the United Nation's Convention on Rights of the Child, children are afforded the opportunity to be heard in judicial proceedings. We also wanted to bring the Adoption Act 1988 in line with a number of recent changes in the Family Law Act and other pieces of legislation. Obviously, there was a need for us to address that issue. We also sought to propose a series of miscellaneous amendments which reflect changes in current adoption practice, which streamline the legislation overall and which consider the jurisdiction of the Youth Court. All of those areas have been considered very carefully in the legislation we have brought forward.

I refer to the points raised by the member for Elizabeth. The member for Elizabeth referred to some statistics that were made available. Those statistics have changed slightly. In the latest figures that we have received—and I will bring those to the House's attention—since 1988 1 459 vetoes have been placed. That consists of 937 adopted people and 522 birth parents. At this time, 922 vetoes are in place. With respect to total adoptions, since 1926 the number is 25 894. Some 4 100 of those are relative adoptions; therefore, approximately 21 794 is a realistic figure. Assuming that there are two parties, it means that about 43 500 people have been affected by adoption; yet it is interesting to note that only 1 500 vetoes have been placed. That suggests that most people affected by adoption are managing without taking the step of placing a veto.

We need to realise that after the 1988 legislation adoptions had no veto provision. We also need to recognise that the veto system accommodates the option of privacy in adoptions which were previously secret. It is interesting to note the significant jump in the number of vetoes that are now in place from 629 in late 1995 to 922, which is a significant increase in that area.

The member for Elizabeth referred to birth certificates and the action taken in that area. For the information of the House, I point out that since 1988 the opportunity has existed for the child's birth certificate to include the names of birth and adopted parents. There are still many cases where birth parents do not want their identity disclosed to the child or to the adoptive parents. These people know that their identity will be available to the other parties upon the child's attaining 18 years of age. In many cases of step-parent or relative adoptions the child knows the identity of the birth parent. For example, if the child's birth father has died and the child is to be adopted by the stepfather, the applicant's name can be added to the birth certificate. There was a considerable amount of discussion on that issue.

The member for Elizabeth also referred to the abolition of the adoption panel and indicated that, although she was not opposed to that, she was interested to know what would take place. This recommendation came out of the review. The review felt that it was not appropriate for the adoption panel to continue but made it very clear to me in the report and in subsequent meetings that it was particularly important that I continue consultation or that the Minister, whoever the Minister might be, continue consultation with existing groups with an interest in adoption and that they be canvassed as part of the consultative process. It is important that that happen.

The Minister also has the option of calling for consultation on a particular topic with representative views being sought. In the three years that I have been Minister this time and in the three years previously I found that that was often more important and beneficial than having a set of people who provide advice on an ongoing basis. If a concern needs to be addressed, it is much more appropriate to bring in people who have expertise and who can assist in that area. That matter will be addressed in the regulations. I feel that the advice provided by the review panel was totally appropriate in that area.

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

MEMBER'S REMARKS

The SPEAKER: I have had the opportunity of examining *Hansard* in relation to comments made by the member for Spence during Question Time which I indicated to the honourable member I wanted withdrawn. Other events overtook that particular action and the honourable member was not in the Chamber at the completion of that debate. I invite the member for Spence to withdraw and apologise for his reflection on the Chair.

Mr ATKINSON: I am happy to withdraw and apologise unreservedly.

The SPEAKER: The matter is concluded.

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

A quorum having been formed:

ADOPTION (MISCELLANEOUS) AMENDMENT BILL

Second reading debate resumed.

The Hon. D.C. WOTTON (Minister for Family and Community Services): Prior to the dinner adjournment I was replying to a number of questions and comments made by members in regard to the amendments to the Adoption Act. The member for Elizabeth referred to the review committee, saying that perhaps there were no people on that review committee who had had a close association with adoption. I want to make the point that all the people on the review committee, other than one, as far as I can remember, were all on the adoption panel previously.

To be quite frank, I am not sure whether any of those people were adoptive parents or had had experience within the family, or whatever the case might be: that was not questioned. Certainly, we were looking for people who had a balanced approach and were without bias, and that was important. We needed people with knowledge and experience in the area of adoption, and I think that with legislation such as this it is very important that we have people who are able to keep their emotions to a minimum. I believe that the review committee worked very well and, as I have already

said, I appreciated very much the advice that was provided, although we did not agree with all the recommendations.

I refer briefly to the matter raised by a couple of members, that is, the rights of adoptive parents. As the 1988 legislation omitted the rights of adoptive parents, there has been a considerable amount of representation. Adoptive parents have made submissions to the review and to me as Minister to have their rights recognised. Under the legislation, adoptive parents can veto, so long as their veto does not prevent the adopted person and the birth parent from having information about each other. In practice, that will mean that, while information about adoptive parents cannot always be withheld, their wishes not to be involved in reunion can be stated, respected and, most importantly, taken into account.

Adoptive parents can also now apply to obtain information, as can other parties to adoption. Information that would be available to adoptive parents would relate to the circumstances of the child's adoption and not personal information about the birth parents. Also, adopted persons are recognised as most often seeking a biological origin and knowledge of their birth family: they are not seeking parents to replace their adopted parents in a social or familial relationship sense. I believe that the action taken under this legislation to recognise the rights of adoptive parents is most appropriate.

I turn now to the issue of lifetime vetoes, because this matter has been raised by the members for Elizabeth, Unley, Peake and Davenport. As I said at the beginning of my response, this issue is probably one of the most difficult with which to deal. There are those who would argue that there be no veto system at all and those who would argue for lifetime vetoes. It really is a matter of obtaining a balance, and the five-year veto is seen by most people—and certainly most of the representation I have received indicates this—to be an appropriate balance. I want to make a number of points about lifetime vetoes: the exercising of the right to restrict information by placing a veto is denying another person their right to information and, of course, that is a matter about which there are strong views. Five years allows people to reconsider their decision to deny information to another person to whom they are related by birth when that other person is seeking information. So, again, there is a balance.

I am informed that about half the people who first placed a veto have not renewed it, and that important point needs to be recognised. As I said at the beginning of my response, the Adoption Act 1988 was certainly based on a spirit of openness and on a belief that people have a right to information, and, under those circumstances, lifetime vetoes would be seen to be a retrograde step. Certainly, relinquishing mothers have argued very strongly against the lifetime veto. They say that they would lose all hope that their relinquished child would ever reconsider and contact them. The people communicating with me have been very passionate about that issue.

Of course, the last point I make is that the five-year renewal is based on the belief that, if people do not want to be contacted by the other party, they will renew their veto. It is not like any other registration that can be forgotten. The member for Davenport is not in the Chamber at present, but he referred to a particularly unfortunate case. He has made me aware of the details of that case and we are following it through. That is just one mistake that has been made. I do not think anyone was at fault. It is something about which we need to be aware. One of the last things about which I want to—

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

A quorum having been formed:

The Hon. D.C. WOTTON: New section 27C relates to interviews, providing that the chief executive must, before providing information to a person or accepting a direction from a person under this part, encourage the person to participate in an interview with a person authorised by the chief executive. The word 'must' replaces 'may' and 'encourage' replaces 'require'. Most of the members who have referred to this new section tonight have been talking about consultation, but there is no mention at all of consultation. This new section will ensure that people are advised of the ramifications of their taking up a veto or releasing a veto, whichever the case might be. It also provides an opportunity to resolve outside issues, and I think that is important as well. When we are talking about—

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

A quorum having been formed:

The Hon. D.C. WOTTON: Prior to being disrupted yet again, I made the point that we are talking about participation in an interview. It is recognised that an interview can be by telephone; it does not necessarily mean that people have to be sitting down talking about those matters. It also provides the opportunity for people to be advised of the ramifications arising from the action they are taking. It is encouragement, not an intrusion; nobody is forced to do it. I support the clause. I might say that, given some of the comments made by some of my colleagues in this place, if I found that this issue was not being treated sensitively by FACS staff or anybody else, I would be concerned. I have no reason to believe that that would be the case.

The other point I make is that it does not have to be a bureaucratic response as far as the interview is concerned: it could be a trained professional outside FACS or anybody who has the expertise to deal with the matter. In response to the member for Unley, who talked about the resources tied up with interviewing, if we take last month (October) as an example, I understand that only about four hours were taken up for this purpose, so I do not think that resourcing is a major issue in this matter.

In conclusion, I believe very strongly that this legislation needs to be under continual review. I would suggest very strongly that it would be necessary for the legislation to be considered again, say, in about five years. We need to be able to take into account changing community attitudes to adoption, and lifetime vetoes in particular is an issue that we need to take into account on an ongoing basis. Again I thank the review committee and the Chair, Linda Doray, for their commitment and the way they carried out their responsibilities. I believe it was a very good result. As the member for Elizabeth indicated in her concluding remarks, while it is extremely difficult legislation to deal with, I believe that what we have been able to achieve is the very best at this time. The legislation being under continual review, I recognise that changes could be introduced at a later stage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Ms STEVENS: I read the Minister's explanation regarding the change of nomenclature to 'birth parent', but I want to put on the record that I have had some correspondence and contact from people who are very concerned about

that and who believe the terms ought to be 'natural' and 'adoptive'. I have read the reasons why the Minister has decided not to use the word 'natural'. However, in making the point that the words should be 'natural' and 'adoptive', people say that those words are more in keeping with other legislation and Federal legislation in some areas, so they are arguing on a consistency line. Will the Minister comment?

The Hon. D.C. WOTTON: As the member for Elizabeth says, the term 'birth parent' has been inserted to replace 'natural parent'. There has been quite a bit of debate over that issue. It was felt that 'natural parent' was ambiguous, as adoptive parents also feel that they have a natural relationship to the child and certainly do not want to be seen as an unnatural parent or parents. The term 'birth parent' clarifies specifically to whom it is that the statute refers. There is only one woman and one man to whom this child is related by birth. There will be, I am told, further discussions as a result of the changing technology in reproductive medicine. The definitions in the Adoption Act of 1988 will certainly need to take into account definitions in other relevant legislation as well, as the honourable member has indicated.

The term 'birth parent' does not aim to define the person solely by the act of having given birth but aims to provide clarity in that there is no other person to whom the term could refer. Other options have been considered and were discussed, namely, 'relinquishing parent' and 'biological parent'. 'Birth parent' has been considered the preferred option by those who have looked at this matter. Individuals have differing views on which term they prefer. A legal definition was required to clarify to which parent the statute refers, and it was decided that 'birth parent' was more appropriate than 'natural parent'.

Ms STEVENS: I note that in the Minister's second reading explanation, when talking about clause 23, he uses the term 'a birth parent' and 'the natural relatives of an adopted person': the term 'natural' has been used in that context. I was interested to note that even in the Minister's second reading explanation he used that term.

The Hon. D.C. WOTTON: 'Relative' is defined under the definitions in the Act as 'natural', and I have noted that in the second reading explanation as well. The main thing to realise is that we are talking about the definition of 'birth parent', and for the reasons I have given it is appropriate and does clarify the situation. It has been sought for some time.

Mr BECKER: In updating legislation, I thought that it was the policy of the Government of the day to simplify language in legislation compared to the wording used some years ago. I notice that on page 2, line 28, in the definition of 'guardian' the Bill refers to 'legal guardian of the child or has the legal custody of the child or any other person who stands *in loco parentis*': why do we keep slipping into Latin phrases such as this? Why do we not simplify the language so that the average person on the street who obtains a copy of the legislation knows exactly what is meant rather than using Latin phraseology or legal terms?

The Hon. D.C. WOTTON: I tend to agree with the member for Peake, but this is legal terminology and means any person who stands in for the parent. It has always been used legally, but I take the honourable member's point. It is something we need to consider.

Mr BECKER: I hope that within the next 12 months or so that matter will be considered by Cabinet and that we will request the Attorney-General to do this with all legislation. It is very important in this legislation, because we are dealing here with people who have had difficulties and experienced difficult circumstances. It should be the right of every average educated citizen to obtain a copy of the legislation and understand it as it is written. This leads me to a hypothetical question: while we are looking at the definitions, has any consideration been given to the artificial insemination programs? How do you identify a parent, especially a male person, who contributes to the *in-vitro* fertilisation program, if so called upon and required? I understand that the identity of the sperm donor is kept strictly confidential. It could be that at some time in the future somebody could be a donor and eventually that child is offered up for adoption.

The Hon. D.C. WOTTON: As the member for Peake would know, reproductive medicine is dealt with under separate legislation. This legislation, however, is consistent with that legislation. Reproductive technology is moving at such an incredible pace that it is a matter of keeping up with it. We were keen to ensure that this legislation was consistent with the legislation dealing with that issue and technology.

Mr BECKER: Have any cases come to the Minister's attention in this regard? There is a tendency today for people to have children at a later age. When I got married the average age for marriage was around 22 years and women endeavoured to have children well before they were 30 years of age, when today it seems to be 35 or even as late as 40 years of age. Because of that, reproductive technology has a major influence. Have there been any cases to date involving those programs and this legislation?

The Hon. D.C. WOTTON: I am not aware of any cases, but I could check that for the honourable member. Reproductive technology is moving at such a rate that we will have to ensure that this legislation is consistent with the legislation dealing with that technology. It is a complicated area and one we will have to watch carefully.

Clause passed.

Clause 5 passed.

Mr CLARKE: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Clause 6 passed.

Clause 7—'Minister to ensure consultation undertaken on operation of Act.'

Ms STEVENS: This clause deals with the consultation process after the adoption panel is done away with. In the second reading debate, the Minister said he would be talking with existing groups, either on a continual basis or on specific issues. Obviously groups in the field are concerned about whether they will be included in the consultation. Will the Minister give some assurance that he will consult with the full gamut of groups representing the various parties that have formed around this issue? Will this consultation take place on a continual basis or on a specific issue, or both? As the adoption panel had a review function, will this consultation process also pick up that function?

The Hon. D.C. WOTTON: I am personally committed to consultation on this issue, and I made that point earlier. Obviously, it has to be on the full gamut; it has to be across the board, because there are so many different opinions on and attitudes towards what we should be doing in this area. I made the point that I often feel that, rather than having a regular group that meets all the time, if you are concerned about a specific issue or if you need more advice, it is better to bring in people who have specific expertise relating to that issue.

The abolition of the adoption panel was a recommendation of the review. I discussed that recommendation with the

panel, which was very much of the opinion that there were better ways to consult. The Family and Community Services Advisory Committee is also able to give me advice on this issue. However, I want to make quite clear that I will consult broadly on these issues. I am committed to independent arbitration in review of appeal decisions. Formal reviews are so few that a particular panel is not warranted. Again, that is something I want to keep under constant review. With regard to the abolition of the panel, I am committed to broad consultation.

Ms STEVENS: In my second reading contribution, I quoted from a letter from a person concerned about the fact that many people affected by adoption did not come forward and contribute to the review. The letter made the point that that was because of the nature and sensitivity of the issues and stated that much more research needed to done into the effects and needs of adopted people, birth parents, and so on. Is that something this group would undertake?

The Hon. D.C. WOTTON: I certainly see that to be the case, and it is something in which I concur. I can understand the sentiments that have been expressed by the person who has made representation to the member for Elizabeth: that is one of the problems. As I said in my response, for all sorts of reasons, people did not come forward. There were those who did not come forward because they were generally satisfied with the recommendations coming out of the review, so they did not feel it was necessary. There are others who still feel shy about this whole situation and who do not want to discuss it publicly. Certainly, there are people who have made representation in writing to me over the past couple of years but who have wanted to make clear that it was personal representation and that they did not want that personal representation considered by other groups or people. It is a sensitive area, and it is one we need to consider.

Mr BECKER: New section 7A provides:

> The Minister must ensure that regular consultation is undertaken with representatives of organisations with a special interest in the adoption of children and any other interested persons in relation to the operation of this Act.

Is there a register of those organisations? How many organisations are there? How often are they contacted by the department, and how often are consultations held?

The Hon. D.C. WOTTON: I am advised that there is not an official register as such. Certainly, the department has a list with whom they have constant contact. The member for Peake might have some views on that, and I am happy to discuss them with him later. I am happy to look at whether there is a need to have an official register. We have not seen the need in the past. The department has a list, and it has kept in constant contact with those recognised organisations that are on the list.

Mr BECKER: It is important and, as you know with most voluntary organisations, secretaries change, various office bearers change, and people tend not to advise organisations such as the Minister's of a change of office bearer. I will be happy to discuss with the Minister how we can ensure that anybody and everybody who is vitally affected by this legislation has no problems in relation to communicating with the department and/or will be consulted by the department. When the legislation was first brought forward, there was a considerable advertising program to inform everybody of their rights and privileges. I know that the Government expended considerable sums of money, and that was appreciated, but we cannot keep asking the Government continuously to do that. Therefore, we need to set up some type of machinery with the cooperation of the various organisations to ensure that everybody is kept fully informed.

The Hon. D.C. WOTTON: As I said, I am perfectly happy to look into that but, as far as the agency is concerned, I am fairly satisfied with what I have been told about the two-way contact that is in place. It is important that there be two-way contact. We receive minutes and communications from various organisations. There are individuals and organisations that want to know what our agency is doing and they want our communications as well, and there is a very good two-way flow. I agree with the member for Peake that it is essential that should be the case. If there is any way that we can improve on that, we will look at that. If the member for Peake has any ideas that we can take up, I will be very pleased to discuss them with him.

Clause passed.

Clauses 8 to 10 passed.

Clause 11—'No adoption order in certain circumstances.'

The CHAIRMAN: A typographical error has been indicated to me by Parliamentary Counsel in a note which states that, in clause 11 at page 3, line 34, reference to section 60AA of the Family Law Act is obsolete as recent amendments to the Act have resulted in the provision being renumbered. The reference in clause 11 of the Bill should now be to section 60G. It will be dealt with as a clerical error rather than as an amendment.

Clause passed.

Clauses 12 to 15 passed.

Clause 16—'Consent of parent or guardian.'

Mr BECKER: Is the Minister able to inform the Committee how frequently this clause has been used? It relates to persons resident overseas.

The Hon. D.C. WOTTON: I am not sure to what the member for Peake is referring.

Mr BECKER: *Hansard* of Wednesday 16 October (page 207) indicates that the Minister said:

> This clause amends section 15 of the principal Act—
> - to make it consistent with The Hague convention by ensuring that the same rules apply in relation to consent to adoption whether the parents/guardians are in Australia or overseas; and
> - to recognise that where the Chief Executive or the Minister is the guardian of the child, the requirements relating to witnessing of the consent and counselling should not apply.

How frequently has it been necessary to use that provision in relation to people resident overseas?

The Hon. D.C. WOTTON: I think that we are all a little ahead of ourselves because The Hague convention has not been signed yet. It is intended that it will be signed by Australia later this year. This matter has been under consideration by the ministerial council, and the honourable member would be aware that we have dealt with it in this State, but it is yet to be ratified as far as Australia is concerned.

Clause passed.

Clauses 17 to 22 passed.

Clause 23—'Substitution of s. 27.'

Mr BECKER: The clause provides that an adopted person who has attained the age of 18 years or, if the adopted person consents or is dead or cannot be located, a lineal descendant of the adopted person may obtain the names and dates of birth—all the information—relating to that person's parents or relatives. Does this protect the original intention of the birth parent or the adopted person or does it mean that, if one party is dead or cannot be located, all information can be made available?

The Hon. D.C. WOTTON: This provision comes about because the descendants of adopted people can be left with the same sense of bewilderment as far as their past is concerned as adopted persons, particularly if the parent—the adopted person—dies. The original intention of the legislation is met, so I do not think there is any concern about that. The descendants of adopted people can obtain information about the birth parents of the adopted person only if the adopted person consents or, if that person is dead or cannot be located, that information is also available if the veto is not in place. It is restricted to lineal descendants, that is, children or grandchildren, and it is appropriate that that should be the case. It is recognised that, sometimes, the adopted person does not want to obtain information but is willing to consent to their children or grandchildren doing so. That has been brought to our attention on numerous occasions.

Ms STEVENS: I heard Grey Power expressing concern through the media about that aspect, and it gave as an example the situation where a very aged person, whose daughter had a child that that person did not know about, might be quite shocked and distressed if he or she was approached by the grandchild under this provision. Can the Minister confirm whether that is a possibility under this provision and, if so, can anything be done to support people in that situation?

The Hon. D.C. WOTTON: The answer is 'Yes.' Through the publicity campaign which has already commenced we will make it possible to ensure that people who want to keep part of their adoption record private are able to do so. Grey Power has contacted me about the same issue. To some extent, its concern is justified. It is something that we must work through very carefully. There has been very strong representation for us to move this way. There was an attempt to introduce this initiative in the 1988 legislation, and at the last minute—I do not know why—it was determined that it should not be proceeded with, but there has been strong representation. I will watch that situation very closely. New subsection (4) provides:

> In providing information under this section the Chief Executive must not reveal the name of a person (other than a birth parent and any siblings of the whole or half blood of the adopted person who have attained the age of 18 years) who would have been a relative of the adopted person if the adoption order had not been made.

To some extent, that clarifies the situation as well.

Ms STEVENS: I am not sure whether it does, because the parent of the adopted person is the aged person. I want to clarify what the Minister said, because I assumed that when a person dies their veto finishes. The Minister mentioned that he was aware of Grey Power's concern, and I understood him to say that he will do something to ensure that that information is not revealed. I am not sure how he can do that under this provision. Could the Minister clarify that?

The Hon. D.C. WOTTON: This is something that we will have to clarify. As I said, I believe that new subsection (4) clearly indicates how people will be protected. Certainly, the veto dies with them; the veto does not continue.

Ms STEVENS: How does a person who has been adopted find out that they are adopted, that is, before they are 18, if they are not told by their adoptive parents?

The Hon. D.C. WOTTON: Post 1988 there is a provision in the Act whereby those children must be told.

Ms STEVENS: Prior to turning 18.

The Hon. D.C. WOTTON: Yes.

Ms STEVENS: New section 27(1)(d) provides:

> . . . may obtain. . . information in the possession of the Chief Executive relating to a sibling. . . of the person who has also been adopted and who has also attained the age of 18 years.

What about siblings who are not adopted?

The Hon. D.C. WOTTON: I am informed that siblings who are not adopted should get their information through the birth parent.

Mr BECKER: I refer to *Hansard* of Wednesday 16 October (Page 208) and the Minister's explanation of this clause, as follows:

> The section allows for the provision of all the information retained by the department, other than material that the Chief Executive determines would be unjustifiably intrusive. The way in which this discretion is to be exercised will be the subject of guidelines, which will be available to members of the public on request.

Why are the guidelines not set out or attached to this legislation so that we know what they are? We are discussing this issue while we are not aware of what the guidelines contain. It would be helpful if we could be provided with that information.

The Hon. D.C. WOTTON: Again, I am informed that there are a considerable number of policies, procedures, etc. It would be very bulky. The guidelines are always under constant review. It would be inappropriate for them to be in the legislation. It is a bit of a moving feast, and we need to update constantly those policies and procedures rather than have them set in legislation.

Mr BECKER: It just seems a little tough. This new section is a very important part of the legislation and is part of the key to the whole principle behind it. To be told that if you want to see the guidelines you have to apply for them makes it a bit hard. The Minister's second reading explanation refers to new section 27B, as follows:

> In addition the proposed section allows adoptive parents to lodge such a direction, although in the absence of any direction by an adopted person, the adoptive parents' direction will not operate to prevent disclosure of information relating to the welfare or whereabouts of the adopted person. This has been included to ensure that a direction lodged by an adoptive parent does not restrict access to information about the adopted person where the adopted person has chosen not to place a veto on such action.

Does this give wide powers to the Chief Executive and to the department to disclose information that would not previously have been available whilst the person was living?

The Hon. D.C. WOTTON: I believe that I dealt with that issue in an earlier reply. I think we are talking about two different things, and I repeat: as far as the information is concerned, if we were to look at having that in the legislation, there would be a considerable number of guidelines and policies. The honourable member then talked about matters dealing with the rights of adoptive parents. I made a couple of points earlier, one of which was that adoptive parents can veto, so long as their veto does not prevent the adopted person and the birth parent from having information about each other, and I think that is recognised.

The second point is that, in practice, while information about adoptive parents cannot always be withheld, their wishes not to be involved in reunion can be stated and respected and should be taken into account. Under the legislation, adoptive parents can now apply to obtain information, as can the other parties to adoption. As I stated, information that would be available to adoptive parents would relate to the circumstances of the child's adoption, not personal information about the birth parents. A number of areas relate to that issue.

Clause passed.

Remaining clauses (24 to 27), schedule and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN TOURISM, RECREATION AND SPORT COMMISSION BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 336.)

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

A quorum having been formed:

Mr CLARKE (Deputy Leader of the Opposition): I am not the lead speaker for the Opposition on this matter, but it is a matter of some interest to me, as I am something of a sporting person myself. As members can see from my rather athletic figure, I take my sport seriously and, with those few remarks, I conclude my contribution.

Ms WHITE (Taylor): On behalf of the Opposition, I lead the debate on this Bill, which deals with the amalgamation of a number of bodies into a new Tourism, Recreation and Sport Commission. The Opposition has considered this Bill carefully and poses the question: will this legislation lead to an improved delivery of service to the tourism, sport and recreation industries and to the people of South Australia? Not being an obstructive Opposition, we take the view that the success of a restructure is very much dependent on the will of the Minister, the administration of the bodies being amalgamated, and the people who are placed in positions of management within the structure. We therefore do not intend to oppose the second reading of the Bill in this Chamber. However, we have quite a number of issues and potential concerns to raise with the Minister, many of which we hope he will answer tonight.

The Bill creates a new commission which will be headed by a new chief executive and which will amalgamate the existing Tourism Commission, the Office of Recreation and Sport, the Convention Centre and the Festival Centre. It introduces another layer of management over the top of each of those bodies, which will report to a new board that will, in turn, report to the Minister. The Bill also abolishes a number of existing boards.

I was interested to read a recent article in the *Advertiser* which referred to the Minister's proposed new structure as 'Ingerson's quango'. While I do not usually refer extensively to printed material, I would like to repeat some of the comments made in the *Advertiser* editorial of 25 October 1996, because they raise relevant issues. The editorial states:

> The future of Mr Graham Ingerson's new Tourism, Sport and Recreation Commission, assuming the legislation gets parliamentary approval, will be watched with considerable interest. The argument for amalgamation or consolidation rests on the customary twin pillars of cost savings and coordination producing greater efficiency.

The cost savings that have been touted by the Minister are about $900 000. It continues:

> If that eventuates, the initiative will be deemed a success and that will be the end of the matter. The State's tourism marketing, to cite the prime area, has been greatly improved in both style and penetration in recent times but there is plenty of room for more.

Interestingly, there is further comment. The article continues:

> The potential problem with the commission is that, while a case can be made, it remains a ragbag organisation which is not so much a perfect fit as a reflection of the portfolios Mr Ingerson happens to hold. Does this mean that henceforth a tourism Minister is, *ipso facto*, also in charge of sport and recreation or, following a Cabinet reshuffle or change of Government, might the commission be reporting to two or more Ministers? Mr Ingerson will doubtless confide these operational details as the scheme is reviewed in Parliament.

I hope and assume that the Minister will do that tonight. One more small portion of the 25 October article is also relevant, as follows:

> Meanwhile, the *Advertiser* takes this opportunity to remark that the present Chief Executive of the Tourism Commission, Mr Mike Gleeson, an obvious casualty of the changes, has done the State some service in his relatively short time, especially in overseeing more sophisticated and better targeted marketing of our manifest visitor attractions.

In fact, when I started to consult with industry and the relevant bodies to be amalgamated, I found that Mr Michael Gleeson was talked about very highly within the industry. Indeed, a couple of Fridays ago in a recent radio interview on the Jeremy Cordeaux program I was interested to hear Minister Ingerson say that he thought Michael has been a 'good CEO'. Perhaps it is interesting to speculate why the Minister has decided to sack the Chief Executive at this point—before the Bill has been passed and at a time when morale in the industry was seemingly quite good.

Certainly, of late, many individuals within the industry, particularly those within the Tourism Commission, have indicated to me privately that morale is not as good as it was several weeks ago. Why has this action been taken before the Bill has been passed? There could be several reasons. Perhaps it is a sign of a very arrogant Government, assuming that the legislation will be passed and having found a new Chief Executive to fill the position in the new structure. Perhaps that is the case.

When we are talking about restructuring Government bodies, it is probably interesting to look at what has been done in the past. I will remind members what has happened in the tourism body and the recreation and sport side of Government over recent years. We will go back no further than the Dunstan decade—the 1970s. In 1970, at the start of the Dunstan decade, there was a conglomerate of the immigration, publicity and tourism functions. That was abolished in 1971 and its components were integrated into the Department of Premier and Development. In 1973 there was a Cabinet reshuffle and the Tourist Bureau part of that department emerged as the Tourist Bureau division of the new Tourism, Recreation and Sport Department. It was at about that time in the 1970s that many of the regional tourist associations gradually started to evolve.

A Public Service Board inquiry into the South Australian Government Tourist Bureau reported in 1975 and recommended a new organisation for the Division of Tourism with three branches of marketing, research and development, and tourist services. Then in 1977 a new research and development branch was added. In 1979, the Corcoran Government created a separate tourism ministerial portfolio and the Department of Tourism was restored as a separate Government department.

In 1980 the Tonkin Liberal Government commissioned another Public Service Board inquiry into Government organisations for tourism—the Tonge report. A small section from a review article on the Tonge report makes interesting comments that might become pertinent as the debate goes on. An article in the *Public Service Review* of February 1981 entitled 'Public sector "panned" in new Government assault' states:

The Government's assault on the public sector was once again evident when the review of tourism in South Australia prepared by tourist industry consultants, Rob Tonge and Associates, emerged in November. The report caused PSA members in the Tourist Bureau considerable concern for many reasons. For one thing, it recommended the creation of a new statutory authority to replace the existing Department of Tourism. This was seen by members as an attempt to reduce their conditions of employment and to remove the time proven safeguards inherent in the Public Service which help prevent the 'jobs for the boys syndrome'. The reasons for this change were trite and on examination it was evident that such a change could not assist the stated aim of improving tourism in South Australia. Other areas of concern were the multitude of recommendations for extensive and expensive change for which no researched justification was given, just the 'gut feeling' of the consultants.

While I draw no comparison between those comments and the Bill before us, some of the comments reflect the views and feelings of some of the affected employees as we go through the current process. In 1981, the Department of Tourism structure underwent an enlargement involving four directors—marketing development, regional liaison, planning and research, and administration—and the Tourism Development Board was created.

Another committee was established in 1987 to restructure the tourism function again, and in 1988 Tourism SA came into being. That brought us up to 1993, when the current South Australian Tourism Commission came into being under the previous Minister for Tourism, the now Leader of the Opposition. There have been similar restructures over the years in the Department of Recreation and Sport and, although I have tables outlining such details and would like to have them inserted in *Hansard*, I am unable to do so due to their voluminous nature.

Speaking of the 1993 reorganisation and formation of the current Tourism Commission, I found it interesting to read the debate in the House in March 1993 and the arguments put forward for that restructure. They were sound arguments and engendered the support of all Parties within the Parliament. It is also interesting to compare another aspect of the process that occurred in 1993 with what seems to have happened in this case with the 1996 restructure. It was evident from reading the *Hansard* report and discussions with people who were intimately involved in the 1993 restructure and formation of the commission that considerable consultation occurred. In fact, the comment made in that debate by the now Leader of the Opposition as Tourism Minister was that there was virtually unanimous support for the provisions of the Bill because it came from the industry, from a process that went on for months with regular meetings which provided ideas.

The comment was also made that the whole process was aimed at a continuation of that approach in the implementation of the new commission. The now Minister for Tourism, while then shadow Minister, made the comment that 'the Government must listen to advice of experts in the field'. The Minister also made the point as then shadow Minister that the tourism industry was a private sector driven industry, and he criticised the then bureaucratic (as he saw it) Tourism SA, which may well have been the case.

One of the tenets of the Minister's argument at that time was that there should be a clearly defined plan. This is an opportunity for the Minister tonight to outline exactly what that plan will be. However, the substantial consultation that occurred at that time did strike me as being very different from that which occurred in the debate leading to the Bill before us tonight. Obviously in 1993 extensive consultation was undertaken with the relevant unions. I was interested to find when I approached the union which had majority coverage of the employees who would be affected by this new Bill that it had not been consulted, according to what I was told, and as a result of my consultation with them some lobbying of the Minister occurred and I understand that the Minister has lodged some amendments to his own Bill.

A very serious complaint that I received in the consultations I undertook came from the people who would be the clients of the new commission—the recreation, sporting and tourism industries—and other people affected. It seems that in this case consultants were appointed. I have a number of questions to raise with the Minister about those consultants and the process of that restructuring review. They need to be answered for us to properly assess the impact that this restructuring will have on the industry. Who were the consultants? I understand that Messrs Sam Ciccarello and Andrew Daniels, together with another person were the consultants, but the Minister may want to confirm that. How much were those consultants paid? Was a public tender process enlisted in the appointment of those consultants? Why were they chosen and what particular expertise did they bring to the task at hand? What was the level of consultation with industry and with the Government agencies involved?

Privately a wide number of industry representatives and operators have complained that they do not feel that the consultation process undertaken was adequate. I brought the name of Mr Sam Ciccarello into the debate. He has been touted as the most likely candidate for the new commission's chief executive position. I have not found anybody who has said otherwise: most of Adelaide is convinced that Mr Sam Ciccarello is the Minister's current preference for the new chief executive's job. How much money was spent on the consultancy; was it an appropriate amount; and from where did the funds come? The information provided to the Opposition, which the Minister will be able to confirm or otherwise, is that the consultancy cost $160 000. For how many months did this consultancy go on? Will the Minister table the report of the consultancy so that Parliament can fully peruse the work done by the consultants and assess their recommendations and final conclusion.

The industry and people working within Government bodies have told my Opposition colleagues and me that nobody within either Government agencies has seen the report, even though people had asked to see it. The Minister would be able to clarify that. What consultations had the Minister undertaken with the Office of Recreation and Sport, the Tourism Commission or other relevant bodies, as well as industry, before deciding to draft this Bill? According to the Opposition's information that was not done.

I contrast this with the approach of the former Minister, the now Leader of the Opposition, who consulted more widely. In his second reading explanation of this Bill, the present Minister talked of reasons and justifications for this new structure and referred to the following as the aim of this restructure:

. . . the charter to take the State's evolving tourism, leisure, recreation and sporting sectors forward with confidence, direction and enthusiasm.

In his reply to the second reading, I would like the Minister to expand on his vision for the industry and the amalgamation of those individual bodies into this new commission. In his second reading explanation, the Minister said that he will introduce 'contemporary private sector management philosophies and practices', and that sounds like a good idea, but what does he mean by 'introduce'? Is he implying that that

is not the way the bodies making up this new commission currently operate? I want him to expand further on what he sees as the inadequacies he is trying to fix; that is important.

The Minister also said that the current structure, with five separate entities operating independently, is inefficient, but inefficient for whom—the industry or the Minister? Will this restructure quite clearly mean less work for the Minister and less consultation with industry? How does the Minister propose to maintain links with the industry by inserting an extra layer of administration and management? Three years ago, the Minister's comment—and he has said this today—was that this is a private sector driven industry.

The Minister further states:

> Currently, the present structure lacks coordination.

Whose fault is that? Why cannot the Minister fix that problem administratively? He enumerated all the individual boards and bodies and said that the Office for Recreation and Sport has 11 separate advisory bodies and committees. That does not sound like a bad idea; indeed, it would mean that the Minister had access to much advice. Does he believe that this number of advisory bodies is excessive? Does he want to change that?

An *Advertiser* editorial talked of this new conglomeration as a ragbag. The Minister said that these existing structures have been reviewed by Government. In what way did the consultants confer with Government? What exactly is the Minister getting at with that statement? He enumerated a number of aims of this Bill, the first of which is reduction in duplication of decision making in areas of marketing, administration and corporate services and capital works, and this is a worthy aim. I ask the following question—and I will repeat the question later in Committee: how does the Minister see decision making in terms of capital works? How will the non-elite sporting component of the capital works ventures be managed? The Minister refers to more efficient use of existing human, financial and other resources. I ask him to identify the inefficiencies. Can he not solve those inefficiencies administratively? Does he need a restructure by legislation?

The Minister wants to reduce the number of boards and board members and generate a cost saving of $900 000. I request a breakdown as to how he arrives at that figure. What will be the cost of the new board? Is the new chief executive's salary included in that, as well as the new financial person's salary and on-costs? Is the payout for the sacked chief executive also included in that figure? I ask the Minister to justify those potential savings.

The Minister talked of several benefits. He said that a new board and executive will be in a better position to instil a more corporate attitude. There seems to be an implication that the Tourism Commission board and other boards perhaps do not instil a corporate attitude. I would like the Minister to expand on what he sees as being wrong, if that is a criticism of the current boards. He also said that the boards will be able to establish a series of specialist advisory committees. Is this the intention? Has he some in mind? Will they be paid committees? What will be the mechanism for their fitting into the organisational structure? Further, he said that a new streamlined organisation will result in refocusing of directions and clear goals. There seems to be an implication that the goals and directions are not optimal. Perhaps he could explain his meaning there.

In regard to the $900 000 savings, the Minister also said that the money will be put back into additional marketing. He uses the word 'marketing' frequently. Where does the Minister intend the money to go? Has he worked out some priorities? How will that money be funnelled? The Minister stated that the new structure might enable the recreation and sport side of the equation to recruit specialist professional coaches at salary levels competitive with international expectations. That will be one of the benefits of the new structure. The Minister states that the new commission will do more than link business divisions together. Why is that the case?

Quite a lot of the Minister's second reading explanation takes up the point that tourism is linked closely with the arts in South Australia. He states specifically that a lot of events are related to the arts portfolio, so I wonder whether the Minister for the Arts should be worried about her position. How does the Minister see that link with the arts working in this new structure, given that the argument for amalgamating recreation and sport into this new structure seems to have the same significance as the argument for amalgamating the arts? Why is recreation and sport in the new structure, but not the arts?

The obvious answer to that question is that there is a different Minister for the Arts, but the Minister claimed that his model for this structure was based on the Victorian, New South Wales and New Zealand structures. In Victoria, there is a super bureaucracy or a super department for the arts, sports and tourism. In that case, different Ministers, all at Cabinet level, preside over that department.

The Bill has a focus on major events, and it seems that it has been drafted with major events in mind. If that is the case, in 1994 when Australian Major Events was established, why did he not do a restructure then? If there was a problem in the way events were managed in this State, why did he not seek to sort that out then?

One my major concerns—and it is something that the Opposition is keen to watch in the implementation of this new structure—is what will happen to the recreation and sports sector. I can see advantages for the elite end of sport, but that represents only a very tiny proportion of the sports and recreation activity in this State. A fear has been expressed privately to the Opposition by a wide cross-section of people in the recreation and sport industry that their function will be swallowed up within this new super commission.

The Minister has spoken previously about the need to decrease the level of bureaucracy, yet under this structure he risks increasing it. Through this Bill, he is adding a new level of management and, in one respect, that means bureaucracy. Is he dissatisfied with the way in which each of these organisations is operating in terms of their reporting mechanisms to him, because, under this structure, if the legislation is passed by Parliament, the sport and recreation office will have to report not only to its own CEO but also to another CEO and to a board that will not consist entirely of people involved in the sports and recreation industry but of people from goodness knows what sort of background, through to the Minister. If this structure is to work, the Minister will have to increase his consultation and advice mechanisms with industry.

I am a little surprised at how sport and recreation will fit into this new structure. Recently on radio I heard the Minister say that 80 per cent to 90 per cent of all tourism ventures have a sport and recreation background, which may well be true. If it is true, why does sport seemingly receive such a low profile in this Bill? How will the regional tourism boards, as currently set up, manage this additional responsibility of

administering sport and recreation functions as well arts functions, given that the Minister mentioned an arts link?

The State Opposition will not obstruct the second reading of the Bill. We believe that, in essence, it constitutes a new structure, and the implementation of that new structure will be telling. We have many reservations about how it will work effectively, about future links with industry, and about who will be the winners and who will be the losers in this amalgamated structure. I seek further clarification from the Minister on all those issues.

The Hon. G.A. INGERSON (Minister for Tourism): I thank the honourable member for her contribution. She raised a whole range of questions which I expect to be asked during the Committee stage, but I will address some of the very general questions now. The Government would not bring into the House a change of structure of this nature if it did not believe that it would mean an improved outcome for tourism, recreation and sport. Having been in Government for three years, I know that to make changes of this type and not to be outcome-driven is not a sensible thing to do. We believe that everyone will be better off, and the work that we have done suggests that will be the case. As the member for Giles would know, a lot of structural changes are entered into in good faith and it is only when one gets into them that one knows whether there are significant benefits.

One of the important things that needs to be said about this measure is that, unlike the measure in 1993, where there was a very significant structural change from a department to a commission, this just brings together a whole group of existing structures under the one roof. It is not in any way an attempt to establish a new Tourism Commission. That is already there and it is accepted that it will continue. It is not an attempt to establish a new division of the Department of Recreation, Sport and Racing: it is a matter of maintaining that division but having one board which will principally manage the marketing and administration of the new organisation. In that sense, it is not a structural change as it was in 1993. It brings together agencies and divisions into the one area.

I have been told on a couple of occasions that this is a monster department. I am the Minister responsible for WorkCover, which employs 600 people, and the Department of Industrial Affairs, which employs in excess of 350 people. This new, huge monster department will employ just over 200 people. In essence, the notion that this is a monster department is a lot of nonsense. I note that the honourable member mentioned the editorial. I thought it was one of the best written editorials I have seen for a long time. It was good for two reasons: first, it talked about the positive things that could come from the change and, secondly, it warned the Minister that people would watch the change. Clearly, that is what ought to happen in any case. That is what the process of Government is all about. With the local media and the Opposition, you never have to worry about the good things you do: you have to worry only about the things that go off the rails, because that is where the Opposition gets all its proof and headlines. Having been in Opposition for 11 years, I know how that is done.

I note that there was special reference to the chief executive who retired last week. There is an implication that the chief executive left as a result of this restructuring. If the shadow Minister had done all the consultation she says she did, she would know that talks about the chief executive's position and his future role started four to five months ago, well before the major consultancy looked at this restructuring. The position was terminated at the end of October, after agreement between the Government and the chief executive. If all the positions in which we were involved in terms of Government were done in the same formal way, the Government would be a lot happier.

It is important to recognise that this plan is moving us forward. The plan has not been put in place to look backwards at yesterday, as Opposition's tend continually to do, to try to find reasons why things will not work by saying, 'Well, it did not work yesterday, so it will not work tomorrow.' This is a forward-thinking plan. I am interested that the member for Giles suggests that it is about bureaucracy. The honourable member should realise that this will strip the bureaucracy out of the whole process. It is saying that we need to get more commercial and that we need to become far more market driven in the commercial areas of tourism, recreation and sport.

The shadow Minister suggested that there has been no consultation. I have been involved in industrial relations and in WorkCover, and I inform the honourable member that we have spent more time talking to our constituents of tourism, recreation and sport than we have in any other single thing we have done in terms of change. I have spent hours talking to associations and individuals about the value of change and why we need to progress to a new marketing and professional era for this division. I know that the consultants who were appointed did exactly the same thing.

One thing I know in business and in the tourism, recreation and sporting industries is that, if you ask 20 people to consult in respect of an industry, they will tell you that every single thing is wrong in that industry. They are senior people in the industry who want to do only one thing: stand still and do nothing, because yesterday and tomorrow has to be exactly the same. I know who they are and the shadow Minister knows who they are. It does not matter what we do in any industry, because we will end up with exactly the same group of people complaining. They are also the people who have held this industry back for 15 years. I am not blaming the shadow Minister for hearing their views, because one cannot help but hear them. Everywhere you go they always put their hand up in the regions, in the city and in the sporting associations and say, 'Look, you cannot do that.' They have the greatest 'can't do' mentality I have ever come across in my life. I accept and understand that.

I am concerned that more than 70 per cent of people want to take the next step and make it better. My role as Minister is to try to improve it. I would have to be an absolute dill to come into this House and say that I want to put a structure in place to guarantee that it becomes more bureaucratic and goes backwards when in 1993 one of the major planks I put when in Opposition was that we had to become less bureaucratic and more professional. That has happened. It is important to highlight that today's commission is a lot better than that of 1993. This Bill seeks to make it better in the year 2002 than it is in 1996. We are trying to make that next quantum leap. We believe that these structural changes to the Department of Recreation, Sport and Racing will do that.

I will provide a simple example. Nearly 70 per cent of all visitors to this State who do something in relation to tourism are linked with the recreation industry. In other words, tourism is 70 per cent recreation. One has only to think about boating on the river, fishing, hiking, driving cars, caravanning, staying in tents and walking on the Heysen trail—they all come under recreation. However, there is no connection

between those things and the Tourism Commission. I have a separate recreation division that handles those things. If you bring it all together and market it as one product under one commission, you have a chance of doing something about it.

Nearly 50 per cent of all sporting activity today is tourism based. The biggest single group of tourists who visit Adelaide come to see the Crows. A football game attracts in excess of 25 000 tourists to this State for the one event. In the past, 11 AFL games a year have been played in Adelaide, and from next year there will be 22 games because Port Power will be involved. There is not one connection between the Tourism Commission, Port Adelaide or the Crows. If there was, we could suggest to these people that they stay an extra day and visit the Adelaide Hills, the Barossa or MacLaren Vale. All of that ought to be done together under one marketing plan. If you have one board that sets the policy for all of those things to be integrated, there is a better chance that it will occur.

Next year we have the Adelaide Rams, the national netball group, basketball, football and tennis. They all have a direct link with tourism and, therefore, they can all be marketed together. That is what this is all about: improving our current approach. We are not trying to build a new bureaucracy, because exactly the same divisions will be there. Fewer people will be involved in the administration. There will be no risk to the jobs of those who provide the sport and the recreation or those who market tourism because we want this area to grow. That is what this is about. There has been wide consultation because you need to get out there and to talk to all those people. That has been done at ministerial level and at consultancy level.

I refer to the position of Sam Ciccarello. I am absolutely fascinated that the Opposition should be so obsessed about Sam Ciccarello because, after all, it was the Opposition, when it was then in Government, that appointed Sam Ciccarello to the position of Marketing Manager of the Grand Prix Board, and he occupied that position for some seven years. He was a marvellous appointment, as far as the previous Government was concerned. He did a magnificent job as Marketing Manager, and he did an even more superb job as the General Manager of the Grand Prix Board. All the appointments were made by the previous Labor Government.

This man did a fantastic job for this State. He had all the necessary qualifications to look at how we might better market this new product because, after all, he was the man who, single-handedly, went out and brought together the marketing budget for the Grand Prix—some $20 million. In excess of 200 companies in this State put money into the Grand Prix under the guidance of this man. If you asked anyone in South Australia to do a consultancy as to how better to market a Tourism, Recreation and Sport Commission, in my view, there was not a better qualified person; and I know that is the view of the Labor Party, because it appointed him as the Marketing Manager of the Grand Prix Board—the biggest marketing job. Mr Ciccarello was not initially appointed by me, but I appointed him as the Chief Executive when Dr Hemmerling left for Sydney. He was elevated to the number one position on the Grand Prix Board.

That is the background to and the reason why we asked Sam Ciccarello to come in as consultant and to look at the marketing aspect. There seems to be a fallacy about consultants and what people can do. It was Sam Ciccarello who went to Sydney and saved the Pageant for South Australia. He is the person who went to Sydney, under this consultancy, on behalf of the Government. Sam Ciccarello has been going to Sydney to help us with our bid in relation to the Sydney Olympics. He has also been doing that on behalf of soccer as part of this Government's Olympic Games bid.

He is one of the best marketing persons in this State. I would have thought that the one difference between this and the previous Government is that this Government wants to keep the best. We are not interested in appointing second best consultancies. We want to keep the best people in South Australia to do what we believe will give us the best outcomes. Mr Ciccarello's company was asked to look at structures for the new body, at what sort of mix we could bring together, and at the practicality of having all the institutions for which I am responsible—other than industrial relations and WorkCover—under the one board and the value of having one board—those sorts of issues.He reported on what he believed was the best option for Government.

That report was sanctioned by me, as Minister. It was paid for by the departments for which I am responsible as Minister, under ministerial direction, and I will answer questions on that aspect. He was paid at the rate at which he was employed as the Chief Executive of the Grand Prix Board. It was nothing special: it was exactly the same rate as if he were the Chief Executive of the Grand Prix Board. He set out for me a report which I believe is an excellent one and which is the basis of this Bill, and it is the basis on which the Government will go forward.

The shadow Minister talked about inefficiency. Of course I am concerned about inefficiency. What we currently have is not the best model. We can do it better. I do not know any business that does not want to do it better. I can assure members that as Minister, coming from the private sector, I want always to end up with a better result than we had last year, and a better structure. I do not care how many times it is changed, as long as it works better in the future. If there is one thing I have learnt from business and, more importantly, from the background from which I came, it is that, if you do not make decisions to change when you have the wrong product, you are in more trouble than if you make a lot of decisions and get a few wrong. As long as you are prepared to keep making decisions when you make the wrong decisions, you will only go further ahead.

I thank the Opposition for its support. I am interested, of course, in the questions and I will answer those questions in more detail during Committee. I conclude by saying that it is the Government's view, and my view as Minister, that the only outcome from this will be the best outcome for tourism, recreation and sport in this State.

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.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Object.'

Ms WHITE: I can see that this clause originates from the existing Tourism Commission legislation, as do many clauses in this Bill. Clause 3(b) refers to promoting the staging of major sporting, arts and cultural events, and so on. How will that link into the arts area? I alluded to this question in my second reading contribution. The Minister has found it necessary to include in this amalgamation structure the Office

of Recreation and Sport, but the Department for the Arts and Cultural Development is not included. What is the argument for, first, not including the Department for the Arts and Cultural Development and, given that it is not within this structure, how does the Minister see these links working if the best way he can obtain efficiency is to include the Office of Recreation and Sport within the structure, but that does not seem to be the case with the arts?

The Hon. G.A. INGERSON: The arts have never been considered as being within this area, the prime reason being that I am not responsible for the arts. It is our view that there is less synergy at this stage between the arts and tourism, recreation and sport. Who knows: the Government might look at that at another time. There is no suggestion that the arts ought to be brought in.

However, having said that, I point out that, from a major events point of view, the arts are very much involved in our helping them to market their product. The best example of that is the Festival of Arts, to which the Tourist Commission gave about $250 000 in goodwill—not in actual dollars but it was estimated that it gave that level of marketing support. We support the Barossa Music Festival in terms of its marketing and we are very much involved in the *Ring* in that the events group will fundamentally sponsor it. There is about $1.8 million of sponsorship from the events group in the arts area. The reason for this being included in the objects area is that all our involvement is in the marketing of our arts events. It is nothing more or less than that. We see it as a vital link which we are currently pursuing in marketing the arts. We have a very good linkage with them and we expect that to continue.

Ms WHITE: In a sense, that did not really answer my question about how the Minister saw it working, but I do not expect I will get any more from the Minister by pursuing that. Clause 3(c) refers to recreation and sport in terms of the objects of the legislation, relating to 'promoting and developing recreation and sport generally'. It is a bit of a loose statement and not very satisfactory. What does 'promoting and developing recreation and support generally' mean?

The Hon. G.A. INGERSON: I apologise to the honourable member if she believes I did not answer the question. It was not an attempt to skip away from it, because the major role in terms of the arts is to help the arts better market their product and through that get some tourism value out of the arts. For example, we help the arts during the Festival to get better deals with the airlines, to get better packages and accommodation and to put all that together so that when people come here they can promote it in their package for the Festival. Exactly the same will occur for the *Ring* and it happens for the Barossa Music Festival, so there is a close marketing link with the arts. There is no involvement of tourism in developing the arts or being involved in the intrinsic part of the arts. In other words, we do not get involved in putting events together: all we do is to support and make sure that occurs. It is in the objects so that we can continue to do that. We are already doing it.

In terms of sport generally, it needs to be said that this whole Bill is an enabling piece of legislation, which has been written to make sure that the new board can do everything possible in the broadest form in the promotion and development of recreation and sport. We are out there now doing that in the department. We virtually promote all sporting events. We help all the young people to develop their sporting attributes. We have a sports institute that picks up and encourages those from just below elite to elite level.

We have a promotion system that encourages people to participate in sport, particularly women and especially young women aged 12 to 16, because there is a huge dropout in sport in that age group. That is the sort of thing we would continue to do. We already do it, but we need to provide for it in this legislation to enable us to continue to do it. Once a corporate structure is put over it, the board, like all corporate boards, will work only within the confines of the rules it is given. This legislation is very broad: it is meant to be very broad and very general so that we can virtually do as many things as possible in the promotion and development of sport and recreation.

Clause passed.

Clause 4—'Interpretation.'

Mr BECKER: Regarding the definition of 'logo', has the Government established a suitable tourism logo along the lines of 'Sensational Adelaide' or will there be something entirely new?

The Hon. G.A. INGERSON: This definition has been taken out of the Grand Prix Act and inserted in this Act. If we develop very bold logos such as 'Sensational Adelaide' and 'SA Great', we ought to be able to copyright them. As we go into the marketing of national and international events, we need to be able to develop the logos. This is one area where the involvement of Mr Ciccarello has been very important in that, clearly, he was able to show to us that the ability to register logos could bring a lot of money into the new board in the future.

One of the things we wanted to be able to do and one of the most important things in corporatising the sport and recreation side was to enter into a lot of corporate sponsorship with some of the major companies in this State and nationally. We would need to register logos which they have and which may be developed, for the Sports Institute, for example. All the young people in the Sports Institute might have a special badge which carries a general logo, and we need to be able to register that. There is commercial value in logos. 'Sensational Adelaide' is obviously one of them, and the existing Tourism Commission Board does not have the ability to register that. That is the reason why it is done.

Mr BECKER: I have been concerned to see some literature recently published by Qantas promoting Sydney and using the terminology 'Sensational Sydney'. I wonder whether the Minister is aware of this and whether it will have any impact on our campaign 'Sensational Adelaide'.

The Hon. G.A. INGERSON: The word 'sensational' is very difficult to copyright. It is really the design that is more important: you can copyright the logo. I think it is good that Sydney has picked it up, because it suggests how good the Adelaide logo has been. There is commercial value in these logos. It is in the Grand Prix Act; it is just a matter of putting it in this Act so that we can control the logos if we happen to use them.

Mr LEWIS: I wish to ask the Minister a question the reply to which would reassure me and thousands of others, I am sure, that, through this new structure that we contemplate in this legislation, in the process of finding corporate sponsorship for mainstream entertainment type sporting activities, we are nonetheless obtaining efficiencies in that way to enable us to focus our attention more efficiently on sport and recreation as a means of promoting good health and wellness in the community through physical exercise and participation in activities, not all of which may be physical but which will be beneficial in their impact on the mental as well as the physical health in the population at large. With

that sort of assurance, I believe that all members of the House will realise that the communities they represent will get great benefit from the legislation and the changes that it introduces.

The Hon. G.A. INGERSON: I thank the member for Ridley for his question. One of the major things we need to do if we are to get the corporate dollar involved in promoting recreation and sport and improved health is to give corporations a reason for so doing. The participation level in many sports is very high and provides an excellent opportunity for corporations to promote their message. We want to ensure that there is a healthy message. We are working with Living Health, as it is now called, to promote the health, sport and recreation message, and we expect to be able to do that right across the country. We do not see it as a metropolitan exercise, but see the role and participation numbers in sport and recreation as being a very important part of a healthy community generally. We see any corporate sponsorship as enabling us as a Government to supplement the money we are already putting in to expand the sport and recreation role of the new commission.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—'Ministerial control.'

Ms WHITE: The Minister would recognise my first question, as he asked a similar one in debating a clause that looked exactly like this in the Tourism Commission Bill 1993. There will now be a board differently constituted from any of the previous boards that will be abolished under this legislation. Under subclause (3) the board must enter into a performance agreement. As the board is taking up a different function, will the Minister specify what that performance agreement will entail for the new board?

The Hon. G.A. INGERSON: The final performance agreements have not been resolved in my office, but the general principles are that we expect a 50 per cent increase in tourism numbers internationally between now and the year 2000. That will be measured each year in terms of the board's performance. We have never had that sort of plan before; we now have it in place, and it will be measured each year to see how we are going. In terms of recreation and sport, we should be looking at participation numbers in sport, through all of the different codes of sport, as a performance factor. Are we growing the numbers in sport generally and specifically and, if not, why not? Why is that not occurring? Are we promoting, marketing and getting better value than in previous years?

We have talked about a whole lot of performance standards in principle, and although there is no board in place (and I do not expect it to be until 1 January) I see us finally putting together those things in December with the working committee, which comprises Ian Cox as Chairman, John Heard (Chairman of Major Events) and John Lamb (Chairman of the Tourism Commission). It has consultants from Recreation and Sport coming in as needed. I expect to sit down in late January and put down those issues more specifically.

One of the things I have learnt in the three years I have been in Government is that, never having had performance standards in place previously, you have nothing against which to measure the board's performance and, more importantly, it has nothing with which to come back to me as a board and say that it has done a reasonable job in that area. It is important to have performance standards. They need to be broad because, if you held every board to the letter of these performance standards, probably not too many would last 12 months.

Ms WHITE: I am pleased to see that subclauses (2) and (4) have been retained, dealing with ministerial directions. As he will initially be the Minister administering this Act, how does the Minister interpret the intent? Do these subclauses point to an interpretation by the Minister of an overall policy of openness about decisions and recommendations of the commission, and so on?

The Hon. G.A. INGERSON: Yes.

Clause passed.

Clause 8—'Chief executive.'

Ms WHITE: What will be the terms and conditions of the chief executive's position under this new Act? How will the Minister call for applications? What will be the process of calling for applications and appointment and will there be an input by the board? Will industry have any indirect input?

The Hon. G.A. INGERSON: It will be exactly the same process as Ministers follow for the appointment of every chief executive in Government. A set of guidelines exist and they will be adhered to. It is the same as applied under the previous Government.

Ms WHITE: Ironically the Minister asked the then Minister in 1993 the same question with regard to the Tourism Commission Act on exactly the same clause. It does not seem that all Government Ministers do appoint in the same way. With reference to what the then Minister—now Leader of the Opposition—had to say when asked by the current Minister (the then shadow Minister) the same question that I just asked, my colleague the Leader made statements like, 'We are looking for consensus and agreement to avoid conflict; we need to make sure that partnerships are enshrined from the outset.'

He indicated that the appointment would be on the recommendation of the Minister and the board. He certainly indicated that there would be some consideration of consensus. Is it the Minister's aim to form some consensus? It seems like a good idea, given that the chief executive has to work with the industry, and it is important for the Minister, now that he is putting another layer of management between himself and the various industries, that there be some goodwill and consensus. Is that the Minister's view or otherwise?

The Hon. G.A. INGERSON: The Minister wants the best person for the job, and that is what we will be getting.

Clause passed.

Clause 9—'Composition of board.'

Ms WHITE: This clause provides that the board will consist of between seven and 10 members. Given that the Minister is abolishing a number of boards and replacing them with one board, is it the Minister's intention to have the full complement of 10 members? What will be the conditions and salaries of members appointed to the board, and when will the Minister announce the members?

The Hon. G.A. INGERSON: It is more likely to be closer to 10 than seven members, because there needs to be a reasonably good understanding of the sport, recreation and tourism portfolios. The directors' fees are set by Government and ratified by Cabinet. Once the Bill passes through the House and is proclaimed—probably in December—we will announce the directors and ask them to appoint the new chief executive. They will then work with me through December, as we did in setting up RIDA and with the changes in the TAB, putting in place the administrative changes required with restructuring. Much of that work has been done as part of a consultancy. However, the new board will need to put its

imprimatur on the final structures and the people in those structures.

Ms WHITE: Within the list of attributes board members must have, I note that, for example, there is no reference to expertise in the arts field or to somebody who knows about conventions. I can think of a number of other matters that are not contained specifically in the qualifications for the board. What process will the Minister undertake to ensure that there is adequate representation from all the interested industries or relevant bodies? With this new structure, the Minister is putting back by one level his access to many of the advice mechanisms he had. Without introducing many bureaucratic structures, how will the Minister ensure that the representation of that board is of sufficient quality to give him exactly the advice he needs and to be representative of the industry?

The Hon. G.A. INGERSON: I will ensure that, because I appoint them. Clearly, if it is a tourism, recreation and sport board and I do not appoint people who give me a clear view on tourism, recreation and sport, there will be plenty of complaints from the Opposition and, more importantly, from the community. One of the most important changes in setting up a board composition such as this is to remove the old-fashioned idea of representation such as that one must be from tourism, one from recreation, one from sport, one from the Backgammon Club, and so on. All we ever get is the person who is prepared to put up their time to be president of that group, and they may not be the best person for the job—they may be but it is highly unlikely. The performance of the TAB board clearly shows that, when you go out and get the best people to do a marketing and selling job for that organisation, you are better off to go out and pick the people you want and not have the presidents of different groups involved.

Clearly, there are already examples of why we need to make these changes. At the end of the day, if the Minister is not smart enough to get good representation, he or she deserves exactly what they get, and the point the honourable member made then becomes valid. As it is my job as Minister to appoint them, I ought to have a fair say in who will carry out the job for me, and I ought to have a fair say if they do not carry out the job.

Ms WHITE: The Minister would have to agree that, regardless of the area, be it the recreation and sport, tourism or conventions industry, industry has access to a number of people on a board who can influence the Minister. Under this Bill, it would be logical to think that there will be fewer people from a particular industry.

The Hon. G.A. Ingerson: There's no reason for that at all.

Ms WHITE: If you had 10 members strictly from the tourism industry on the board before, it is unlikely that the Minister would stack the new board with tourism industry representatives. I would think—and maybe I am wrong—that these new board members must have a much wider range of expertise than previous members had, because they have to deal with many more components. Will the Minister pay them much more, because that will impact on the savings from the structure? The Minister will lose all these avenues of advice, just by way of the structure. If he does not put anything else in place, will he have to appoint more consultants and pay for them to provide that expertise?

The Hon. G.A. INGERSON: Other than legal practitioners, the Tourism Commission board has people who have financial management and marketing skills, carried on previous business, and had experience in tourism and in staging events. Those are the people on the board now. Someone with sporting experience is on the board, but there is no-one with legal experience. All these positions represent other people but they also apply to all these conditions. I do not see any reason why we have to pay any more. We have not budgeted to pay any more for the overall payment of the board, and only time will tell whether that is valid. We intend to take out one board: the major events board, which has nine people on it, will not be there. That will be a total cost gone. There will be a direct saving in the number of people on the board. The Convention Centre board will be reduced in number, as will the Entertainment Centre board. There will be fewer board members and less money paid.

The honourable member will get all the expertise she wants. The best example of that is the TAB board, where we went out to the commercial world and said, 'We want the best people to run this business.' We have them, and surely that is all this legislation is doing.

As I said earlier, I would be a dill of a Minister if I did not have someone with tourism, recreation and sport, financial and legal experience on that board who did not have cross-over interests in tourism, recreation and sport. It is a specific board, so we have to go out and get them. I am told that about 50 people are lining up for the job. I do not think that there will be any problems getting the best people for the job, and having broader classifications enables us to do that. A very important change is that the Bill gives this Government and any future Government much more flexibility in getting the best people to do the job. They must understand tourism, recreation and sport, otherwise this Minister and any future Minister will be in a lot of trouble.

Clause passed.

Clause 10—'Terms and conditions of membership of members.'

Ms WHITE: My question concerns the savings of $900 000 or thereabouts that the Minister claims will come from this new structure. Obviously the Minister is including savings from the abolition of boards if, as he just said, he does not intend to increase the payment to new board members. Can the Minister outline exactly where these savings will occur, including savings from abolishing boards?

When he talked about the type of people whom he would appoint to the board, the Minister said that they would have marketing and selling expertise. Indeed, much of what the Minister has said publicly has been about marketing and selling major events. The Minister would acknowledge that there is much more to the functions performed by recreation and sport, tourism, etc., than marketing and selling. Is he indicating that this board will have a clear focus and bias towards marketing and selling?

The Hon. G.A. INGERSON: I will answer the last question first, and that is 'Yes, because that is its major role.' In terms of cost savings, it is estimated that about half that figure, that is, about $500 000, will be saved by bringing together Major Events and the Tourism Commission, in that there is a lot of duplication in terms of administration, office space and numbers. Just bringing those two together will result in a saving of about $500 000. The balance of it is in administration staff through all the organisations—recreation and sport, Major Events and the Tourism Commission itself. It is about $500 000 in Major Events and about $400 000 in the other two areas.

Ms WHITE: Are you including the CEO's salary?

The Hon. G.A. INGERSON: Yes, that is a net figure. It is a net figure because we are taking out one chief executive

and putting in another one. A comment was made earlier that it is a new layer. There will be exactly the same number of general managers as now. There will be no change. One will become the chief executive of the overall group. There is currently one for tourism and one for Major Events, but in the future there will be only one instead of two. One general manager is moved out altogether. In terms of the cost of the payout to the chief executive, that is not included in the future budget. It is in the existing Tourism Commission budget, and that is an extra cost. We have not budgeted for the early termination of the contract, so that has been included in the expenses of the Tourism Commission budget for the year 1996-97. It is an extra cost.

Clause passed.

Clauses 11 to 18 passed.

Clause 19—'Functions of commission.'

Ms WHITE: How will the role of the regional tourism boards be changed with the new functions that have been added to their current responsibilities under the Tourism Commission?

The Hon. G.A. INGERSON: The new commission will have five divisions. One division will be the tourism and events division, so the current functions of the Tourism Commission will be in Division 1. Division 2 will take over the functions of the Office of Recreation and Sport, as it currently exists. The third division is a new capital works division for works that are currently carried out under the Tourism Commission. The marketing and overall management of the Convention Centre will be in the division relating to conventions. We need to run events at the Entertainment Centre, so that is included.

It is an enabling provision that picks up the existing functions and puts them together. It is the Tourism Commission plus all these other functions. It also picks up another area that is not covered by the Tourism Commission, and that is Major Events. We have a lot to do in that area. For example, the Three Day Event will be held at Victoria Park, so we will have to organise liquor licences, badge the place, and do all the promotion, and this provision enables us to do it. We might not do it ourselves: we might subcontract it, but the Major Events group, which will control the event, needs to be able to decide whether it should be put out to tender. That is what happened with the Grand Prix. Because we are running events other than the Grand Prix, the new commission needs to have a broad range of functions. It is no more and no less than the expansion of the Tourism Commission into a much broader body.

Ms WHITE: My question related specifically to regional tourism boards and how their role will need to be expanded. Will they get any more support in terms of staff and resources to enable them to perform those expanded functions?

The Hon. G.A. INGERSON: A study has just been completed on regional tourism, including a review of all the regional tourism boards, by the South Australian Centre for Economic Studies. The report has not been considered by the board because it was completed only in the past fortnight. That review has considered the funding and roles of those boards to determine whether they need to be changed or improved. With sport and recreation being brought into their list of functions, those boards will have to be expanded and their roles changed. If that is the case, more money will have to be made available. They will have a large coordinating role throughout the regions. The final position on whether you have regional recreation tourism commission boards or just tourism boards has not been finally resolved. That will be done as part of the review process that is currently being carried out.

Ms WHITE: The Minister just mentioned that it may be necessary to put more money into the regional tourism boards. Is that money accounted for in the cost saving that the Minister mentioned of $900 000 for this new structure? In relation to the cost saving that the Minister claims will result from the amalgamation, where will those funds go? Who will benefit from those funds? I indicated in my second reading contribution that, while I could see a lot of benefits for the elite end of sport, I was concerned about what would happen to non-elite sport, which is concerned more with participation rather than major events.

The Hon. G.A. INGERSON: As a matter of policy the new board will determine where all savings go. A prime reason for appointing a board is for it to make those decisions. The policy direction from the Government will be that the marketing of sport, recreation and tourism should receive that money. How it is allocated will be up to the board. At the moment, about $25 million goes into that budget from tourism and about $10 million from recreation and sport. I expect that in the early stages that ratio will be used to allocate any savings. The Government's commitment is that savings will stay within the group and will not go back to Treasury. Clearly, I see those savings being allocated to the best and most logical place.

In terms of the regions, I did not say that there would be more money for the regional boards. I said that, if there were to be an expansion, consideration would be given to providing more money. Because of the reviews taking place at the moment, the honourable member should wait until that process is completed and the new board is in place to see how it allocates the money. The regions will not be disadvantaged. Regional tourism is the most important part of tourism in this State. If you take regional tourism away, you do not have any tourism: you virtually have tourism in the City of Adelaide. The city does not make up the bulk of tourism in our State. Fundamentally, the wine and food industry is in the regions. We have a lot of restaurants in the city but, fundamentally, the wine and food industry is in the regions.

In respect of elite sport versus participation, clearly, our sports institute is the best in Australia. South Australian Olympians won four gold medals out of all gold medals won by Australia. That is totally disproportionate to the number of people in this State. One reason for that is that we have the best reputation in terms of training elite athletes, and we will continue to expand the sports institute. On the other side of the coin, as I said to the member for Ridley, if you want a healthier State and a better quality of life for young people, you must try to encourage them to be huge participators in recreation and sport. The participation side and the need to get more people involved is as important as the elite athletes, as it is now. I do not see that program changing one way or the other, because the Government's commitment is to encourage more people to participate in sport and recreation.

Mr ANDREW: I note that the consultants estimate that savings as a result of the amalgamation will be about $900 000. Of course, the savings will result from the cutting back of duplication, fewer costs associated with the operation of boards and management and generally more efficient use of finances. However, I suspect that there may be a temptation—and certainly the option—to inject more money or perhaps some of these savings into things such as major events and their promotion and/or to spend more money on generating greater usage and profitability of some of our

facilities such as the Convention Centre and the Entertainment Centre. I hope that these savings will be passed on to support grass roots sport and recreation. I firmly believe that one major benefit from the creation of this commission will be the dollars saved. This money must be distributed across the broad area of sport and recreation.

I emphasise that sport is not just the major events we see on the television screen. Sport is not just the AFL, interstate or national cricket, tennis events or multi-million dollar car races. Of course, we need to have those events, and they are fundamentally important to the State's economy. As I indicated, spectator sports are very popular with the community. They are large commercial events, and because of that they generate income to promote themselves. Sport is all about young people growing up with the opportunity, the encouragement, the support and the ability to participate in a range of sports and recreation on the basis of enjoyment as part of a healthy lifestyle.

Participation in sport is a major cornerstone in terms of achieving a balance in a successful education curriculum program, because in education today and in terms of growing up as part of a formal academic curriculum, whilst sport does not meet that criterion, it is the types of things that come from sport—be it the team work, the cooperation, the respect, the spirit and ethos of wanting to win, perform and succeed—which are fundamental and which need to be instilled in our young people. I sincerely think that as savings are made we need some guarantee from the Minister that the function of the commission in these priority areas will not only be maintained but that the savings will be passed on to these important areas.

The Hon. G.A. INGERSON: Clearly, the savings as a result of the new commission will go in the broadest possible way, as they do at the moment. I picked up the implication that major events tend to occur only in the metropolitan area. Nearly $500 000 a year is spent on regional tourism events and general festivals in the country. A significant amount of money will be distributed via poker machine funds. Apart from those events, the Barossa Music Festival and all the regional wine festivals are sponsored by the Tourism Commission. A significant amount of funds currently go into regional South Australia for tourism, recreation and sporting events. However, there is never enough. That is the basis of the question more than anything.

We will ensure that country regions as well as the metropolitan area get the same share from any savings we create. I agree with the honourable member in that we need to improve participation in sport and recreation, whether it be in the metropolitan area or in the country, because it has a significant benefit in lifestyle. I find it fascinating that most of the children who are involved in recreation and particularly competitive sport do not have the same difficulty with drugs as those who are not. Whilst there has been no major study on that, in my view there is a very clear correlation between the two. The more kids we can get involved in competitive sport, at whatever level, the better in terms of long-term values in our community.

Clause passed.

Clause 20—'Powers of commission.'

Ms WHITE: My previous question related to cost savings—a matter also raised by the member for Chaffey. When I asked about additional moneys that might be needed for regional tourism boards and associations, the Minister basically said that he could not tell me at this stage but that I would have to wait for the results of a review. The Minister has employed consultants to look at this new structure and what it will mean and, of course, a major part of that is the cost benefit. I therefore find it strange that the Minister has not thought about that to date.

Clause 20(1)(f) provides for the engagement of consultants or other contractors. I refer to some issues that I raised in my second reading contribution about the appointment of Mr Sam Ciccarello's company to perform the consultancy on the review of this structure. How was Mr Ciccarello's company appointed? Was a public tender process involved? I also asked the Minister whether a report exists and, if so, whether he will table that report in Parliament. Is the process that the Minister used in appointing that consultancy the process that the commission will use in engaging consultants and other contractors?

The Hon. G.A. INGERSON: I rang him up: that is how it happened. As I said earlier, if you want the best, you go and get the best. That seemed pretty simple and fundamental to me.

An honourable member interjecting:

The Hon. G.A. INGERSON: And, as Minister, I stand responsible for that.

Mr Clarke: We got short changed.

The ACTING CHAIRMAN (Mr Bass): The Deputy Leader is out of order.

The Hon. G.A. INGERSON: One of the things you ought to learn in this process is that, if you are going to be in the game, play it. I would have thought that that is pretty simple: if the Minister decides to have the best person in the field, he appoints that person. Mr Ciccarello was appointed, as I said earlier, on exactly—

Members interjecting:

The ACTING CHAIRMAN: Order!

The Hon. G.A. INGERSON: It is a very public position. If the honourable member asks the question, I will tell her the answer. I am very open.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: No, nothing is hidden; it is right out there. As I said earlier, Mr Ciccarello was appointed as the Chief Executive of the Grand Prix. He was paid a salary and is getting paid the same salary—nothing strange. It was all above board. It was reported exactly the same as the previous Government reported Dr Hemmerling's and any other person's salary. We have done exactly the same thing. There is nothing hidden. It is all above board. Mr Ciccarello was appointed by me and that is my responsibility. The report is to the Minister, and that is where the report begins and ends.

Mr Clarke interjecting:

The ACTING CHAIRMAN: Order!

Mr Clarke interjecting:

The ACTING CHAIRMAN: Order!

The Hon. G.A. INGERSON: I did not say that. As I said earlier, the departments concerned contributed to the payment of the fee: it is as simple as that. I point out that the consultancy has not finished. Until that consultancy finishes, the report is not finished. The thing that seems to surprise members in this place is that this man went to Sydney and negotiated, on behalf of the Government, the saving of the Christmas Pageant. I can imagine the furore that would have occurred in this city if this Government had not made an attempt to save the Christmas Pageant:400 000 people last Saturday happened to line the streets of Adelaide to see the Pageant. This man went to Sydney for us, as part of the consultancy. He also recently went to Sydney, on behalf of

the Government, as part of our Olympic Games bid with respect to the soccer application. He has done that as a consultant to the Major Events board but as part of his total contract.

Mr Clarke interjecting:

The Hon. G.A. INGERSON: I do not know exactly how many hours are concerned—a bloody lot, that is all I can say.

Ms WHITE: How much have you paid him in total?

The Hon. G.A. INGERSON: I told the honourable member: look up the Grand Prix Board and she will find out. It is all under public names. It is there for you. If you are capable of looking that up, you will find it: if you not capable of looking it up, you will not find it. As far as the report is concerned, it is a report to the Minister and it is not complete. I have set out in this Bill what it entails, that is, bringing them all together. The structures have been set out, and the recommendation is that there be one fewer chief executive, and that is what will happen, and a range of other recommendations will go to the board.

This is all about setting up a new structure and guidelines for a new board, and that is what will happen. As Minister, I will set out a range of policies and recommendations that come from the consultants to the new board. That is what I did in setting up Major Events, and that is what I will do in this instance. I set out some guidelines for the Tourism Commission board—not enough, unfortunately, but I did set out some guidelines. I believe that, in essence, it is important that everything is covered here. If the honourable member reads what is in this Bill, she will see the fundamental recommendations. If the honourable member cannot read into this Bill that the consultant's report is fundamentally what this Bill is, I cannot help anyone. I cannot be any clearer than that.

Ms White: So the Bill is the report.

The ACTING CHAIRMAN: Order!

Mr Clarke: Is the Bill the report?

The ACTING CHAIRMAN: Order!

The Hon. G.A. INGERSON: If you cannot read that, what the report said is that these are the things we ought to be putting into a Bill—

Mr Clarke: The Minister is very sensitive on this.

The Hon. G.A. INGERSON: I am not sensitive: I am just explaining. All I am saying is that the honourable member should read this simple Bill and see that those are the fundamentals in the Bill. I was asked, 'Are these the fundamentals of the report?' If you ever get around to doing that, I will tell you the answer—'Yes.'

Ms WHITE: This is extraordinary, Mr Acting Chairman. I asked the Minister about the process of appointing the consultant who did the review—

The Hon. G.A. Ingerson: I told you: I rang him up.

Ms WHITE: —and he said, 'I rang him up.' The question I asked the Minister was: is that process the one that the commission will use to engage consultants? I am sure the Minister can see that phone calls to consultants on the whim or the judgment of a single person will do two things: certainly, the potential for jobs for the boys or girls is increased—

The Hon. G.A. Ingerson interjecting:

The ACTING CHAIRMAN: Order!

The Hon. G.A. Ingerson interjecting:

The ACTING CHAIRMAN: Order! The Minister is out of order. The member for Taylor is debating clause 20, 'Powers of the Commission', and that is the clause to which her questions should refer.

Ms WHITE: My question to the Minister was: what process will the commission use—

The Hon. G.A. INGERSON: No, you didn't: you asked how he was appointed.

Ms WHITE: I asked whether the same process will be used by the commission and the Minister talked about phone calls. The potential for jobs for mates is huge under that system. I have asked the Minister repeatedly whether he will table the consultant's report. He has implied that the Bill is the report. Is there a report, will he table it and will—

The Hon. G.A. Ingerson interjecting:

Ms WHITE: No, there is not?

The Hon. G.A. INGERSON: 'No' is the answer, and, No, I will not table it.

Mr Clarke: Is there a report to table?

The Hon. G.A. INGERSON: Of course there is. And I said—

The ACTING CHAIRMAN: Order! The Minister is out of order. The member for Taylor will continue her question.

Ms WHITE: Will this practice of appointment of consultants lead to their greater use? I reiterate the question I asked earlier. Surely the loss of expertise with the abolition of a number of boards has the potential to lead to the greater use of consultants, so what measures will the Minister put in place to ensure that the use of consultants does not increase, at much cost? Has he taken the potential increased costs of consultants into this savings figure of $900 000? It is a legitimate question and the Minister should answer it.

The Hon. G.A. INGERSON: The Minister does not have to answer any question. The reality is that it is a ministerial consultancy, and the Minister—the only person being responsible for him is the Minister—has rung up a person and asked him to do a consultancy. It is set out for all to see.

Ms White interjecting:

The ACTING CHAIRMAN: Order!

The Hon. G.A. INGERSON: No. I will go on and say it. I did not answer that question, because I did not remember that you had asked me. You have asked me now and I will answer the question. There are Government guidelines in relation to boards, and they carry out those guidelines. There is a difference between a ministerial consultancy asking someone to come in and do a review for a Minister on a series of departments and the situation where a board does it. There are standard guidelines and the Minister is not involved in those consultancies, nor should the Minister be involved unless he is asked.

The only position that the Minister has under this Bill—and in the current position the Tourism Commission has any involvement in—is in the position of Chief Executive. The Tourism Commission does hundreds of consultancies; it puts them out to tender on a daily basis, and will continue to do so. The Sports Department—as it currently is—puts out plenty of consultancies now, and it does that within Government guidelines. The Minister is not involved in any of those.

The honourable member asked me specifically about the one that relates to me, in that I appointed him. I appointed him by ringing him up and asking him whether he was prepared to do it, and that is a pretty simple exercise. I did not sit down and write things out or chase around and go through any fancy business. I got the support of the Premier in terms of going out to do it, and that is the way it ought to be done. In terms of the process for consultants, if the board believes it can save money and do a better job using consultants, I would hope that it does so. I do not care very much whether it does its whole business in consultancies, as long as the

budget is stuck to and we get a better outcome for the State. It is almost an inference in this sort of questioning that consultants are no good. I remember standing on the other side of this Chamber and asking—

Members interjecting:

The ACTING CHAIRMAN: Order! The member for Taylor has asked a question and she should listen to the answer.

The Hon. G.A. INGERSON:—a question of the Hon. Barbara Wiese in Estimates Committees about millions of dollars in consultancies. One I remember in particular was in excess of $200 000 on a study of the tourism roads on Kangaroo Island. The study had been done by the Local Government Department, the Tourism Commission and local government on Kangaroo Island and had been duplicated by another group—and the Hon. Barbara Wiese went out and did it again. If you want to talk about the historical use of consultancies, I will run them all out. If you want to talk about Ministers perhaps getting involved with mates, I will look around and find out how much the Rann company consultancy got from the previous Government. If you want to talk about mates very closely linked to the Leader of the Opposition, I will do all that, but I do not think that would serve any purpose.

Mr Clarke interjecting:

The ACTING CHAIRMAN: Order! The Deputy Leader is out of order.

The Hon. G.A. INGERSON: I do not think it would serve much purpose, because what is more important in this place is that everything is put out for everyone to see in the questions. I am happy to answer those questions, and as Minister I will not beat around the bush with regard to how it is done. It is all above board for you to see; all you have to do is ask the right questions and you will get the answers.

Ms WHITE: Are there any Cabinet guidelines which apply to the appointment of consultants by Ministers and, if so, what are they and has the Minister followed them in this case?

The Hon. G.A. INGERSON: I do not know whether there are any Cabinet guidelines—

An honourable member interjecting:

The Hon. G.A. INGERSON: —I don't—in relation to consultants. Not Cabinet guidelines. I don't believe there are any Cabinet guidelines in terms of consultants.

Ms White: Are there Government guidelines?

The Hon. G.A. INGERSON: I have already said that there are Government guidelines for boards and, clearly, all boards carry them out. There are plenty of examples of that occurring. At the moment a position is being advertised for the Chief Executive of WorkCover. I understand that some consultants are currently interviewing the last 10 people. That is done under Government guidelines.

Mr Clarke: Do you think I'd get in the first 10?

The Hon. G.A. INGERSON: You haven't applied—and I wouldn't bother if I were you. Appointments to all those positions are done according to Government guidelines. I will run it again: this was a ministerial decision to look at how I wanted my departments to come together. I asked a consultant to do that and it is being done, as I said, by ringing up a person who I believe is the best person in South Australia. I might point out that he was appointed by the previous Labor Government to do exactly the exercise that I have asked him to do, and that is to give advice on how better to market the Tourism Commission. He was actually appointed by the previous Government to carry out exactly that job for the Grand Prix Board. While he was in that position on the Grand Prix Board, he did quite a lot of marketing for the previous Government in other areas, and not once have I heard comments about that person's ability to produce reports for the Government or to carry out his job. I find these comments in relation to the individual quite amazing.

Ms WHITE: I have a point of clarification.

The ACTING CHAIRMAN: The member for Taylor has asked three questions.

Ms WHITE: Of you, Sir. This clause has 26 parts.

The Hon. G.A. INGERSON: I request that the Committee extend the opportunity for questions to be asked. It is a very long clause and there are lots of issues; it is about the general powers and functions and it really is the key to the whole area. I therefore request that the Committee consider that option.

The ACTING CHAIRMAN: Although the clause is long, it is beyond my power to allow the member for Taylor to ask more questions. She has asked three questions.

The Hon. G.A. INGERSON: I wish to make a request. I understand that the Committee has the right to alter the rules of the Committee at any stage. If that is not the case, I am very surprised, because all that will happen is that the questions will be asked in respect of another clause and then the honourable member might be ruled out of order for asking the question in regard to the wrong clause. I would have thought that for convenience it was something that this Committee ought to consider.

The ACTING CHAIRMAN: This Committee does not have the power to do that. I have made the ruling. The Deputy Leader of the Opposition.

Mr CLARKE: Because of my athletic physique and interest in sport generally I am able to ask these questions. With respect to paragraphs *(i)* to *(n)* on page 11, the powers of the commission extend to a number of things, namely, conducting events, establishing, operating or managing a venue, regulating and controlling admission to any venues, and selling or supplying food and drink. A lot of sporting associations earn a fair amount of money for their own internal use from having those types of powers to do those things for themselves. The commission being established will have these overriding powers. How will this affect those State sporting associations with respect to the generation of income that they currently receive, and how can they be assured that they will not be short changed in this exercise? If there is a dispute between a sporting association and the commission on what they think may be a fair return for their efforts, how will they appeal? Will they go to the Minister as 'I, Claudius'?

The Hon. G.A. INGERSON: Paragraphs *(i)* to *(n)* have been taken from the Grand Prix legislation, because when you bring major events into the Tourism Commission such issues as being able to advertise, promote and so forth need to be dealt with in a major events area. Because it is enabling legislation, you need to be able to give the new commission the right to do that in relation to major events. There is no intention for the commission—whether it involves the Recreation and Sport Commission or the Tourism Commission—to vary any current issues. We do not, at grass roots level, get involved in sports in terms of promotion: we get involved only in the Sports Institute.

In terms of major events, I am referring to such events as the three day event at Victoria Park. You need to be able to carry out the advertising and promotional activities and need to be able to establish an office and manage the venue.

Whether you actually do it is another issue, but unless this legislation enables you to do that you cannot then run that event. The three day event will be as big as the Grand Prix. You will not have the crowds, but you will have to manage the venue and do the advertising and so on.

Under the current Tourism Commission Act you are not able to bring in the major events group. This is an extension of what happens in relation to the Grand Prix. It does not give you the ability, as does the Grand Prix legislation, to close roads and override noise legislation, etc. With the World Bowls Championship, all these things were required. We had to produce books for the event, the programs, the brochures, films, and so on. It is entirely lined up with the staging of events. and no more or less than that.

Mr CLARKE: I think I understand what the Minister is saying, namely, that it acts as a super board that sits over the top of the sporting associations. The sporting associations will still be entitled to negotiate with Vili's or Balfour's to sell their pies and pasties, charge rent, and so on.

The Hon. G.A. INGERSON: It relates only to the Department of Recreation and Sport and not to associations.

Mr CLARKE: So, the powers of the commission and board will be to enable those types of function to be promoted and given effect to, as in the case of the Grand Prix Board, but the smaller sports associations will still have their own autonomy to do the sorts of things that they do now in generating income from these sources: is that the Minister's guarantee?

The Hon. G.A. INGERSON: That is exactly as it is now. We run about 30 events on behalf of major events and events in the country. They merely want to be able to put out a major brochure for that event and this will enable them to do it. The Barossa Music Festival asked major events to do the accounting and advertising for one year. This provision enables it to be able to do that. We are no longer involved because, now that it has been sorted out, they believe that they can do it themselves.

In the case of WomAdelaide we came in and put up the fences and made sure all the signage was up, and for the first time people had to go through gates and pay. So, instead of the State having to pick up a huge deficit for running the event people paid to attend, simply because a decent fence had been erected. This provision enables that to occur, but it does not affect the Prospect Oval or Kilburn games.

Clause passed.

Clauses 21 to 25 passed.

Clause 26—'Declaration of logos and official titles.'

Ms WHITE: I refer to clauses 26, 27 and 28, which relate to the declaration of logos, proprietary interests of the commission and seizure and forfeiture of goods. I agree that they are necessary clauses. Will the Minister comment on whether these provisions affect in any way non-elite sports operations?

The Hon. G.A. INGERSON: This is a straight take out of the Grand Prix legislation and is related again to special events. It does not affect non-elite sports in any way at all but is designed specifically for special events. It is mainly there in relation to logos and goods, as in the case of the World Bowls event where we had a special shirt made. We are able to get some royalties on those shirts and this provision needs to be there. With the forfeiture of goods provision, if someone is selling those goods, that is what it is for—no more and no less.

Clause passed.

Remaining clauses (27 to 30) passed.

Schedule.

Clause 1 passed.

Clause 2—'Abolition of certain bodies.'

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

Page 16, lines 5 to 11—Leave out this clause.

This amendment is intended to remove the original clause. The reason for so doing is that the Events Board, the Convention Centre Board and the Office of Recreation and Sport are all administrative units or unincorporated bodies. If we remove them at this stage, we will have all the staff of those groups with virtually no board to administer them until a new board is operating.

As they are unincorporated and/or administrative units, they will be removed as soon as the new board is set up. We need to leave those in place, otherwise we will have no staff relationship with those bodies. That is the transition, involving the abolition of certain bodies, which will be removed administratively once the new board is set up. The advice from the Crown Solicitor is that that is the way to do it.

Ms WHITE: Under the Minister's new clause, will the future employment conditions of the employees of the Convention Centre board be guaranteed?

The Hon. G.A. INGERSON: As I said, this amendment does not cover the employment of the Convention Centre board staff, and that is because this board will not be abolished—if it is abolished—until after 1 January. However, I give a commitment that these clauses apply to them. All their existing staff arrangements and any entitlements will continue after the amalgamation on 1 January next year. That can be read into this transitional clause, because the Government is guaranteeing that all staff who are currently covered will retain their existing conditions in the future. That is a general statement of the Government, and it applies to the Convention Centre as well. At the board meeting, I notified the board of that, and that will occur.

Clause negatived.

Clause 3—'Transitional provisions relating to assets and staff.'

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

Page 16, lines 18 to 27—leave out subclauses (3) to (5) and substitute the following subclauses:

(3) A prescribed employee is, if the Minister so directs in writing, transferred to the employment of the commission.

(4) A transfer under subclause (3) does not affect—

(a) an employee's existing or accruing rights in respect of employment (including leave rights); or

(b) any process commenced for variation of those rights.

(5) In this clause 'prescribed employee' means—

(a) a person who was in the employment of the South Australian Tourism Commission immediately before the commencement of this clause; and

(b) a person employed in the Public Service in the Office for Recreation and Sport immediately before the commencement of this clause; and

(c) a person employed by the Minister who was, immediately before the commencement of this clause, subject to the direction of the chief executive of the South Australian Tourism Commission or the Office for Recreation and Sport in that employment; and

(d) a person employed—

(i) by the Australian Formula One Grand Prix Board; or

(ii) by the Minister,

who was, immediately before the commencement of this clause, subject to the direction of the South Australian Events Board in that employment.

This replaces clauses 3, 4 and 5 in the transitional area. These changes have been brought in to clarify further the Government's position. It provides that all existing staff in any area

will be guaranteed their existing employment conditions, and they will continue with the existing conditions under the new board. There was a requirement to change position in relation to the South Australian Tourism Commission because, under the original amendment put in by the Bill, there was a suggestion that they were still public servants whereas they are not, and there was a necessity to change that provision in relation to the Tourism Commission. We are saying that all staff employed in this amalgamation will not be affected in any way past their existing conditions.

Ms WHITE: Ironically, this is a question the Minister asked the former Minister, when discussing the transitional arrangements for the South Australian Tourism Commission. When he was shadow Minister, the Minister, talking about staff redeployment, asked:

> Does that mean that there has been a selection process in which some of the staff have been chosen to be offered contracts, or has it purely and simply been a jobs for the boys process or jobs for the girls process in which those who might be favourable to the Minister or the Government are likely to get jobs, or has it been done, as we would hope, using private sector methods of choosing people on merit and having the best people for the job?

Is there a list of targeted people? How will the decision be made as to who does and does not make the transition into the new structure? If a selection process is to be carried out, will it be open and accountable and, if so, in what way?

The Hon. G.A. INGERSON: There are no targeted employees. That has never been the position in any of the departments in which I have been involved, and there would be no intention to do that in the future. The board makes the decision on any future staff structure on the recommendation of the future management. The Government and Ministers are never involved in that process. One clear message was given to me by a senior CEO when I came into Government: 'Just keep out of the management process not only because you should be keeping out of it but because it is in your best interests to keep out of it as the Minister.' I have always adopted that principle, and that is what will be adopted here. The new chief executive, along with all the existing managers, will clearly make future structural recommendations to the board. In the end, the board has to accept that and run the operation, and the Minister does not have any involvement in that, as applies with any of the boards or departments in which I am involved, other than with the chief executive.

Ms WHITE: I intimate to the Minister that is very good advice, with which I agree. This amendment has come about because of concern involving employees within the amalgamating bodies. As a result of my consultations with the Public Service Association, I wrote to the Minister expressing some of those concerns, so I know he is aware of the issue. In the amended repeal and transitional provisions of the Bill, there is specification of the rights of an employee transferred to the commission. However, given the fact that there is a clause in the Minister's amendment which provides that the South Australian Tourism Commission Act 1993 be repealed, what is the intention of the Government regarding the rights of those employees who are not transferred to the commission and whose existing employment in a Government department or agency will be abolished by this Act or any subsequent direction by the Minister?

The Hon. G.A. INGERSON: These changes result from comments by staff in the Tourism Commission and the PSA. There was no intention not to make it clear. Obviously it was not clear, so there was a need to make changes recognising that. Any employee who is not part of the commission, in other words, a public servant, maintains all their rights as if they were a public servant, and the same applies to any staff in the Office of Recreation and Sport or Major Events. They maintain their rights.

When the commission was established two years ago, staff were given the choice to remain as a public servant virtually allocated to the commission or to become a staff member of the commission. Only 10 employees of the commission in 100 have chosen not to go across to the commission. They do not lose any of their employment rights, but they would sooner maintain their long-term position as a public servant, and that is how we expect it to work in this instance. Employees do not lose any rights. In other words, they still have permanency and they can apply for TVSPs, but they become members of the commission in relation to enterprise agreements. We see us going down the same road in this case, but still having choice. About 10 per cent in the Tourism Commission chose not to do it, and we have no problem with that.

Ms WHITE: When the 1993 Tourism Commission Bill was debated in another place, the Hon. Legh Davis was very complimentary to the then Minister on the way he consulted and shared information with the Opposition. I notice from the *Hansard* report that the then shadow Minister was provided with a list of persons who did not make the transition to the new structure. Will the Minister provide the same service to the present shadow Minister and provide such a list?

The Hon. G.A. INGERSON: I would not have thought it was a normal procedure of government to supply any information about its employees to another member of Parliament. I am prepared to consider the matter on a confidential basis with the shadow Minister. I think it is a pretty unusual request, but I will consider it.

Mr CLARKE: The Minister's amendment to subclause (3) provides that a prescribed employee is, if the Minister so directs in writing, transferred to the employment of the commission. I find that unusual because in other areas of the Minister's portfolio, namely, industrial affairs, WorkCover, the Occupational Health and Safety Commission, and also the Industrial Relations Act, there was a straight transfer of employees. There was no question of anyone falling through the safety net. That is, everyone could go across unless they chose not to do so. This amendment provides that everyone goes across unless the Minister chooses that they do not go across. Given the potential concerns that would create for employees, would it not be better for the Minister to do what was done in those other areas, whereby everyone goes across unless they choose not to? Is the Minister expecting a shortfall, that is, not as many people going across as are currently employed? If so, what happens to them?

The Hon. G.A. INGERSON: The drafting of this provision results from the Government's request that consideration be given to those employees who may not go across and, as a consequence, stay in the public sector and are redeployed and placed in another area. This provision has been included to cover that. In other words, the Minister will direct in writing that they go across, basically with their support.

It does not say that, and I understand where the honourable member is coming from, but my understanding is that that was the drafting instruction. I will have that checked and, if there needs to be a further amendment in another place to make it clear, we will clarify it. I understand clearly what the Deputy Leader is saying, but it is not intended to force

anyone to go across. In essence, this applies only to the staff in the Office of Recreation and Sport and in Major Events, because the Tourism Commission staff have already agreed to go into the commission. They are already there. Discussions with the staff of the Office of Recreation and Sport indicate that all of them want to go across but, if anyone does not, there has to be a provision in the Bill to protect them. My understanding is that this does that but, if it does not, we will amend it to make sure it does.

Mr CLARKE: I am partially heartened by the Minister's comments, and I can well understand why so many of his staff would want to follow such a glorious leader into his portfolio areas rather than risk being left out. Given what the Minister believes were his drafting instructions, I indicate that the Opposition would prefer it if the wording were the same as that contained in the legislation that dealt with the review officers in WorkCover when we went through the exercise of revamping the workers' compensation, rehabilitation and resolution of disputes procedures. If the Government does not feel so minded to use that wording, I am sure that, subject to Caucus and our shadow Minister's advice on this matter, our members in the Upper House would feel far more comfortable having it worded in the reverse rather than as it is currently drafted.

The Hon. G.A. INGERSON: I accept what is being said, and it can probably be overcome by saying that a prescribed employee is transferred to the employment of the commission by agreement. That amendment will be drafted for consideration in the other place, recognising that it should be done by agreement. It will mean that anyone who does not agree is automatically redeployed within Government. To my knowledge, the preliminary advice from the Office of Recreation and Sport, which is the only group really affected by this provision, is that no-one is in that position, but clearly we need to make it clear that, if they do not want to go, they do not have to.

Mr CLARKE: We take on board what the Minister said and, if necessary, we will move in another place to remove the words 'if the Minister so directs in writing'. I am sure that can be sorted out in another place, but that puts our position clearly on the record.

Amendment carried; clause as amended passed.

Clause 4—'References in Acts or other instruments.'

The ACTING CHAIRMAN: I inform the Committee that, with the passage of the amendment to clause 3, there will need to be a clerical amendment. Clause 4(b) is no longer relevant and is therefore deleted.

Clause passed.

Title passed.

Bill read a third time and passed.

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA (LIABILITY TO TAXES, ETC.) AMENDMENT BILL

Returned from the Legislative Council without amendment.

LOTTERY AND GAMING (SWEEPSTAKES) AMENDMENT BILL

Returned from the Legislative Council without amendment.

MFP DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 11.22 p.m. the House adjourned until Thursday 7 November at 10.30 a.m.