HOUSE OF ASSEMBLY

Thursday 20 March 1997

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

PUBLIC WORKS COMMITTEE: ADELAIDE DENTAL HOSPITAL

Mr OSWALD (Morphett): I move:

That the forty-ninth report of the committee on the Adelaide Dental Hospital redevelopment be noted.

In opening my remarks I point out to the House that this is the committee's forty-ninth report. It should be noted that the committee has had a substantial workload. I compliment our hard-working staff on keeping the logistics going whilst the Government keeps pumping out these magnificent public works programs for the State.

The Adelaide Dental Hospital was established in 1990 to provide general and specialist dental care for eligible patients as well as providing learning opportunities and clinical experience to undergraduate and postgraduate students at the University of Adelaide. The South Australian Health Commission proposed to undertake stage 1B of a multi-stage redevelopment of the Adelaide Dental Hospital to ensure compliance with contemporary infection control standards and other statutory and regulatory requirements by refurbishing the existing building, particularly Clinic 5, and upgrading other associated dental equipment and facilities.

The South Australian Health Commission has committed an estimated expenditure of some $21 million to this redevelopment project, to be staged over a 10 year period, with an estimated $2.95 million allocated to stage 1B of the project. In summary, the works for this stage include: refurbishment of Clinic 5, which is a 20 chair high usage teaching clinic; the installation of a new switchboard and separate electrical supply; an upgrade of the central sterilising department; refurbishment of the ground floor waiting area; refurbishment of the two main public lift interiors; base fit-out works to provide for a new commercial tenancy; and an upgrade of the fire detection system and emergency fire exit.

The Public Works Committee considers that one of the most compelling arguments for the renovation of both the dental clinics and the support services within the Adelaide Dental Hospital is the need for greater infection control and to satisfy the hospital's aims of enhancing its operational efficiencies. This will improve both quantity and quality of patient care and student education. Generally, members considered that the proposed redevelopment will significantly contribute to the hospital's continuing ability to provide an efficient dental care service for old age and invalid pensioners, low income earners and the unemployed.

Furthermore, the committee agrees that these works will enable the Adelaide Dental Hospital to fulfil its other major objectives which include to maximise opportunities for dental education, to develop and promote research, to improve health outcomes, to be recognised as a specialist referral centre for South Australia, and to gain a reputation as a centre of excellence in Australia in the Asian Pacific region.

The public and social value of this project extends far beyond the boundaries of South Australia. As a result of this refurbishment, approximately 30 obsolete dental chairs will be donated to countries in Asia and the Asian Pacific region. These countries include Fiji, the Philippines and Vietnam. This donation will form part of the dental aid for Australia's Neighbours Program and will assist with the expansion of dental services in that region. In this regard, the committee applauds the efforts of the South Australian Dental Service and the Rotary Club organisation.

It is pointed out that, while the committee endorses the entire project, approval is given to proceed with stage 1B only. All subsequent stages are required to come before the committee prior to commencement. When we went down with our staff to look at the clinics, our attention was drawn to the antiquated chairs and equipment. It is interesting that, whilst we are now upgrading the dental hospital facilities to what is world standard, we have countries to our north that welcome the receipt of our old chairs and equipment. It will bring those countries up to a level of dental care which is perhaps considered 20, 30 or 40 years behind the times here.

I cannot think of his name at the moment, but I give credit to the Federal Labor member of Parliament who came up with this idea. He certainly is to be applauded, because the concept of using our equipment to set up dental clinics to help the disadvantaged in the countries to the north is a scheme that has a lot of value. It was interesting to see the standard of the chairs that are being donated, and it really brought home to members of the committee, when we saw the replacement equipment that will be provided in South Australia in years to come, that we are creating down at Frome Road a world standard facility.

In summary, the Public Works Committee endorses the proposals to redevelop, refurbish and upgrade the Adelaide Dental Hospital, and certainly recommends that the proposed public works proceed as soon as possible.

Ms STEVENS (Elizabeth): I support the Public Works Committee's report. I will not go over all the matters raised by the Presiding Member, but I would like to make a special note in relation to the staging of the project. The last paragraph of the recommendations of the committee actually asked the South Australian Health Commission to consider accelerating the works by amalgamating some of the stages, thereby avoiding the inherent problems associated with multi-staged developments. This project as presented to us has three major stages, many sub stages, and will take ten years to complete. It was our view that if it was looked at again, perhaps the resultant upgrade could be completed by doing things faster and amalgamating some of those stages. I hope that that can be achieved.

I know that in a previous report submitted by the Public Works Committee relating to Port Lincoln Hospital a similar recommendation was made by the committee and, in fact, following our recommendation, the South Australian Health Commission did act upon this and join a number of stages together and made things better, particularly for those people who had to continue to work in the facilities while massive construction work was proceeding.

I should also like to draw the attention of the House to some of the evidence that was provided to us relating to the blow-out in waiting times that is now being experienced in dental services in South Australia. One of the witnesses told the committee that, as a result of the cutback in Federal funds to the Commonwealth dental program, there has been a blow-out in waiting times of eight years. This person mentioned that that example, which applied to the Lyell McEwin Hospital, was just one example of the blow-outs. The witness

was asked what the waiting period was before the removal of those funds, and the answer was six months. As a result of the cancellation of the Commonwealth dental program, waiting times in the northern suburbs at the Lyell McEwin Hospital have increased from six months to eight years. The witness went on to say that this was not just a feature of the northern suburbs, and that when they analysed Gilles Plains the waiting time had blown out to six years, so I want to draw the attention of the House to that.

On a number of occasions I have spoken in this House about the tragedy of the withdrawal of the Commonwealth dental program from this State. This State lost $10 million just like that—immediately—as a result of the last Federal health budget cuts, yet we have seen no action by our own State Government or our own Health Minister to redress this matter. Meanwhile, pensioners and other people on low incomes are unable to obtain proper dental health care. That is a disgrace, and I was interested to hear that point made in the evidence relating to this project.

I urge all members to obtain a copy of the transcript of the Public Works Committee hearings on the South Australian Dental Hospital to read what this person said about waiting times. All of us together might be able get some action from the Health Minister on this appalling situation.

Ms WHITE (Taylor): I support the motion that we note the report of the Public Works Committee on the Adelaide Dental Hospital redevelopment. This redevelopment is most necessary. In these times the community is most concerned about hygiene standards, particularly, and that is one of the major impetuses for this redevelopment. In addition, a lot of the equipment that is used at the Dental Hospital is outmoded and outdated. A lot of the areas in which the students are taught do not reflect or encourage best practice within the profession, so the redevelopment is most necessary and is supported by the Opposition.

Members may not know that South Australia plays a very important role in the diversion of the old equipment that is replaced. As dental chairs and other equipment are replaced in the Dental Hospital, they are sent to neighbouring Asian countries, third world countries, as part of Australia's commitment to helping our neighbours in that regard. The equipment performs a very valuable function after we have finished with it. I believe that it is in those countries that the equipment that will be replaced as a result of this redevelopment will end up. That is very important.

My colleague the member for Elizabeth raised the concerns of our Party about what happened in the last Federal budget in terms of cuts to the Commonwealth dental health program. As every member of this Chamber knows, those cuts have been felt wide and far by this community. People may not know that a large portion of that money went to private practitioners, but that has now been removed, even though the private sector provided much assistance in reducing waiting times for people through the Dental Hospital. There has been a significant blow-out in waiting times since that cut by the Federal Liberal Government was made.

Another point to be made about the Dental Hospital, which tries to do the best job it can given the reduced funding, is its potential to make a more significant contribution towards the research and development of dental practice in this State, in this country and, indeed, in this region. Negotiations are going on as we speak between educational institutions in this State and the Dental Hospital to form a very significant centre of excellence for Australia as a whole in the dental health area and in the dental profession. That is very important. We have a huge potential to increase our impact in this area in South Australia, not only for the training of professional dentists but also in training support workers in that industry—hygienists and the like.

As members of the committee visited the site of this redevelopment, those working at the Dental Hospital said that many Asian visitors come to survey the Dental Hospital and look at what training we in South Australia can offer dental professionals in Asian countries, because much of their difficulty is in training and in having enough trained support staff to train those professionals. In a country where there is limited equipment, being up to date with the most modern equipment does not help you very much if you still do not have enough people to do the support work and they are not trained to a sufficient level. We could do a lot in South Australia to develop an industry in the training of not only professional dentists in Asian countries but also of support staff.

I support the work that is to be done at the Dental Hospital in respect of this redevelopment. It is necessary work. Some of the equipment, surroundings and environment in which the teaching and practice occurs is very old. It is in need of upgrade, and this project will address that. My colleague the member for Elizabeth mentioned that this is to happen in a number of stages, and it was a recommendation of the committee that ways be looked at to do some of this work a little sooner than planned. I support the recommendation and the report and hope that the Federal Government will recognise the importance of the work being done at the Dental Hospital and perhaps rethink its severe cuts to the Commonwealth dental health program.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ANNUAL REPORT

Mr VENNING (Custance): I move:

That the twenty-third report of the committee, being the annual report 1995-96, be noted.

It is with pleasure that I present the twenty-third report the Environment, Resources and Development Committee. The Parliamentary Committees Act 1991 sets out the committee's principal areas of inquiry, which include any matter concerned with the environment and how the quality of the environment might be protected or improved, any matter concerned with the resources of the State or how they might be better conserved or utilised, any matter concerned with planning, land use or transportation and any other matter concerned with the general development of the State. The additional responsibilities are outlined in the Environmental Protection Act 1993, the Wilderness Protection Act 1992, the MFP Development Act 1992 and the Development Act 1993.

In this reporting period, three new inquiries were referred to the committee from both the House of Assembly and the Legislative Council, and the committee reported to Parliament on four occasions. In this period the committee also considered 28 amendments to the development plan. In November 1995 the committee tabled its eighteenth report, a report on the controversy surrounding the implosion of a cave at Sellicks Hill quarry. The committee's proposals for legislative amendment outlined in the report were considered by Cabinet. The proposals included new duties under the

Mining Act 1971, the Local Government Act 1934 and the Heritage Act 1993 to protect caves and items of potential environmental and heritage significance uncovered in the course of exploration or quarrying operations.

The nineteenth report concerned water leakage at Roxby Downs. It was a most comprehensive inquiry and report, and involved the leakage of water from the uranium mine at Roxby Downs or, more specifically, from the tailings dams. The report made a number of recommendations to remedy the situation, the most important being an innovation by the Minister for Mines and Energy to ensure that the operators and agencies involved in monitoring activities at Olympic Dam continued to publish the results of the monitoring and long-term research and that the Government continued to work to promote research into the design, operation and rehabilitation of tailings dams retention systems. As a result of the committee's report, a number of significant improvements have been made in the system in place to ensure that environmental impacts from the Olympic Dam operation are kept to an acceptable minimum.

An interim report on the establishment of artificial reefs (the committee's twentieth report) was also tabled in this period. Currently, the committee is inquiring into waste management practices in South Australia. At the time of reporting, the committee has called for submissions and written evidence on this reference but the hearing of oral evidence had not begun. The committee highlights the importance of standing committees and their influence on legislative change and Government policies through the adoption of recommendations of reports by Ministers. The committee is pleased to report that many of its recommendations are being included in Government policies or legislation. Considering the bicameral and tripartisan nature of this committee, its members have worked very well in carrying out its responsibilities.

I thank all members for their commitment, including the Hon. Mike Elliott MLC, the member for Napier (Ms Hurley MP), the Hon. Terry Roberts MLC and the Hon. Mrs Caroline Schaefer MLC. The committee extends its congratulations to the former presiding member, the Minister for Employment, Training and Further Education (Hon. Dorothy Kotz) on her appointment to the ministry and acknowledges her tireless efforts whilst the committee Chair. I add my personal thanks and congratulations to the honourable member who certainly chaired the committee extremely well. During that period we had a very high success rate and it is very difficult for me to take her place, and I am very mindful of the large shoes she leaves for me too fill. I am very pleased that the honourable member has given me an expectation of what is expected of a Chair of a statutory committee of this Parliament. The committee also thanks the former staff of the committee for the exemplary work and support they provided.

Motion carried.

SUBORDINATE LEGISLATION (COMMENCEMENT OF REGULATIONS) AMENDMENT BILL

The Hon. D.C. KOTZ (Minister for Employment, Training and Further Education): I have to report that the managers for the two Houses conferred together but that no agreement was reached.

SELECT COMMITTEE ON ORGANS FOR TRANSPLANTATION

Ms GREIG (Reynell): I move:

That the time for bringing up the report of the select committee be extended until Thursday 29 May 1997.

Motion carried.

CONSTITUTION (CASUAL VACANCIES IN HOUSE OF ASSEMBLY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 March. Page 1196.)

Mr WADE (Elder): The member for Davenport has introduced an interesting notion into our democratic (some would disagree) system of electing members to the House of Assembly.

Mr Atkinson interjecting:

Mr WADE: The member for Spence should be aware that no democracy is perfect. Here is a man who wants to give householders a licence to kill, and he is talking about democracy.

The SPEAKER: Order! I would suggest to the member for Elder that his comments are not only inappropriate but also out of order. He cannot impute improper motives to another member. Therefore, I ask the honourable member to withdraw those comments.

Mr WADE: Mr Speaker, I withdraw. In summary, the Bill introduces a system for replacing an MP who resigns within six weeks following the member's election in which he or she received 60 per cent or more of the two Party preference vote. In these circumstances, the Bill allows a replacement MP to be selected by the sitting member's Party and with Parliament's endorsement to replace the resigning member. The positive aspects of the Bill obviously include the cost savings to the people's purse of not holding a by-election which, based on all the facts known to us, would have re-endorsed the resigning member's political Party anyway. Secondly, the Bill would prevent the aggravation that occurs when the people are forced to return to the polls because their sitting member has decided not to continue for a further four year term and that decision was made after the election had been held.

Given that, when Martyn Evans moved from State to Federal politics and the people coming through that polling booth were absolutely disgusted at having to go to another election so soon after a State election, I can appreciate why the honourable member has introduced this Bill. A negative aspect of the Bill is that this whole concept assumes that our democratic process is very static and is not evolving, versatile or flexible and that therefore we can imprint in law something that happened in the past. There is no guarantee that what happened in the past will happen in the future. There was no guarantee that, just because during the 500 years of the Roman Republic no-one had crossed the Rubicon with armed weapons, someone would not do it sometime.

Mr Atkinson: Armed weapons?

Mr WADE: With arms: I thank the member for Spence.

The SPEAKER: Order! The member for Elder has the call.

Mr WADE: But Julius Caesar did that. So, things can change. Tradition does not mean that it will be the same in the future. By endorsing this Bill, we are virtually saying, 'The system won't change in this area, and that's all there is

to it.' That really means that we are perhaps limiting the democratic process. We are limiting the people's right to choose, regardless of whether that political Party has 60 per cent or more of the two Party preference vote. Do we really want to go down the path of saying to the people, 'We assume this will happen, because it has always happened that way in the past and will happen that way in the future?'

Do we want to say to them, 'We're making that assumption and putting it into legislation; therefore, we don't need you to come out and vote because we know what you'll do. You'll vote for the same Party you voted for before.' That is a big assumption to make, and it may upset people, whose attitude may be, 'We may be angry about going to the poll again but we want the right to go to the poll.' What we are doing is taking away that right from them. That is the one negative with which I am trying to come to terms.

In the end, my overall view is that we must look at what has been done in the past and come to the practical conclusion that, in the interests of saving money and avoiding aggravation, this Bill deserves further attention and that it should be passed through this House and receive consideration by the Upper House as well. I would be very interested to see the reactions of the Upper House to this Bill, because in a principled way what we are doing is bringing our method of selection for the replacement of Assembly members closer to that of the Upper House. I would be very surprised if that House did not support the measure as well. I commend the Bill to the House, and I congratulate the member for Davenport on his innovative and interesting approach to this matter.

Mr EVANS (Davenport): I wish to thank members for their contributions to the debate, which has been an interesting one. I wish to comment on some of the remarks made by those who have indicated that they are not supporting the Bill. The member for Spence spent most of his time suggesting that this was a mechanism to be used by the current Government to rid itself of some senior serving members after the next election. I make the point that the legislation does not start until 1999; therefore, those members of this Parliament cannot use it immediately after the next election. That point has been covered, and the member for Spence was factually wrong in using that argument. The honourable member said that this was a mechanism to protect the major Parties and exclude the minor Parties: that is also incorrect.

If a Party, say, the Green Party or the Democrats, wins a seat in the Lower House with a margin of 60 per cent or greater, the matter is covered under this Bill in the same way as it is involving any other Party. It affords the same rights to all Parties, and it is not a matter of protecting one Party as against the other. I accept the member for Spence's point that, with regard to the Upper House, bringing in people on the Party ticket to fill casual vacancies is a protection for the minor Parties over the major Parties. I can understand his argument to some degree on that.

The member for Ross Smith raised the point concerning the minor Parties but defeated the member for Spence's argument when he reminded us that, when Robin Millhouse resigned from the Parliament, he was replaced by a Democrat. That just reinforces the view that in certain seats even minor Parties are followed by minor Parties when the Party vote is strong enough. It really reinforces the whole concept of the Bill and defeats the member for Spence's own argument.

In his contribution the member for Hartley raised the issue of independence. This Bill does not apply to independence: it applies only to Party nominations. The member for Hartley raises the concept that Parties may not be here in 70 or 100 years time. Quite clearly, if Parties are not here then, this Bill does not apply: it applies only to Party nominations, and that argument therefore cannot be raised against the Bill. If Parties dissolve, that is another indication of how the parliamentary system is an evolving process, just as this Bill is part of an evolving process.

I must also comment on the member for Ross Smith's theory of how we are all elected to this place. His argument is simply this: the Party vote is worth nothing to members of this place—none of us receives a vote, because we happen to be on a Party ticket. The member for Ross Smith's argument is that we are all elected to this place because we have warm, cuddly and attractive personalities. I do not believe that argument, and I think the member for Ross Smith is trying to trivialise the matter by expressing that point of view.

If that is the honest view of the member for Ross Smith, I look forward to the day when he nominates as an independent for Ross Smith. We will be happy to put up a Labor and a Liberal candidate in Ross Smith and, because of his warm and cuddly personality, I am sure the constituents of Ross Smith will flock to the polling booths to elect the current member for Ross Smith as an independent; and I will be happy to stand up in this place and congratulate him on his ability to do that and without needing to get elected to this place through the Party machinery. I need to clarify to the House that there is no Government position on this proposal.

As far as the Government is concerned, this matter requires a vote by individuals within the Government. There is no Government position, and I want to make that absolutely clear and have it on the record.

An honourable member interjecting:

Mr EVANS: No, I want to have it on the record. I thank members for their contributions.

The House divided on the second reading:

AYES (26)

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

NOES (12)

Andrew, K. A.	Atkinson, M. J. (teller)
Clarke, R. D.	De Laine, M. R.
Hurley, A. K.	Lewis, I. P.
Quirke, J. A.	Rann, M. D.
Rossi, J. P.	Scalzi, J.
Stevens, L.	White, P. L.

Majority of 14 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Mr LEWIS: I move:

That progress be reported.

The Committee divided on the motion:

AYES (9

Atkinson, M. J.	Clarke, R. D.
De Laine, M. R.	Hurley, A. K.
Lewis, I.P. (teller)	Rann, M. D.
Rossi, J.P.	Scalzi, J.
White, P. L.	

NOES (25)

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

PAIRS

Geraghty, R. K.	Caudell, C. J.

Majority of 16 for the Noes.

Motion thus negatived.

Clause 3—'Special provision for filling certain casual vacancies in House of Assembly.'

Mr LEWIS: The operational clause of the proposed measure means that there will be no elections. I understood that the Liberal Party intended to take this matter to the Committee stage to debate whether or not it was a good idea to deny electors in a given electorate any say in who represents them. In the event that a member resigns, it would be left to members to make up their mind about that. That is my clear recollection of what the Liberal Party intended. As clause 3 now stands, there are many unanswered questions. Clearly, there will be resignations within this six week period. Parties will decide who is endorsed, and that endorsed member will have four years within which to entrench themselves in that electorate before facing electors.

In the tradition of the House of Commons I believe that that is an abuse of the belief that the individual should be personally accountable to the electors—regardless of whether or not they belong to a Party and which Party it is. Their first responsibility is to represent their electors and not a political Party. I accept that their philosophical commitment is to a framework through which they see society and its decisions. If they belong, as I do, to a Party, it is clear. It is through that philosophical framework about an ideal society that I see measures which affect society in terms of the laws which control the behaviour of people, what they can and cannot do and how they can or cannot do it.

Secondly, why do we need six weeks? Where is the magic in six weeks, seven weeks, five weeks, 10 weeks or 10 months? Why should it be six weeks? It may not be possible for Parliament to meet for six weeks. The next argument we will hear is that the Bill needs to be amended to make this period 10 weeks in the event of a hung Parliament, as prevailed in Millicent about 25 years ago. In this situation the House will have no capacity to decide whether even to elect a Speaker, let alone for the Governor to call upon a member of the House to form a Government, until there was a complete recount in the Court of Disputed Returns. To my mind, six weeks will be seen as inadequate in some contexts later on; it will need to be extended.

If, in principle, we agree that it is not necessary for the electors to decide who represents them but that the Parties will do so, we will soon be telling the general public that they do not matter and that we will not have elections. Why waste money having an election? We know that for the past 20 years the Liberal Party has always won more than 70 per cent of the vote in my seat, so why waste money on having an election? We might as well let the Liberal Party nominate its candidate and not bother with an election. The Labor Party, which has won the seat of Port Adelaide for the past 100 years, could do likewise. Why bother? It is a waste of money. After the Labor candidate in Port Adelaide has been endorsed, it is not necessary to have an election; clearly, the Labor Party will win that seat. We will save the taxpayers some money. Little thought has been put into this measure. Its implications are very serious, and they are not matters which rest comfortably on my conscience at all.

Whilst I am not unhappy for the Bill to have reached this stage, I believe that members need to contemplate the implications of it, and I would say to them here publicly, as I have said to some in the corridors and behind closed doors, at this time, as members of Parliament belonging to any political Party, we are nothing short of insane to be saying that it is okay to appoint somebody to this Chamber any time without an election, so close to an election, with the feeling of dissatisfaction that there is in the wider community for members of Parliament in general and for political Parties in particular of any persuasion.

Given the kind of antagonism that exists, for us as a Chamber, 47 individual members representing individual electorates, to say to the electors with whom we are on the nose in increasing numbers, 'You don't count; you don't matter,' is insane. We are saying that the whole process of democracy is irrelevant, that it is what the Parties decide that ought to be considered in deciding who sits in here. That would bring us into further contempt and odium with an increasing number of people in the wider community. We are crazy in a public relations exercise to be contemplating adopting this proposal so close to a State election.

Any time in the next 12 months or so we will have an election. If nothing else, to do so will increase the informal vote at the next election quite substantially, and in all probability it will enhance the prospects of increased support for Independents. If we want to see this Chamber return to the mess that it was in the 1920s and 1930s until Sir Thomas Playford took it by the scruff of the neck in the late 1930s, we should pass this kind of proposition, where it is a matter of political expedience for the Parties and not a matter for the public interest to decide who makes the laws, what is said about the laws and who becomes which office bearer in which job.

What we are really saying is that, after the election, if the result is favourable to one Party or another regardless of whether that election is held in 12 months or 12 years—it does not matter—it is up to the Leader, if he offends someone in the Party whom he considers to have considerable influence in the same Party to which he belongs, to be able to offer that person a job overseas and appoint somebody in the vacated seat that suits the convenience of whomever is Premier of the day. That person will be selected from within the ranks of the Party of the Premier of the day and put into the sinecure post of that seat, and the person who was elected during the general election only a matter of a few days before will simply go off to the sinecure post made for them to get rid of them, to get rid of the problem they might otherwise

create. Nothing makes my gut wrench more than that. It stinks. I cannot cop it.

Mr ATKINSON: The measure before us is a considerable derogation from the sovereignty of the people and, in particular, from people who happen to live in electorates where the majority for the incumbent Party is 60 per cent or more of the two Party preferred vote. If one has the misfortune to live in one of those seats, commonly known as safe seats, one will not have a say upon the creation of a vacancy in that seat within six weeks of a general election on who—

Members interjecting:

The CHAIRMAN: Order! The member for Spence has the floor and I am sure that he needs no prompting.

Members interjecting:

Mr ATKINSON: I beg your pardon?

The CHAIRMAN: The member for Spence does need prompting, but it is against Standing Orders.

Mr ATKINSON: The interjections from the Minister for Youth Affairs and the member for Morphett are most interesting, because they are saying that if you live in a safe seat you will cop whomever the Party chooses, and it does not matter when the election is held. It is that kind of attitude to State districts with a two Party preferred vote of 60 per cent or more for one Party that is leading to disrespect for the political system. Both the member for Morphett and the Minister—

Mr Oswald: The Party machine selected you and they selected the Deputy Leader.

Mr ATKINSON: The member for Morphett is right. The Australian Labor Party did preselect me for the State District of Spence, but it was open to a number of other people not to accept that preselection, even though the seat had been held by the Australian Labor Party since its creation in 1970. A member of the Party, Mr Terry Carroll of Findon, indicated that he would run as an Independent Labor candidate in Spence, and that was his right. Another trade union official, Mr Denis White of the Australian Federated Union of Locomotive Enginemen, indicated that he would contest the seat, aiming to take some of the Labor vote from me, and he did on behalf of a registered political Party known as the Socialist Alliance. The Australian Democrats ran a candidate, the Liberal Party ran a candidate, and the Mayor of the town of Hindmarsh, Mrs Floss Pens, ran as a Greypower candidate, although substantially on an independent platform, and she polled particularly well, getting 7.5 per cent of the vote.

The point I am making is that, although Spence has been a seat held by the Australian Labor Party since its creation, and usually with the exception of the last election on a two Party preferred vote of 60 per cent or more, the electorate of Spence had a choice. What the member for Morphett, the member for Davenport and the Minister for Youth Affairs want to do is deny a choice for State districts such as Spence and the many other State districts with a two Party preferred vote for one Party of 60 per cent or more. They want to deny them a choice for four years.

Mr Brindal interjecting:

Mr ATKINSON: The member for Unley says that is nonsense, but it works like this. Let us say that, at the election after next, the Treasurer steps down and is appointed as the Agent-General in London within six weeks of the general election being held. Let us say that the appointment occurs before Parliament has met for the first time after the general election. In those circumstances, a by-election would usually be held for the seat of Waite, so the people of Waite could say that the Liberal Party offered them a candidate and they supported that candidate overwhelmingly to serve a term of four years in the House of Assembly, but within a matter of days after the general election he decided that he did not want to serve them, in fact, that he wanted to be Agent-General in London.

Usually they would have a choice. Factoring in that information, they might not want to support the Liberal Party candidate at the by-election, and that is what the member for Davenport is afraid of. He is afraid that, when former Liberal Government Ministers take off for the north like migratory birds after a general election and create not one but probably a series of by-elections, they are afraid that the Liberal voters in those safe Liberal State districts will not vote Liberal at the subsequent by-elections. That is what they are afraid of, and this Bill is to derogate from the sovereignty of the people who happen to be enrolled in those Liberal electorates to make sure that they do not get a choice.

Upon a flock of former Liberal Ministers taking off for overseas for appointments within days of the general election that re-elected them, the electors of those Liberal held seats may well decide that, rather than have the officially endorsed Liberal candidate at the by-election, they will have an Independent Liberal or a Labor member or another Independent member or a member of a minor Party.

Mr Brindal: What about the Upper House and the Senate?

Mr ATKINSON: I will come to that in a minute. Thank you for that interjection: it is very helpful. This is about derogating from the sovereignty of electors who happen to have the misfortune to live in safe seats, and that is the basis on which the Parliamentary Labor Party opposes it. What about the Senate and what about the Legislative Council? The answer to that is simple: if a member of the Upper House elected by proportional representation steps down after the general election, clearly it is wrong on principle to have a by-election of the whole of the State to replace that vacancy. Because one member of the Upper House steps down, the crowd opposite says that more than 1 million South Australians should go to the polls. Not only is that rather inconvenient but it is wrong on principle because the other place is elected by proportional representation.

For example, I might be elected to the Legislative Council at the next election on behalf of the United Australia Party on a platform of firearms laws and recreational rights, and indeed my constituent, Mr Bruce Harris, of Lamont Street, Renown Park, may well be elected for the Australian Fishermen's and Recreational Rights Party. Let us say Mr Harris is elected to the Legislative Council on the platform or Mr Jeremy Cordeaux is elected on the United Australia platform. They poll a primary vote of about 6 per cent and, with the operation of preferences, they poll the 8 per cent quota required to be represented in the Legislative Council. If they die or resign at some time in the next eight years, members opposite, such as the members for Florey, Morphett and Unley say, 'Let us have a by-election of the whole of South Australia'—1 million people go to the polls to elect the replacement for Mr Harris or Mr Cordeaux. Who will win that vacancy? Presumably, the Liberal Party or the Labor Party will win that vacancy.

It is not fair for a House that is elected on proportional representations. A by-election requiring 50 per cent of the vote to replace them is unfair. It is unfair in every country that elects its Parliament by proportional representation and it is a nonsense. Of course, the Upper House should have

casual vacancies replaced in the way they are because that is right on principle.

Mr Brindal interjecting:

Mr ATKINSON: The member for Unley asked, 'What do we do if an independent resigns?'

The CHAIRMAN: Members should realise that interjections have the ability to give vigour and virility to what might otherwise be an uninteresting contribution. I ask members to bear that in mind.

Mr ATKINSON: I am sorry about that show of partiality from the Chair. It does the Chairman no credit at all to be speaking in that way from the Chair. It might be very witty and he might enjoy it because his Party has a record majority, but it is most unbecoming to the Committee for a Chairman to make such an interjection.

The CHAIRMAN: If the honourable member wishes to dissent with anything that the Chair does, he may move a substantive motion at any time.

Mr ATKINSON: I really cannot dissent to stupid remarks.

Mr BRINDAL: Mr Chairman, I rise on a point of order. I believe the member for Spence was most ungracious and reflected on the Chair, and he should be required by this Committee to withdraw his remark.

The CHAIRMAN: The Chair, unfortunately, did not hear the member for Spence, otherwise I assure the honourable member that had the Chair been offended the Chair would have taken instant action. The member for Spence—a special dispensation.

Mr ATKINSON: Thank you, Sir, a very wise ruling. One all, Sir. I have made the case for the replacement of members of the Upper House by casual vacancy instead of by by-election, because not only is it most inconvenient to have a by-election consisting of the whole State voting for one vacancy but it is unfair to members of the Upper House who have been elected on 8 per cent quotas to require their replacement to win 50 per cent of the vote. There is a difference in principle between casual vacancies in the Upper House and casual vacancies in the Lower House. In the Lower House, it is sensible to go back to the 22 000 people who filled that State district vacancy and ask them who they would now like to have represent them. If they have the misfortune to live in a safe seat, the Liberal Party seeks to deny them the right to replace their member. We are against that on principle.

Mr SCALZI: I oppose the Bill, not because it is a Party issue as it is not. I might agree with the view of the member for Spence, but I disagree with the way in which the honourable member has put that view. This is not a Party matter. The member for Davenport clearly stated that it is a conscience issue, an individual issue, and it should be fought on that basis. I have no doubt about the intentions of the member for Davenport to try to save the taxpayers' money and there is no doubt that there is some support in the community for that view. People do get sick and tired of elections and by-elections, and the credibility of politicians is sometimes reflected by that. My reason for opposing the Bill is that it interferes with the basic democratic principle that members of the House of Assembly represent an electorate.

There is no doubt that I am a Liberal member but, above everything else, I am the member for Hartley. I represent the 22 000 people who live in my district, and that is my prime responsibility. The constituents in Hartley know where I stand on different issues and, if they decide to vote against me, it is their perfect and democratic right to do so. That is the basic principle on which we should be elected to or dismissed from this place. We are a democracy. The word 'democracy' comes from the two Greek words *demos kratos*—people power: it does not come from 'partocracy'—Party power. This is what we would instil. We would move from a democracy to assuming that a Party has a higher place in this Chamber than the electorate.

It is different from the situation pertaining to the Upper House, where members are elected on proportional representation: a voter marks the Party above the line or votes for all the nominated members and then obviously they have voted for a Party, a group or whatever. In this place the voter votes for the individual. I am elected to represent the people's voice of Hartley—not the Liberal voice, the Labor voice, or the Democrats voice but the voice of the people whom I represent. It would be a retrograde step to put a Party on a pedestal, whether it be Liberal, Labor, Democrats or whatever combination or Coalition. Members of this Chamber represent electorates. We represent constituents, and that is the important issue. We should not worry about what it costs us to have a by-election: we should think of what it would cost us to get to the point where the people of a constituency did not have a choice to elect their member. That is the real cost.

People are cynical about politicians and political Parties and this Bill would promote that view. For those reasons, I oppose the Bill, but not because it makes economic sense and commonsense or because I doubt the integrity of the member for Davenport. I know that the honourable member has researched and looked at this legislation. The legislation makes sense and most probably the Party member would be elected in that particular area, but we are not talking about the Party and convenience: we are talking about the democratic principle, which would be under attack if we moved in this direction.

Do any members know of anywhere else in the Westminster system of government, be it a House of Assembly, the House of Commons or a House of Representatives, where a member is replaced on this principle? Is there anywhere else? I know this Chamber has led the world in a lot of legislation, such as giving women the right to vote and to stand in this place, and I am very proud to be a member of it. But, if we move towards putting Parties and convenience first, even if it costs less, it will be a retrograde step for democracy, and I oppose any move towards that.

Mr CLARKE: I likewise oppose the Bill, for the reasons that have been put forward by the members for Ridley and Spence. This is a very serious matter indeed, because it will be subject to manipulation by the political Parties to the detriment of the public of South Australia, and I will go through some examples of that in a minute. Whether or not the member for Davenport appreciates it, it will also lead to the introduction of proportional representation in this Chamber. If we are to introduce proportional representation in this place, let us debate its merits in an open and frank way.

What the member for Davenport is proposing will inevitably lead to PR; that is the logical conclusion. Are we here simply as a result of our Party? I accept the fact that the overwhelming majority of us are here because of our adherence to our Party label and have been recognised as such by the majority of electors in our seats but, as the member for Ridley has pointed out, if we are simply to say that the representative of a single member electorate can be replaced within a certain period of time (currently six weeks),

a case could well be made for increasing it to one year, 18 months or whatever after the election, to suit the convenience of the Parties at the time. This will inevitably lead to the introduction of a proportional representation system whereby we recognise that a member who leaves is replaced by a person chosen by the same political Party.

Why it will be manipulated is simply that, if this Bill became law, under the Constitution we will find that Party members who hold seats with 10 per cent or more of the two Party preferred vote—or have that expectation—will not announce their resignation or early retirement. They will hold on, because they will want to anoint their successor, or at the request of their Party machine. They would be told, 'You are right on 10 per cent and are particularly popular on the personal vote (it is usually accepted that for a Lower House seat the personal vote is worth 2 or 3 per cent if you have been here for a while); we want you to stay and then after you leave we will appoint somebody in your place whom we will slip in with a minimum of fuss and aggro to the local population, and they will remain for four years.' The Minister for Youth Affairs pointed out an example in our own Party which could have occurred, and the Liberal Party would likewise have similar examples.

The example used was the seat of Semaphore in 1979. The Labor Party preselected a candidate. I do not make any comment on personal abilities or whatever, but that person was comprehensively beaten in the seat of Semaphore, for which in 1979 we had more than 70 per cent of the two Party preferred vote. He was defeated. The people chose someone else, even though they had faithfully followed the ALP line for decades beforehand. But they rejected that person and elected an Independent Labor person. Had this provision been in place, I can tell you what would have happened in 1979. The Party would have said to the member, 'Go one more time; keep it hush. Straight after the election, retire, and we will slip in this person by a vote of the State Executive. We will not even go to a full convention, because we will say there is not a lot of time to hold a whole Party convention.'

That person would then have been in office virtually for four years to try to dig himself (or herself) into that seat without facing the popular vote. That would have applied equally to the Liberal Party. Not all sinners or manipulators of the system in respect of this matter reside within the Labor Party; the Liberal Party has plenty of them, and the member for Coles would have had a great deal of experience with this type of exercise. No Party is the sole repository of this type of behaviour. That conduct is just totally wrong because, as the member for Ridley has pointed out, we would be saying that people do not matter. If you happen to be in a safe Liberal or safe Labor seat, then, through manipulation, people are denied a choice. If we are to do that, we might as well go the whole hog and say that we will elect this Chamber by proportional representation.

There is some integrity in effecting an early resignation in that type of approach, as occurs in Tasmania with the Hare-Clark system or in the Senate or Legislative Council, because in those circumstances we elect people on Party lists. That is known in advance and, if someone drops off for whatever reason, their replacement comes from the same Party. We also know that people cannot be taken for granted, notwithstanding that they might live in a so-called safe seat, as I demonstrated with the seat of Semaphore in 1979.

People do not like being taken for granted. When they vote for somebody they like them to stay in. They obviously accept when the member resigns under certain circumstances, such as for health reasons. We have seen members resign simply because they have not obtained Cabinet positions or positions that they preferred in the new Parliament, and it has caused a great deal of angst to the local voting population when that person has left to take up a lucrative position overseas at the behest of their Party to make way for someone else on the front bench of their Party. When it has come to a by-election, the voters have extracted their revenge by electing an Independent member, and that has kept the Parties more or less honest in some respects, because they cannot simply preselect people on the basis that the electors are merely pawns who will put up their hands at the right time to do whatever is required of them.

In conclusion I point out that the seat of Florey, which is currently held by the Liberal Party, had a majority slightly in excess of 10 per cent after the 1993 State election. On the 1996 Federal figure it is a lot closer; indeed, I believe it would probably be held by the Labor Party if an election were held now. The year 1993 was an exceptional one, which boosted the number of Liberal members and increased the two Party preferred majority for the Liberal Party disproportionately to what it would ordinarily be. We only have to look at the Torrens by-election—which did occur more than six weeks after the election, that is true. The two Party preferred vote for the Liberal Party at the 1993 State election was in excess of 6 per cent, but the two Party referred swing to the Labor Party in the by-election only a few months after the election in December was over 9 per cent. Therefore, we cannot assume that, just because someone gets elected with a 10 per cent or more two Party preferred majority on a particular day, it will stand.

The member for Davenport will say, 'That won't occur, because I have a time limit of six weeks.' As the member for Ridley points out, once you start going down this slippery slope, somebody like the member for Davenport or somebody else will put up an amendment further down the track and say, 'Let's not make it six weeks; let's make it six months'—into the four-year term when someone can resign and a Party member can be preselected without going to a by-election. If we vote for this constitutional amendment, we will be going down a very slippery slope. For all the reasons given by the members for Ridley, Spence and Hartley, I urge members to oppose the Bill.

Progress reported; Committee to sit again.

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

A quorum having been formed:

WORKERS REHABILITATION AND COMPENSATION (DEFINITION OF TRAUMA) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1060.)

Mr ATKINSON (Spence): The purpose of the Bill is to change the definition of 'trauma' in the Workers Rehabilitation and Compensation Act so that those workers who have the misfortune to suffer from pleura plaquing, asbestosis or mesothelioma can recover from the WorkCover scheme for their work related illness. As the law stands, those people cannot recover from the workers' compensation scheme,

because the inhalation of asbestos fibres, which caused their life threatening illness, occurred before the commencement of the current WorkCover scheme. So, if one inhales asbestos fibres at work, let us say over a career as a carpenter of 30 years, before the commencement of the current WorkCover Act, and one then develops mesothelioma after all that time, because it has a very long latency period, one cannot recover any workers' compensation at all—not even medical expenses. So, many of these elderly men are dying of mesothelioma and they ask only of the WorkCover system that it pay for their medical expenses before they die, and this Government—the Liberal Party—denies those dying men their medical expenses.

Many of these men are over 65. They have retired, and they are not asking for compensation for lost earnings, which is the big ticket item in WorkCover: all they are asking for is their medical expenses. A case which tested this principle was *Catholic Church Endowment Society v. Huntley*. It went all the way to the Supreme Court, and the Supreme Court was asked to interpret the definition of 'trauma' currently in the Workers Rehabilitation and Compensation Act. The court was deciding not what was just but what the definition of 'trauma' in the current Act meant. It ruled that Mr Huntley, who had a serious asbestos related illness, could not recover from the current WorkCover scheme because his inhalation of asbestos fibres had occurred before the appointed day, that is, before 30 September 1987, when the current WorkCover scheme came in. So Mr Huntley got nothing.

When a Government member rose to argue against this Bill, his argument was, 'Oh, well, the Supreme Court has looked at the matter and decided that these workers can't recover anything. It has been to court; the matter has been decided.' However, the court decided the matter only on the basis of the definition of 'trauma' in the 1987 Act. It did not decide what was just or right; it just interpreted an Act of Parliament. If we want to, we can change that definition of 'trauma' to say something else so that these elderly gentleman who are dying of work related mesothelioma can recover their medical expenses.

That is the proposition before the House. Anyone who votes against this Bill will be answerable to those elderly gentleman who are dying of asbestosis and mesothelioma. They will have to stand before them and say, 'I denied to you the right to recover medical expenses for your work related illness.' Do it if you will.

The House divided on the second reading:

AYES (9)

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

NOES (28)

Andrew, K. A.	Armitage, M. H.
Ashenden, E. S.	Baker, D. S.
Bass, R. P.	Becker, H.
Brindal, M. K.	Brokenshire, R. L.
Buckby, M. R.	Condous, S. G.
Cummins, J. G.	Evans, I. F.
Greig, J. M.	Hall, J. L.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Meier, E. J. (teller)	Oswald, J. K. G.
Penfold, E. M.	Rosenberg, L. F.
Rossi, J. P.	Scalzi, G.

NOES (cont.)

Such, R. B.	Venning, I. H.
Wade, D. E.	Wotton, D. C.

Majority of 19 for the Noes.

Second reading thus negatived.

REHABILITATION OF SEXUAL OFFENDERS BILL

Adjourned debate on second reading.

(Continued from 6 March. Page 1198.)

Mr ATKINSON (Spence): As a result of this Bill, the member for Kaurna is gaining a reputation around the State as being tough on law and order and, in particular, tough on sexual offenders. However, as the member for Unley quite rightly pointed out during a recent debate on this Bill, the reputation is undeserved because the Bill does not provide for castration of sexual offenders against their will. So the member for Unley is quite right to say that the media coverage of the Bill is a beat up, but it is a beat up in which the member for Kaurna wallows. She enjoys every bit of the beat up.

Mr Rossi: You're only jealous.

Mr ATKINSON: The member for Lee says that I am jealous, and perhaps there is something in that, but the truth is that, under the current Government and the current Minister for Correctional Services, there is virtually no program in our prisons for the rehabilitation of sexual offenders. The only thing sexual offenders get when they enter our prison system is imprisonment. There is no attempt under the current Government and the Minister to rehabilitate sexual offenders so that, when they leave prison, perhaps they are better men.

I would be delighted if the Government, in its budget deliberations, would make some provision for the rehabilitation of sexual offenders who are held in South Australian prisons. Let me say that, if the parliamentary Labor Party forms a Government after the next election, that is just what we will do. We will take the budget decision for the rehabilitation of sexual offenders. This Bill contains an elaborate legislative scheme which provides for the rehabilitation of sexual offenders if they want to be rehabilitated. It is a very long process, but there is no provision in the Bill for the allocation of money to do it.

So the House could pass this Bill today and feel warm inside that it was doing something about the rehabilitation of sexual offenders in prison but, because there is no budget allocation to go with it, it would not happen. We would think that, as a Parliament, we had done something, but the Government would frustrate the intention by not allocating any money. If this Bill is genuine, it must be accompanied by a budgetary allocation to make it work, because you cannot have a program for the rehabilitation of sexual offenders in prison without funding the salaries of the people who will do the rehabilitation.

If we pass the Bill we will give the public of South Australia the impression that we are doing something about the rehabilitation of sexual offenders when we are doing no such thing, because the Liberal Government, the Cabinet, will not allocate the money, and the Attorney-General of this State (Hon. Trevor Griffin) has said as much. The Hon. Trevor Griffin is passionately opposed to this Bill. He wants to see this Bill go down, not because of principle but because he does not want to spend any money on the rehabilitation of sexual offenders in prison.

So it is somewhat unusual that, as the shadow Attorney-General, I find myself in agreement with the Hon. Trevor Griffin. However we do not oppose this Bill for the same reasons: he opposes it because he does not want to spend the money, while I oppose it because it is humbug for the House to pass a Bill for the rehabilitation of sexual offenders in prison when most of the people voting for this Bill as members of the Liberal Party will not support a budgetary allocation to make it effective.

I will return to the original point I made. The member for Kaurna has been quite happy for the media to represent her Bill as being the castration Bill. She has been happy for the media to represent to the electors of South Australia and, in particular, to the electors of Kaurna, that she is moving a Bill in the Parliament that would require the compulsory castration of sexual offenders. And many South Australians support that and give the member for Kaurna credit for moving such a proposition. She is seen as tough on law and order.

Mr Becker interjecting:

Mr ATKINSON: The member for Peake asks what is wrong with it. It is not truthful. The member for Kaurna is not moving to introduce such a law. The honourable member should read the Bill: it does not provide for the compulsory castration of offenders. In fact, it does not even provide for compulsory rehabilitation. Under the Bill, if you are a sexual offender in prison you can receive rehabilitation only if you want to. What is tough about that? The Bill is humbug and the Opposition will be opposing it.

Members interjecting:

The DEPUTY SPEAKER: The testosterone levels appear to be running rather high at the moment.

Mr WADE (Elder): Actually, I was going to talk about testosterone levels. The member for Kaurna has presented the Parliament with this Bill to rehabilitate sexual offenders by chemical means. The basis of this chemical control is to lower the testosterone, to lower sexual drive and to lower subsequent deviant sexual behaviour. Individual or group psychotherapy is seen as an integral part of the rehabilitative process through cognitive intervention strategies. Rehabilitation is defined as 'to restore to proper condition'. The question is: will chemical control restore sex offenders to proper condition? If so, will it do so on a permanent basis so that the treated sex offender will no longer be a menace to society?

The late Robert Myers, a leading forensic psychiatrist with extensive experience in treating sex offenders, would have answered a qualified 'Yes' to both those questions: qualified in that paraphilic sex offenders (that is, exhibitionists and paedophiles) who suffer from a single abnormal sex drive were the only persons, in his experience, to whom chemical control could be applied. The member for Kaurna seeks a situation in which all sex offenders are offered entrance to a chemically induced treatment program. 'All sex offenders' includes those convicted of rape, indecent assault, unlawful sexual intercourse, incest, child pornography, indecent behaviour, gross indecency and prurient interest.

No rational person would disagree that rehabilitation (where possible) is the keystone of restorative justice. I should add that I have listened to the member for Spence: I have to emphasise that no rational person would disagree—the member for Spence seemed to do so. As an aside, I noted that the member for Spence yesterday in a debate in this House stated quite categorically that the Opposition would be supportive and would look quite closely at minimum gaol sentences for burglars. But he is strangely silent when we talk about minimum gaol sentences for sex offenders. It appears that burglars are okay: just put them in gaol; but let us keep sex offenders out of gaol.

Society must instigate effective rehabilitative programs in an attempt to restore as many sex offenders as possible to a healthy, socially acceptable behaviour regime. I am not as certain as the member for Kaurna that chemical control can be effective over such a large and wide area. In fact, much evidence would suggest that chemical control is effective only with paraphiliacs. There is no single cause of sexual offending; sexual offending can arise from a multitude of biological, social, cultural and situational factors. For example, there are 2.4 reported rapes per 100 000 people in Japan compared with 34.5 reported rapes per 100 000 people in the USA. Social and cultural factors may be the dominant causes in rape. Then again, it may be a cultural idiosyncrasy that pressures Japanese women not to report rapes.

In any event, rape itself is a multidimensional phenomenon that has major ingredients that include rage, anger, hostility and violence as well as sex drive. These other ingredients would not be removed when the sex drive is treated by chemical control. Non-paraphilic sex offenders who suffer from a diminished, disturbed or just plain twisted view of the normal sex drive are not usually treatable by chemical means. I assume that the member for Kaurna would seek to have all sex offenders assessed to determine those who are paraphiliacs and, therefore, offer only those the opportunity to enter a chemical control regime, because only that group could benefit from that sort of treatment.

I would like to see non-paraphilic sex offenders exposed to cognitive relapse therapy and other forms of behaviour modification techniques that have proven successful in reducing recidivism in and out of prisons. Therefore, I disagree with the member for Kaurna's statement that cognitive behaviour programs are not effective for rapists. They are not as effective for rapists as for other sex offenders, but they are still effective in a significant number of cases and should be utilised as part of the rehabilitative process.

Until I read the honourable member's background paper and heard her speech, I was sceptical about the use of chemical control methods. Until that time I had been aware only of the use of Depo-Provera (MPA, as the member for Kaurna refers to it). Depo-Provera is a synthetic drug administered once or twice a week by intra-muscular injection. When combined with psychological treatment of deviant sexual behaviour it reduces offensive sexual behaviour in up to 80 per cent of paraphilic sex offenders treated. In the case of *The United States v Consuelo Gonzalez*, a Texas court developed a three-part test to scrutinise the constitutional rights of parole conditions in respect of chemical control regimes.

The court was concerned that, first, a parole condition could be justified only to the extent necessary to achieve the goals of parole—which were to effectively rehabilitate the offender and also to protect the public. Secondly, the court weighed the degree to which a constitutional right enjoyed by law-abiding citizens should be accorded to parolees. And, thirdly, the court weighed the restrictions imposed on parolees with the legitimate needs of law enforcement. Depo-Provera passed the three-part test, and a person's entering this chemical control regime was seen by the court as a legitimate reason to approve parole.

The difficulties I have with Depo-Provera are its side effects. These include an increased risk of cancer (a burning

issue with our Minister for Health at the moment), hearing and respiratory problems, fatigue, headaches, flushes and rapid weight gain. We may say, 'So what? They deserve it.' But we would still be requesting someone to volunteer for this treatment program where acceptance increases the above risks and non-acceptance has no downside for the offender at all. They will be released some day, and many will reoffend if not treated. If we use early parole or non-incarceration as a carrot for offenders to enter the treatment program, we are effectively punishing them with the above side effects for a crime that they have not yet committed. There is a moral dilemma in this situation, which had decided me that Depo-Provera was not the way to go.

I was interested to read in the member for Kaurna's speech that Depo-Provera has beneficial side effects up to eight years after the drug ceases to be administered. My research indicates that Depo-Provera has no long-lasting effects on aberrant sexual behaviour or paraphiliacs after the drug ceases to be administered. My research indicated that Depo-Provera offered prevention but no cure. I was very keen to hear about other chemical control substances such as CPA, Flutamide, Oestrogen and LHRH agonists. These control substances may not have such extreme side effects and, as a result, I cannot remove myself from this moral dilemma.

I commend the member for Kaurna on approaching the treatment of paraphiliacs with an abundance of facts which show that chemical controls are effective in significantly reducing recidivism. We are not the first to try such methods, and we should not be the last. Society is a victim of these sexual offenders. The sooner we treat them with effective methods, the sooner the young and the vulnerable will be safe. If this Bill is successful, any future Government must then include this law as part of its budgetary programs. I commend this Bill to the House and hope that my concerns are resolved.

The DEPUTY SPEAKER: I remind all members in the gallery that it is protocol to remain seated.

Mrs ROSENBERG (Kaurna): I take this opportunity to thank all members who contributed to the debate: the members for Unley, Ridley, Bright, Hanson, Reynell, Davenport, Lee, Elder and Spence. In his speech, the member for Unley indicated that this Bill should reach the Committee stage for further consideration. I think that most members with whom I spoke feel that they will have problems with the Bill in the Committee stage but that it should have the opportunity to reach that stage for further examination. The member for Ridley showed that he clearly understood the biochemistry of drug treatment. As a biochemist, I am pleased that some members of Parliament took the time to investigate the chemicals to which I referred and to consider whether those drugs would have a positive or negative effect. The member for Bright, the former Minister for Correctional Services, made clear that he totally supports the rehabilitation process. He supports the Bill because, in his words, it is a better process than what we have currently. Obviously, if we are to put legislation before this House, it needs to take the process of the treatment of sex offenders forward rather than backwards.

The member for Lee said that the Bill does not go far enough. I encourage him to support the second reading as he will then have the ability in Committee to move amendments that strengthen the Bill in any way he sees fit. The member for Hanson acknowledged the complexity of issues regarding sexual offenders and sexual offences in South Australia. He showed a very clear understanding of the whole mechanism in terms of not only the offence process but the rehabilitation needed afterwards. The member for Reynell takes her place in this House very seriously. She carefully examined all the research and background of this Bill. In her words, if it saves one child, one woman or one man, it is worth the effort; I totally agree with that. The member for Davenport took the trouble to survey his electorate. Clearly, his speech reflected the community's support for a measure of this sort.

Importantly, this Bill allows sexual offenders to voluntarily access rehabilitation without penalty and inducement. It will bring South Australia up with the rest of the world, which has been doing this for at least 25 years. I am disappointed that in discussions on this Bill with members of the Labor Party they have not been prepared to examine its basis. I am disappointed that the member for Spence accused me of being responsible for media comment about the word 'castration'. I do not write the newspapers. Has the member for Spence noted that, since this Bill was printed, the media has realised that it can no longer legally get away with using the word 'castration'. Not one radio station, television channel or newspaper has bothered to report this further. I suggest to the member for Spence that the newspapers, radio and television stations were interested in it only while they could get something from it. Now that they have seen the Bill for what it is, they are not interested. I suggest that the media has a problem with this: I do not.

I am also disappointed that the Labor Party will vote *en bloc* against this Bill and not allow it to reach the Committee stage, and this has nothing at all to do with the ability to rehabilitate sexual offenders: it has to do with the fact that the Bill was introduced by a Liberal member of Parliament who happens to be in a marginal seat and whom the Labor Party does not want to win. That is the only reason why the Labor Party will vote *en bloc* against this Bill: it has nothing to do whatsoever with the merits of the Bill. Members on this side of the House have taken seriously the notes given to them and the wording of the Bill. I appreciate the effort that members on this side of the House have put into this. I seek the support of this House so that this Bill reaches the Committee stage.

The House divided on the second reading:

AYES (27)

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

NOES (9)

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

PAIRS

Caudell, C. J.	Geraghty, R. K.

Majority of 18 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

CRIMINAL LAW CONSOLIDATION (INTOXICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 1064.)

Mr CUMMINS (Norwood): The Government opposes this Bill, and I will deal with some of the reasons why we take that view and give some of the history of the law in this area. Common law crime is divided into what is called the *actus reus*, or guilty act, and *mens rea*, guilty mind. Coke, one of the greatest writers of the common law, said in *The Third Institute* in 1641 that there is no guilty act without a guilty mind. In the alternative, the intent and the act must both concur to constitute the crime. That latter point was made in the case of *Fowler v. Padget* (1798) reported in the *Times Reports*. In other words, to establish a criminal offence one must prove criminal fault—intentional, reckless or knowledge.

In his Bill, the member for Spence purports to turn these concepts of the common law upside down and on their head, and for that reason we do not support it. A frequent dictum in relation to the defence of drunkenness raised in the criminal courts is that drunkenness is no excuse for crime, and that concept goes back to Ryan's case of 1853. However, it has always been a defence if the defendant is so intoxicated as to be incapable of controlling his conduct or knowing what he is doing, in other words, if he is in a position where there is no voluntariness associated with the act. Once again, the Bill purports to overturn that concept.

The Government agrees that the issue of intoxication should be addressed but, unfortunately, the Bill does not really do that. I will now deal with the current position at common law on intoxication. The current position derives from the 1980 decision of the High Court in O'Connor's case. I will quote from former Chief Justice Barwick in that case, as reported in 146 Commonwealth Law Reports 64 at page 87. He summed it up as follows:

> It seems to me to be completely inconsistent with the principles of the common law that a man should be conclusively presumed to have an intent which in fact he does not have or to have done an act which in truth he did not do.

The member for Spence's Bill basically makes a man guilty for an act that he had no intention of doing. That turns the common law position on its head. O'Connor's case rejected the approach of the English cases.

The House of Lords has taken the position that intoxication can be used to deny specific intent but not general intent. Those opposed to the High Court decision in O'Connor predicted that it would be a drunks charter, and a minority of the court were opposed to the approach that Barwick took. They said that the majority approach would become a drunk's charter. In fact, that is not the case, and there has not been a rash of acquittals since O'Connor's case—

Mr Atkinson: How do you know that? There are no statistics on that.

Mr CUMMINS: I practised at law for 25 years: 15 years at the independent bar and 12 years in criminal law, so I suspect that I know a bit more about this than the member for Spence who, I understand, has a law degree but has never been admitted to the bar and has never practised.

As I pointed out, the problem with the House of Lords' case is that it distinguishes between specific intent and basic intent, and that causes major analytical problems. For example, one can use what I would call self-induced intoxication to deny specific intent but not basic intent. One can use undesired intoxication to deny either specific intent or basic intent, and one can use undesired but not self-induced intoxication to deny voluntariness. In addition, there are the following difficulties. There is no commonly accepted definition of specific and basic intent. The cases on what is and what is not undesired intoxication are few and far between; hence what is and what is not undesired has not been explored in any detail.

There is almost no law on what happens with undesired intoxication leading to involuntariness. The difficulties are so formidable that, when the New South Wales Government moved to abandon the common law O'Connor case approach in 1995, it decided that the definitional problems could not be solved. Instead, via the Criminal Legislation Further Amendment Act 1995, the New South Wales Parliament used the definition of an intention to cause a 'specific result'—whatever that may mean—and then simply listed all the offences that it thought ought to be offences of specific intent. It is quite a list, running to about four pages of small type. But the Bill proposed by the member for Spence does not deal with the problem in anything like this way. It does not take the path followed by the United Kingdom or New South Wales.

The general objective of the Bill introduced by the honourable member is to provide that where a person lacks the criminal intent required for guilt of an offence, and the reason for that is the voluntary consumption of an intoxicant, that person should nevertheless be found guilty of the offence. This is the complete reversal of all the tenets of the common law and I would have thought the complete reversal of the concept of justice.

I turn to the honourable member's Bill for a minute. The most significant flaws of the Bill are as follows. The Bill says (among other things) that an accused person who is 'in a state of self-induced intoxication' will be deemed to have intended a result where that result would have been reasonably foreseeable by a sober person. That means that an accused person will be found guilty of murder (for example) by intending to kill with a real and factual level of criminal fault which would not suffice for manslaughter. To take another example, the Bill creates, in effect, a crime of negligent rape. Creating a crime of negligent rape may well be a good thing but, if it is, then at least let us be honest about it and say so and put it in the statute book as such. I am saying that someone, because they had one or two glasses of alcohol, could be convicted of murder, whereas they should have been guilty of manslaughter, or, alternatively, convicted of murder when they would not even have been guilty of manslaughter. That is the problem with this Bill.

Intoxication is defined as 'including any impairment or disorder of mental faculties arising from the consumption of a drug'. Any impairment: so, one or two drinks presumably would impair someone. That puts someone in the position where normally at law in any other situation they would not be convicted of crime, yet in this case they would be convicted of a murder, given a particular fact situation. The definition of 'self-induced intoxication' says that the section applies unless the accused was taking a drug in accordance

with the directions of a medical practitioner. That seems to me that, if a person makes a mistake and takes three pills rather than two, the deeming provision will apply. Further, taking anything else would also mean that the deeming provision comes into play—so taking a Panadol tablet would be legally fatal.

The Bill requires a judge or jury to determine, first, what would have been reasonably foreseeable by the accused if he or she was sober; and, secondly, what sort of perception and comprehension the accused would have had if he or she had been sober. The judge or jury is compelled to construct a fanciful hypothetical and see if they can convict on that. Not only is it absolutely patently ridiculous in the way in which it is drafted and the effect it has on the criminal law (reversing the concepts that the common law has held sacred for so long) but it puts a jury, fundamentally, in an absolutely impossible position, because the concepts the member is asking a jury to deal with are probably beyond them. I would have also thought that the concepts the honourable member is asking the jury to deal with are beyond the tenets of most judges to deal with and almost impossible for them to explain to a jury.

With all respect to the member for Spence, if he wants to do something about the issue of intoxication, he has to look at the law again and come back with a Bill which is not only intellectually capable of comprehension (which, in my view, this Bill is not) but which can be explained to a jury so that a jury can understand and a judge can also understand it. In that way, the honourable member can get the result which he obviously intends in this Bill. I do not criticise the honourable member's intention, but, unfortunately, this Bill will not achieve what the honourable member wants. What it will do is worsen the situation, upset the tenets of the common law and basically make a man guilty for a crime that he had absolutely no intention of committing. I am afraid that is not good enough and as a lawyer I cannot support it.

Mr ATKINSON (Spence): The purpose of the Bill is to ensure that self-induced intoxication ought not to be an excuse for crime. The member for Norwood just stated the Government's position; that is, that the Liberal Party is happy for drunkenness or for self-induced intoxication with drugs to be an excuse for crime. The case which allows self-induced intoxication with drink or drugs to be an excuse for crime is the High Court case of O'Connor decided in 1980. That case was decided by a majority decision of four to three. The member for Norwood has pilloried the Bill and the minority in that case but, if my Bill were founded on such terrible ignorance, it is an ignorance that is shared by three judges of the High Court—Justice Gibbs (who became a Chief Justice), Justice Mason (who became a Chief Justice) and Justice Wilson. I do not think those justices were ignorant men as the member for Norwood tries to make out. In that case, Sir Anthony Mason said:

> It is wrong that a person should escape responsibility for his actions merely because he is so intoxicated by drink or drugs that his act is not willed when by his own voluntary choice he embarked upon a course which led to intoxication. Society legitimately expects for its protection that the law will not allow to go unpunished an act which would be adjudged to be a serious criminal offence but for the fact that the perpetrator is grossly intoxicated.

I believe that more than 95 per cent of the electors of this State agree with that proposition. Further, I think that a clear majority of members of both Houses agree with that proposition but what we see in operation is the conspiratorial methods of the Attorney-General and his coterie of lawyers acting through Party subcommittees to try to bind a majority of the Liberal Party into positions which those Liberal Party members do not conscientiously support. We have seen it on self-defence and we are seeing it again today.

The New South Wales Parliament has tried to do just what I am trying to do today. It may have used slightly different methods but if my methods differ—and they are simple on the Occam's razor principle—

Mr Cummins interjecting:

Mr ATKINSON: If the member for Norwood is being entirely candid with the House and he supports the principle of what I am trying to do—and I did take him as saying that—will he confirm that that is so? Will he confirm that he does not think that drunkenness is an appropriate excuse for crime?

Mr Cummins interjecting:

Mr ATKINSON: So, the member for Norwood has affirmed that he thinks that drunkenness should be an appropriate excuse for crime. The appropriate way to fix up drafting problems is to put the Bill into Committee and to amend it. I ask the House to give this principle a second reading. It is the principle of law of England; it is the principle supported by three justices of the High Court; and, more important than that, however, it is the principle supported by the vast majority of the voting public. It is no excuse to vote against this Bill, as the member for Norwood will, on the basis that it causes analytical problems. The public could not care less about analytical problems: the public wants drunkenness no longer to be an excuse for crime.

The House divided on the second reading:

AYES (14)

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

NOES (23)

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

Majority of 9 for the Noes.

Second reading thus negatived.

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

FLOODS

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

Leave granted.

The Hon. R.G. KERIN: A short time ago, on behalf of the Premier, I handed over a cheque for $80 383 to the

organisers of the South Australian Flood Appeal. This means that more than $160 000 will be allocated to pastoralists in the north of the State who lost household goods and personal effects during the recent floods. The State Government made a commitment to match dollar for dollar the money raised by a national appeal following the devastating floods of early February. I want to praise the ABC and the South Australian Farmers Federation for their quick action in organising the appeal. The work of Ian Doyle from the ABC's *Country Hour* and SAFF President Wayne Cornish in particular means that those pastoralists who were severely affected by floodwaters will receive extra assistance.

The interest and support shown by all media in the State has resulted in a wonderful response by the general public, and I thank them for their efforts. The State Government will also match the money being raised in a separate appeal by the Olary community. I am told that appeal, which included an auction, has already raised more than $20 000. This will take the total South Australian Government contribution to the flood appeals to over $100 000. The Olary community hope to use part of the money to rebuild the Royal Flying Doctor Service clinic at Wiawera station. Pastoralists can also apply for financial assistance under the national disaster fund which was declared by the Premier in February. We have offered two options of interest rate subsidies under the Rural Assistance Scheme. I also acknowledge that there has been and still is significant input from other areas of the State Government—particularly transport, emergency services and police, who have worked tirelessly to open up roads and re-establish access for our people in the Far North.

HARDY, Ms B.

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

Leave granted.

The Hon. R.G. KERIN: As part of Landcare month, it is appropriate to recognise and put on the record of this House the efforts of a South Australian who has worked tirelessly for the environment in this State and who has become the face of Landcare. Barbara Hardy, OA, was in 1989 the foundation Chairperson of the State Management Committee for the decade of Landcare which is now the South Australian Landcare Committee. She was instrumental in the promotion of the Landcare ethic and is recognised throughout South Australia and Australia as the human face of Landcare. People identify Barbara with Landcare and Landcare with Barbara. Barbara Hardy has put Landcare on the map in South Australia. She has helped make Landcare what it is today and created a community movement which cannot be ignored.

South Australia is ahead of other States in this field due to Barbara's efforts. We now have 300 Landcare groups operating in South Australia. This is due to her extensive networks, both in the biological and business areas, which enable her to involve and get commitment from others. Barbara is a strong proponent for the Landcare outdoor classroom and is committed to the education of future generations. Young people being involved in natural resource issues and the gaining of greater knowledge is a key driving force for Barbara. She was very successful in gaining sponsorship support for the classroom and continues to take an active role in the classroom. She spearheaded the South Australian Landcare Foundation with Hume McDonald. The foundation is well on the way to raising its target of $750 000. To date $436 000 has been raised in South Australia.

Barbara Hardy is genuinely committed to Landcare. She is enthusiastic, a ground breaker, innovator, sweet talking arm twister, highly intelligent and thought provoking, and she is always there. She was a State representative on Landcare Australia limited and was one of its most diligent and regular attendees, and she was a judge for the State Landcare awards. She has been a member of various other boards and committees including the Natural Resources Council, the National Parks Foundation, the Science and Technology Investigator Centre and the Friends of The Parks Association. Barbara Hardy is already a holder of the Order of Australia. We owe her much more. She celebrates a personal milestone, turning 70 years of age at Easter, and to remain so involved in community issues is a great achievement.

Tonight I am proud to be hosting a dinner to recognise Barbara Hardy's involvement with Landcare. She has recently stepped down as Chairperson of the South Australian Landcare Committee, but I am sure that her work will continue in this field. But, just as importantly, the example which she has set over the past decade will ensure that there are hundreds of dedicated people in this State who will continue to drive Landcare for the good of all South Australians. We owe Barbara Hardy a great debt of thanks.

EXCHANGE STUDENTS

The Hon. D.C. KOTZ (Minister for Employment, Training and Further Education): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: I am pleased to announce that this Government is about to sign a major agreement with the State of Baden-Wurttemberg in Germany to enable the exchange of tertiary and further education students. In signing this agreement next month, South Australia will join a very select group of States and countries around the world to share in these exchanges, including Ontario, North Carolina, Lombardy, Catalonia and Wales. I am sure that members will be pleased to know that this agreement comes at no cost to the State Government and will cover the State's three universities, as well as the TAFE institutes. While it is too early to say how many students will be involved in the exchange, this program has the potential to attract hundreds of German students to this State.

Baden-Wurttemberg is in the south-west corner of Germany, bordering France and Switzerland. Significantly, its capital, Stuttgart, is the centre of the car and wine industries in Germany, which makes the exchange even more important and potentially valuable to South Australia. Baden-Wurttemberg has a population of 10 million and, therefore, it is likely that South Australia will attract more students than it will send. South Australian exchange students will be able to study in the field of their choice, but they will need to be proficient in German. To assist students just prior to the exchange, a free four-week course of intensive German language training and orientation will be provided by the State of Baden-Wurttemberg. The duration of the exchanges will be for a minimum of one academic term and a maximum of one academic year.

It is estimated that each German student brought to South Australia will contribute $17 000 a year to the local economy for accommodation and services. The networks established by this exchange are likely to bring substantial benefits to

South Australian companies in terms of trade and tourism growth, as well as aiding research and development. It is interesting to note that there are some 58 000 students in Baden-Wurttemberg undertaking studies comparable to TAFE studies here in South Australia, and the exchange program will extend to them also. This agreement is further acknowledgment that South Australia is recognised as a world leader in the provision of tertiary and further education, and I am sure this program will do much to boost our reputation on the world stage, as well as strengthening trade links with a dynamic economic region in Europe.

ADELAIDE AIRPORT

The Hon. DEAN BROWN (Minister for Industrial Affairs): I lay on the table a ministerial statement concerning the Adelaide Airport runway capital works schedule.

QUESTION TIME

UNITED WATER

Mr FOLEY (Hart): My question is directed to the Minister for Infrastructure.

An honourable member: Do you have a leaked document?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Given that the Government refused to release the details of the water outsourcing contract to the public on the grounds of commercial confidentiality, is the Minister fully satisfied with security arrangements at SA Water Corporation following the leak of the entire water outsourcing contract to the Opposition?

The Hon. G.A. INGERSON: I thank the stuntman for his question. I call him the stuntman because, at 10.30 today—

Members interjecting:

The SPEAKER: Order! I warn the Deputy Leader. Question Time is important.

The Hon. G.A. INGERSON: —we had the stunt of all time. The stuntman called a media conference and said, 'Look, I have all these documents. You will all be very interested in them. Here they are but you cannot have them.' In other words, the member for Hart was not prepared to release them. Why was the honourable member not prepared to release them? He should release them so that we can be sure that it is not a stunt. Put them all out, release them, table them in the House, so that everyone in South Australia can see them.

Mr Foley interjecting:

The Hon. G.A. INGERSON: Yes, put them out. Put them all out. The reason we are prepared for the honourable member to release them is that it is a good contract for South Australia. The only person—

Members interjecting:

The SPEAKER: Order! I warn the Leader.

The Hon. G.A. INGERSON: —who is putting at risk the commercial future of this State is the stuntman himself. If he really has these documents, and if they really are the issue, it will break down every confidential agreement that this or any Government would want. If he wants to be part of that, release them. Let us see that sort of process. These documents, if they are the documents the Opposition says they are, and I think it is a stunt—

The Hon. M.D. Rann interjecting:

The Hon. G.A. INGERSON: I will get to you in a minute.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: Let us get them all out and stop all these stunts. I think it is the most disgraceful thing that has ever been done in the history of this State, if the documents really exist. The Leader wanders out, but the Leader said on air that if he ever got these documents he would put them to a QC and then he would put them—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: You have had the documents—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —apparently for two weeks. Why have your QCs not had a look at them and put them out if they are not damaging to the State? The biggest shame in this whole exercise is that United Water has come to this Government and said that it believes that it has fulfilled all its obligations under its contract. Under the contract the Government is required to conduct an appraisal of United Water's statements to check whether they are true. If they are not, the contract contains penalties that must be upheld. Here we have the stuntman again prepared to go around all of that process.

I think the Opposition ought to get fair dinkum and put out all the documents. Put them all out. Now that it says it has got them, it should put them out so that everyone can see them. We are not unhappy about the contract. We are proud of the contract so, if the Opposition has them, it should put them out and get the whole thing cleared up.

ISLINGTON WORKSHOPS

Mr ROSSI (Lee): My question is—

Mr Brindal interjecting:

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

Mr ROSSI: —directed to the Deputy Premier. Will he advise the House of the effect that inaccurate and ill-informed speculation about jobs has had on morale at the Australian National workshops at Islington?

The Hon. G.A. INGERSON: I believe that AN's position in this State is a tragedy, but we should go back and ask the question: who caused the problem? The answer is 'Laurie Brereton', the former Federal Minister who started this whole AN fiasco. This Government and the Federal Government have been working very hard to sort out Labor's mess. This Government and the community in this State must tolerate the Labor lies coming from the other side of the Chamber. Last week the Deputy Leader of the Opposition said that 250 jobs would go from Islington. This week in the Messenger Press we note that the Secretary of the Transport Union, Mr Rex Phillips, said that the Deputy Leader's comments had jeopardised the workshop's future. Mr Phillips further stated:

> The Deputy Leader's claim of 250 job losses was nowhere near the mark.

Mr Phillips suggested that the Deputy Leader had added a zero to the actual figure to make the story sound better.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: And here we have the—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: —Deputy Leader of the Opposition trying to run out all these stories—

The Hon. E.S. Ashenden interjecting:

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

The Hon. G.A. INGERSON: —and mislead everybody. He did it with his police story last weekend, and the week before that he did it with the AN story, and so it goes on. We get continuing stunts from the Labor Party. Why does the Deputy Leader not come clean? Why will he not talk to Rex Phillips, the person directly involved?

Mr Clarke interjecting:

The Hon. G.A. INGERSON: Why do you not read his quotes? The Deputy Leader ought to get his story right before he tries to run a scare campaign throughout the State.

UNITED WATER

Mr FOLEY (Hart): My question is directed to the Minister for Infrastructure. Given your answer to my previous question, do you now believe that the Opposition should release the full water outsourcing contract to the public and, if so, do you believe that this is the proper course of action for the Opposition to take?

Mr LEWIS: I rise on a point of order, Sir. The question and the answer, as I understand it, should always be addressed to you, Sir, and not in the second person pronoun 'you', but to you, Mr Speaker and, through you, to the Minister.

The SPEAKER: The member for Ridley is correct: all comments and questions should be addressed through the Chair.

The Hon. G.A. INGERSON: Over the past few days we have seen the most amazing, continuing stunts from the member for Hart. When the member for Hart is called upon to produce the goods, he runs away; when he calls a press conference, he says, 'Have a little look at this but, I'm sorry, you can't have the documents.'

Mr Foley: Do you want me to release them?

The SPEAKER: Order!

The Hon. G.A. INGERSON: I think it would be in everybody's best interests, now that the honourable member has started this stunt, to do exactly that. The reason we are happy for the honourable member to do that is that yesterday the Auditor-General said that, during a hearing of the Economic and Finance Committee (which is part of this House), as far as the original contract was concerned, there was no corruption and no suggestion of corruption. The Auditor-General said:

> No, there is nothing we are aware of that would cause us to adjust the position that we reported in that report to Parliament in May last year.

Clearly, in that report he said that the contract had nothing to hide. This Government has nothing to hide. If the stuntman wants to play the stunt, let us call it to an end so that everyone can see the documents.

OVERSEAS STUDENTS

Mr SCALZI (Hartley): Will the Minister for Employment, Training and Further Education inform the House of the work being done to attract overseas students to South Australia to reinforce the State's position as the nation's education capital?

The Hon. D.C. KOTZ: I acknowledge the honourable member's support in the area of promoting international links with students and international universities. South Australia's excellence in the education field is increasingly recognised throughout Australia and the world, and this acknowledgment has been backed up by overseas dollars flowing into the State.

Last week I had the great pleasure of signing two major contracts with Chinese business and education leaders. Under the first contract, senior business managers from the Shandong Province of China will come to South Australia to receive specialised hospitality training from TAFE SA. In the initial intake, 10 Chinese managers will pay a total of $68 000 to study at Regency Institute for six months. It is estimated that the purchase of goods and services by these trainees will inject about $120 000 into the South Australian economy. These senior managers will be given work placements within South Australia's hospitality sector and be trained in management systems, industrial and corporate law, human resources management and international trade. This training contract will lead to valuable industry links between local industry and potentially lucrative Chinese markets.

TAFE SA is building a very good international reputation because it has demonstrated that it can respond to specific training needs, largely because of its strong industry components. This contract was negotiated by the international business section within my Department of Employment, Training and Further Education. It is envisaged that 50 senior managers will be trained at Regency Institute over the next three years, generating about $250 000 in revenue to the department. The international business section also brokered a second, $580 000 contract, which I signed along with the Education Minister last week, to bring 60 Chinese students to South Australia to undertake secondary schooling. This contract has the potential to escalate to 180 students over the next three years at a value of $1.7 million, which I am sure all members would agree is a very substantial amount.

The 60 initial students will enter Modbury and Banksia Park High Schools later this year at year 10 level, to begin studying English. The contract contains a provision for those students to continue until year 12. My department raises about $3.4 million a year through overseas students studying at TAFE institutes. This complements the $2 million in revenue generated through overseas students undertaking secondary school studies in South Australia. These two contracts are a direct result of the quality and accessibility of this State's education system. The fact that other nations are confident that an education gained in this State will give individuals the international competitive edge is a wonderful endorsement of the standard of education that we have here in South Australia.

WATER OUTSOURCING CONTRACT

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the acting Premier and Minister for Infrastructure. Will the Minister follow the same course taken by the Premier on 4 February when he responded to Government leaks to the Opposition, and will the Minister himself table the water contract?

Members interjecting:

The Hon. M.D. RANN: Just wait for it.

The SPEAKER: Order!

Members interjecting:

The Hon. M.D. RANN: I don't think it is backfiring, because you know where it came from. On 4 February 1997, the present Premier tabled more than 700 pages contained in a file belonging to the chief of staff to the former Premier, and told the House that they matched the documents that had been leaked to the Opposition by senior Liberal sources, including members of Parliament. On the opening day of Parliament this year the Premier said:

> It's here, warts and all, for every diligent journalist and member of the public to pick the eyes out of it. I have nothing to hide.

This week the Premier said that the Opposition had no more Liberal-leaked documents and he would believe their existence only when he saw them. Do you and the Premier want to see them?

The SPEAKER: Order! The Leader is out of order; he is commenting.

The Hon. G.A. INGERSON: The Government entered into a confidential contract with United Water. The Government has no intention of publicly putting out and breaching the business confidentiality—

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: We are not playing the stunts: you're playing the games. You stand up and be counted or walk away. You've either got it or you haven't got it.

Members interjecting:

The SPEAKER: Order! The Deputy Premier will resume his seat. I will not allow the Leader to defy Standing Orders. Once he has had the call to resume his seat, he will not again rise and defy the Chair, or he and anyone else will be named on the spot without further warning.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart. He is in complete defiance of the ruling of the Chair.

Mr Foley: I was talking to Michael.

The SPEAKER: Order! The Chair will have no disputing its rulings. The Deputy Premier.

The Hon. G.A. INGERSON: The Government on a daily basis enters into contracts with the private sector on a confidential and strictly commercial basis. It is not the intention of the Government to play these stupid games and stunts that the Opposition wants to play.

The Hon. M.D. Rann: You don't know who's leaking.

The SPEAKER: Order! I warn the Leader of the Opposition a second time. The Deputy Premier.

The Hon. G.A. INGERSON: It is the sort of thing that you would expect from an Opposition that wants to destroy this State. It is the sort of thing you would expect from an Opposition that put us in the mess we are trying to get out of now. It is the very same Opposition that has not learned one single thing from the hassles of the State Bank. All it wants to do is play games. But the problem with this Opposition is that it plays up to the edge and never puts anything out to win the game.

Mr Clarke: Where are we getting them from?

The SPEAKER: Order! The Deputy Leader of the Opposition has heard the warning.

Members interjecting:

The SPEAKER: That includes the member for Mawson and others who have been transgressing Standing Orders. The Deputy Premier.

The Hon. G.A. INGERSON: Some three to four weeks ago we had this brilliant build-up by the Leader of the Opposition in private members' time. I remember it well. He got all the media in here and said that there was a big stunt going on, then all of a sudden nothing happened. Today we have the same thing, but this time it is from the member for Hart. He calls all the media together at 10.30 this morning, produces a set of documents and says, 'Have a quick look at this. We can't really show it to you. Have a look at this back part. It's not really signed but we think it's the contract.' But nobody knows. It is a stunt again. I would have thought that the Leader of the Opposition and the member for Hart would be interested in making sure that jobs for our kids and the future of our State was the number one priority.

What this water industry proposal is all about is jobs for our kids and the future of South Australia. And members opposite do not care. They are the same group of people who left us with a $3.2 billion loss from the State Bank. They did not care about that and they do not care about anything now. This Government will adhere to contractual arrangements and will not breach its confidentiality with business here in South Australia.

Members interjecting:

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

EMPLOYMENT, MATURE PEOPLE

Ms GREIG (Reynell): Will the Minister for Employment, Training and Further Education inform the House what is being done to help older people get jobs? The Government has made a major commitment to addressing youth unemployment but unemployment among older age groups is also a concern.

The Hon. D.C. KOTZ: This is an exceedingly important question. Experience is one of this State's most valuable labour resources, and this Government is taking several positive steps to address middle aged unemployment and ensure that this vital experience is not wasted. In July last year the Government allocated $150 000 to enable DOME (Don't Overlook Mature Expertise) to place 1 000 people in employment in 1996-97. That commitment marked a trebling of funding from DETAFE last year. Since July DOME has found jobs for more than 600 people, which compares to 466 for the same period in the year 1995-96 and places it well on track to meet its target of 1 000 people employed.

The work of DOME has transformed the lives of hundreds of older people, including one 54-year-old man who recently wrote of the joy of getting a job following months of despair. After accepting a package from his previous employer, this man began looking for another job but was repeatedly knocked back because of his age. Tragically, by the time he returned to DOME he had taken up drinking and, indeed, was suicidal. DOME immediately placed him in one of its training programs to address those problems and update his skills. Within a short time he was offered a job as a store man. In a recent letter to DOME the man said:

> It was beyond my wildest dreams at my age to get an interview, and three days later I had the job. After three months in my new job I have settled into the position which I would not have had if I had not gone to DOME.

People over 40 fall into the high risk unemployment group. It is only through a concerted effort and programs such as this that many of these people can overcome the barriers that, in fact, block their path to employment. The previous Labor Government was complacent in presiding over extremely high levels of unemployment of over 11 per cent. Sir, I can

assure you that this Government is not doing this. This Government has a genuine concern and commitment to training support for those seeking work, irrespective of age, and will continue to help remove the barriers that face some sections of our community.

UNITED WATER

Mr FOLEY (Hart): Will the Minister for Infrastructure explain the advice given to the House by the Premier that the Government had signed a contract requiring United Water to have 60 per cent Australian equity within 12 months when under the contract the company has the option to never offer its shares for sale? On 8 February 1996 the Premier told the House:

> The water contract requires United Water International to seek 60 per cent Australian equity within 12 months. That is in the contract, it has been signed off, the company will be required to seek that equity, and it will have 60 per cent Australian equity.

Members interjecting:

The SPEAKER: Order! The member for Hart has the call.

Mr FOLEY: The water contract provides for United Water to never offer its shares for sale if the company considers it to be 'commercially unadvisable'.

The Hon. G.A. INGERSON: The member for Hart is fully aware that this information was put before the select committee. He is fully aware that Macquarie Bank conducted an investigation of the liabilities of United Water in terms of its being in a position to set itself up as Australian owned. All that information has been supplied to the honourable member. I find this continuing questioning unbelievable. This seems to be another stunt.

Members interjecting:

The SPEAKER: Order! The Chair does not want to keep calling members to order. They know what the consequences will be.

INFORMATION TECHNOLOGY

Mr WADE (Elder): Will the Minister for Information and Contract Services advise the House of programs that are in place to ensure the development of a local work force for the future, trained and qualified to international standards as required by the industry? I understand that the Government is currently undertaking to attract IT professionals to South Australia to satisfy immediate needs within that industry.

The Hon. DEAN BROWN: Members will recall that about two weeks ago the Premier outlined what initiatives have been taken to attract a skilled work force from overseas to South Australia under the migration program, particularly by companies such as Motorola and EDS. Further, there are a number of specific programs being undertaken in South Australia to increase substantially the number of people being trained in the information technology area. I shall refer to some of those key programs. The first is a study by the South Australian Centre for Economic Studies which seeks to identify the potential demand for information technology skills by companies already operating in South Australia as well as the likely demand in different areas of information technology, such as software, electronic engineering and system engineering in terms of the skills required by the whole of Australia that could possibly be met from South Australia.

The second key part of this is that we have set up an information technology centre of excellence with the three universities in South Australia. The State Government, through the Department of Information Technology Services, is funding two professors at the University of Adelaide. That faculty at the University of Adelaide is now substantially greater than it has been. Last year it increased the intake of computer graduates by 73 per cent. There will be a substantial further increase over the next few years. The University of South Australia has set up a specific faculty on information technology, but the most important thing is that the three universities—the University of Adelaide, the University of South Australia and Flinders University—have combined to ensure that they are not duplicating courses but at the same time are substantially ratcheting up the number of students being trained at both undergraduate and graduate levels.

The third key area is to set up an advisory council involving Government, universities and industry. Through that advisory council, industry will directly relate to Government in terms of what it sees as its needs and the change in needs that occurs from year to year. At the same time, the Government is trying to direct a substantial expansion of the industry in this State, and the universities are doing the training.

It is worth noting that Motorola in South Australia currently has 140 vacancies. EDS has 100 vacancies. The one fear that EDS has at present is that South Australia will not be able to meet the demand for additional people with appropriate skills in South Australia. We are dealing with one contract from America alone to bring 450 person years of work to South Australia. Therefore, we are trying to increase the level of skills and the number of people being trained by our universities and work force in South Australia. We are also looking at retraining university graduates who have proven themselves in other areas and who have learning and rational deduction skills to meet the needs of the information technology area.

Another major initiative is that we have produced a CD-ROM which will be distributed among schools and which will encourage more secondary students to take on an information career in life, in other words, to take up opportunities at university for information technology and computing science. That CD-ROM has now been fairly widely distributed amongst schools. It was commissioned last year when I was Premier. I am delighted that much of the information from that has now been put onto the Internet, and schools will be able to access that Internet information, particularly for their year 11 and year 12 students.

Information technology in South Australia is growing at a very significant rate. A survey of the companies involved shows that, in the last two years, 2 400 people have been taken on by information technology companies in South Australia—2 400 new, additional jobs. That is equivalent to about 60 per cent of the work force of Mitsubishi, about 60 per cent of the work force of General Motors-Holden's—a very substantial increase indeed. The clear experience is that that demand is likely to increase at least for the next five to 10 years and that we will have significant problems meeting the potential demand to attract international companies to South Australia. However, South Australians can be assured that the Government is working with the educational institutions to substantially ratchet up the number of young South Australians who take on a career in information technology.

PICA ACTIVATED CARBON

Mr FOLEY (Hart): My question is again directed to the Minister for Infrastructure. Did the South Australian Pica Activated Carbon plant meet its turnover target of $1.4 million in 1996 as outlined in the water outsourcing contract? Under the water contract, United Water agreed to establish Pica Activated Carbon's regional headquarters for South-East Asia and a $30 million processing plant in South Australia before the end of 1996. On Tuesday the Minister undertook to advise the House of the address and the number of employees at that plant. On 14 March 1997, an inquiry into Pica revealed that the company had only an empty building in Adelaide and that all inquiries should be directed to its Melbourne office.

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley is out of order. He is not answering the question.

The Hon. G.A. INGERSON: I thank the member for Hart for his question, but he seems to have a very selective memory. The honourable member was told yesterday that an appraisal is being carried out of the whole contract. As he knows, the Pica arrangement will be looked at within the totality of the contract. It is about time the public of South Australia compared their position with respect to water today with the mess they were in when this Government took over. Let us just run through it so that everyone in South Australia remembers.

Members interjecting:

The SPEAKER: Order! I warn the Minister for Local Government.

The Hon. G.A. INGERSON: In the last two full years of operation by the EWS Department, $70 million was lost.

Members interjecting:

The SPEAKER: Order!

The Hon. G.A. INGERSON: That was under the directorship of your Government. Do not blame public servants for your mess.

Mr Clarke: That is what you do you all the time.

The Hon. G.A. INGERSON: I am not blaming any public servants. I accept the—

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat. For the second time I warn the Deputy Leader of the Opposition. He knows the consequences and, if he continues, he understands the process. He has already run foul of the Standing Orders a number of times so it is entirely in his hands. If he interjects again, he knows the consequences.

The Hon. G.A. INGERSON: They lost $70 million of the community's money under the previous Government in the last two full operating years.

Members interjecting:

The SPEAKER: Order! That is the second time for the Minister.

The Hon. G.A. INGERSON: In the first three years of this Government, there has been $199 million of profit, a contribution of $100 million to the Government and $170 million—

Members interjecting:

The Hon. G.A. INGERSON: Just be patient and I will tell you the whole story. There has been a $170 million turnaround in three years. That is the positive.

Members interjecting:

The SPEAKER: Order! The member for Napier is usually particularly well behaved.

The Hon. G.A. INGERSON: There has been a $100 million contribution. As part of that, United Water has reduced the operating and maintenance cost by $10 million. It has turned it around by $10 million. Let us also look at what that company has done. It had to meet 69 performance standards within the operation area of the City of Adelaide. At this stage, 65 of those 69 performance standards have been met. We have improved water quality and we have improved waste water management. The whole area has been turned around and we have saved $10 million.

What does the member for Hart do? All he does is whinge and complain and run stunts. Why does not the member for Hart talk about all these positives? Because he does not want to talk about the positives. It reminds me very much of the story of the winning football team, but the halfback flanker plays a bad game. I think the halfback flanker is the member for Hart. He does not want to be in a winning team. All he wants to do is lose—not at all like his Port Adelaide team. He is a loser. All he wants to do is knock and complain. How about talking about all the positives of this contract so that South Australians can see the benefits for themselves and their kids.

LITERACY

Mr LEGGETT (Hanson): My question is directed to the Minister for Employment, Training and Further Education, representing the Minister for Education and Children's Services. Does the recent national literacy announcement made after the meeting of Ministers for Education mean that the South Australian Government will not proceed with the South Australian basic skills test?

The Hon. D.C. KOTZ: The categorical answer is 'No'. The basic skills test has the overwhelming support of a vast majority of the community. Indeed, 80 per cent of parents support the introduction and use of the basic skills test in our schools. In fact, virtually the only remaining opposition to the test comes from the leaders of the teachers union and Mike Rann and the Australian Labor Party.

The SPEAKER: Order! The Minister should refer to the Leader as the Leader of the Opposition, not by his surname.

The Hon. D.C. KOTZ: Thank you, Mr Speaker; I apologise. You are quite right. The only remaining—

The SPEAKER: Order! The Chair is always right.

The Hon. D.C. KOTZ: The only remaining opposition to the test comes from the leaders of the teachers union, the Leader of the Opposition and the Australian Labor Party. The recently agreed national literacy plan will involve the establishment of a national literacy benchmark at year 3 and year 5. The basic skills test will be used to measure a child's performance against that national benchmark. The Government will continue to provide additional resources to help students with learning difficulties in the early years.

Last year, schools were given $2 million for their early years assistance plans, this year it will be $3 million, and next year it will be increased to $4 million to fund the early assistance plans and help students identified by the basic skills testing as needing extra help. The introduction of the basic skills test is one of the most important educational reforms introduced in decades. The only threat to the future of the basic skills test is in the most unlikely event of an election of a Labor Government because both the Leader of the Opposition and the Hon. Carolyn Pickles have pledged to abolish the BST because the President of the Australian Education Union has instructed them to do so.

THAMES WATER

Mr FOLEY (Hart): My question is directed to the Minister for Infrastructure. Why has Thames Water Asia Pacific failed to register the company's Asia Pacific regional headquarters with the Australian Securities Commission in Adelaide for the purposes of Corporations Law? Item 2D of the contract schedule of key industry development commitments requires the regional headquarters of Thames Water Asia Pacific to be located in Adelaide and Thames Water to be registered in Adelaide for the purposes of Corporations Law within three months of the original contract signing. A check with the Australian Securities Commission on 17 March this year shows that Thames Water Asia Pacific Pty Ltd is still registered in Victoria.

Mr Becker: Give them a ring and find out.

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

The Hon. G.A. INGERSON: I am advised that Thames Water has transferred its regional headquarters to Adelaide, and that involves two people. I am advised that the company's procurement division has relocated into Adelaide, and that involves two people on a full-time basis, and that all its procurement requirements for Australia are dealt with by those people.

One of the things that I find quite staggering is that, although nearly all the Ministers are present and it is the last day of the session, all we have is this drip, drip, drip stuff from the member for stunts on the other side. I would have thought that members opposite would move off the water topic because the Auditor-General has said that the contract is in good shape and the Solicitor-General has looked at the contract, too. How long does the stunt man have to keep going?

This single project has brought to South Australia two of the biggest single water companies in the world, not just in Asia. They will be based in South Australia. United Water has already saved this State $10 million in operational costs. What did the Labor Party ever do to save us $10 million? There was not one single thing—

Members interjecting:

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

The Hon. G.A. INGERSON: We have spent $1 billion in interest just on the State Bank fiasco in the past three years trying to sort out the mess of the previous Labor Government. What does the member for Hart do? He just drips, drips away. Soon he will be not only the stuntman but the drip man as well.

The SPEAKER: Order! I suggest that the Minister not go down that track.

The Hon. G.A. INGERSON: I cannot understand how the message cannot get through to the member for Hart that this is a very good contract for South Australia, providing jobs for the future and opportunities for us to export business into Asia. It seems to me that all the member for Hart does is knock out every single industry opportunity we have in this State, apparently supported by every member on the other side, particularly the Leader and the Deputy Leader of the Opposition. All they want to do is knock, knock, knock.

COMMUNITY SERVICE ORDERS

Mr BRINDAL (Unley): My question is directed to the Minister for Family and Community Services. What efforts are being undertaken by the State Government to help address the issue of increased community service orders being imposed on juvenile offenders by the Youth Court, and what efforts are being made through these orders to rehabilitate these young offenders?

The SPEAKER: Order! I suggest to the Minister that three minutes is a suitable time in which to answer a question.

The Hon. D.C. WOTTON: Mr Speaker, that sounds like discrimination.

The SPEAKER: Order! The Minister has already lost half a minute.

The Hon. D.C. WOTTON: I thank the member for Unley for what is a very important question and one which has created an enormous amount of community interest. It is worthwhile pointing out to members of the House that penalties handed down by the Youth Court, particularly in more recent times, appear to be getting longer, particularly in the case of youth detention as well as community service orders. Members would be aware that, unlike adult offenders, young people working off community service orders need maximum supervision and, at times, that level of supervision can be extremely difficult to resource. Similarly, there can be considerable time restraints. For example, many of these young offenders attend school, so community service programs need to be framed around weekend and school holiday periods.

This can cause considerable and substantial backlogs of outstanding hours needing to be worked off. For example, some young offenders at the present time are being sentenced up to 500 hours of community service work, which can take up to 18 months to complete. Over the past 18 months a considerable effort has been made to ensure that sufficient programs are available to allow these hours to be worked off with programs including landscaping, graffiti clean-up and working on environmental programs in national parks and the like. I am very keen as Minister for the Environment and Natural Resources to ensure that some of these young people have training and have the opportunity to improve the management of our parks in various ways.

But there is a need for further inroads to be made in this area and, as a result, I am pleased to inform the House that I am now having discussions with a number of service clubs in this State, particularly with Rotary International, for the formation of a mentor program whereby Rotarians would take on the role of supervising young people in a range of community programs. There will be several benefits from such a program. First, it will provide new opportunities for supervised community service work; and, secondly, we hope the contact between Rotarians and other service clubs will help steer some of these young people on more productive paths for the future.

Many people who are retired and who have had the opportunity to head up companies and work with a large number of people have the experience and expertise required to be able to assist these young people in improving their opportunities. I am very keen to work with the service clubs, particularly with Rotary International, to ensure that these people are involved in such programs which will be important as far as the future of South Australia is concerned.

ADELAIDE PARTNERSHIP

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Deputy Premier. Is the Government still committed to the Adelaide Partnership and, if so, will the Deputy Premier explain why the interim board of the

partnership has not met since December and why Cabinet is yet to make any decisions regarding the partnership's budget, structure and costs? In July last year the former Premier said that legislation to give planning powers to the Adelaide Partnership would be introduced within six months. That time has long since passed. The partnership's former Acting Chief Executive Officer, Mr Hershman, earlier this week said, 'I don't understand the delay.' This morning's press said that the Adelaide Partnership is in virtual mothballs.

The Hon. G.A. INGERSON: This very important issue is being discussed at length through the Government process. When the final decision is made by the Government on what is a very positive direction for the City of Adelaide we will make that available to the Parliament and to the people of South Australia.

SWAN REACH WATER FILTRATION PLANT

Mr LEWIS (Ridley): My question is directed to the Acting Premier in his capacity as Minister for Infrastructure. Will the Minister advise the House on the progress of the Swan Reach water filtration plant development and indicate whether the 10 sites along the Murray River have been established with due regard for any local Aborigines' concerns? This House noted the Public Works Committee's approval of these projects for filtration of the country water supply last year. In total, they will cost about $110 million, and I am anxious to ascertain the extent of advancement of work being undertaken by the joint partners.

The Hon. G.A. INGERSON: This is another good news project that has been established. Last week the members for Light, Custance and Coles and council dignitaries visited Swan Reach to look at the progress on development of the Swan Reach filtration plant. It is a $20 million filtration plant that will make filtered water available for the Barossa Valley and Yorke Peninsula. This project will open up opportunities and give people in those two areas filtered water which everyone else in the metropolitan area receives at present.

One very important part of that project was the need to look at some Aboriginal sites situated on the Murray River and in close proximity to the area. Some excellent work has been done between SA Water and the Aboriginal community. A team of Aboriginal heritage experts has been brought in to research the best location for the site, working in partnership with SA Water to ensure the best possible outcome. They have found two very significant sites at Swan Reach and one at Tailem Bend. SA Water, working with these researchers, was able to shift the plant so that those important sites were not interfered with.

That type of project cooperation is totally different from the project cooperation of the previous Government in relation to Hindmarsh Island. This again is an example of a very distinct difference between the two Governments. We have cooperation with the community and we work with the community instead of just creating debts. It will be a very important filtration plant, providing a significant opportunity for employment at the site. Over time, some 60 people will be employed on the building site permanently and we will have filtered water in the Barossa Valley and Yorke Peninsula. More important is the issue of cooperating with the Aboriginal community and getting things done instead of having the sort of fiasco that the previous Labor Government had with Hindmarsh Island and all its dealings with the Aboriginal community.

DAVID JONES PTY LTD

Mr CLARKE (Deputy Leader of the Opposition): Will the Minister for Employment, Training and Further Education detail the assurances the Government was given about the future of David Jones and John Martin's stores in South Australia and the hundreds of jobs in those stores, given comments from the David Jones executive that there were no cast iron guarantees about the future of stores in Adelaide? Last week the Premier was quoted as saying that he met with unnamed company executives who had told him that, other than the Rundle Mall store, all other David Jones stores, including those operating under the John Martin's badge, would remain. Yesterday the company's operations director, Mr Chris Walsh, said:

> It is absolutely inappropriate for me or anybody else to give any guarantees about where stores are going to be in the indeterminate future.

The Hon. W.A. Matthew interjecting:

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

The Hon. G.A. INGERSON: It is interesting to see that again the Opposition is running off on negatives. I am fascinated that today the South Australian Centre for Economic Studies released its March briefing, but we have heard not one question about the state of the economy here in South Australia—and I know that the Leader of the Opposition gave a speech about it. Perhaps there are some reasons for this. Before I answer the question, it is important to address these few issues, about which I thought the Opposition might have asked us today.

The report praises the State Government for its degree of intestinal fortitude in pruning its expenditure and managing the sale of assets, given the level of debt it inherited when it came to office. It says that sort of thing, and I am absolutely staggered that the Leader of the Opposition did not ask me a question about this, because it is good news. The report also highlights that there has been a significant increase in employment and that the trend line, whilst not strong, is at least going up. It also sets out the business investments going up in this State; I wonder why the Opposition has not mentioned that.

The report also deals with private equipment expenditure going up, yet the Opposition has not mentioned that, either. However, it highlights that, as we all know, we have had some difficulties in the retail area. Everybody accepts that, but at least consumer confidence is starting to improve. If we get investments such as the John Martin's project in this State, more people will get an opportunity to be employed in those sorts of new centres. The report also deals with the strong economic growth nationally and states that South Australia is moving upward in the trend—not as fast as nationally, but it is going up. I wonder why today we did not get any questions on the economy. The Leader of the Opposition is not here again; he is never here when he is needed. However, I wonder why the Leader of the Opposition did not ask about this when he was present in the Chamber.

Mr CLARKE: I rise on a point of order, Mr Speaker. Standing Order 98 provides that Ministers will answer the substance of the question.

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! The Chair is about to give a ruling. The Chair is of the same view as the Deputy Leader of the Opposition, that the Minister has strayed considerably from the question, even though a Minister has a great deal more flexibility in answering a question than an honourable member has in asking it. I suggest that the Minister now start to relate his answer to the question.

The Hon. G.A. INGERSON: I thank you for your advice, Mr Speaker. I was about to show that the economic development in the State is improving and that the sorts of developments that the Deputy Leader was inquiring about will become apparent when South Australia really starts to boom in the next 12 to 18 months. The fine detail that the Deputy Leader put to me in his question is being handled by the Premier. As I have not been personally involved in those negotiations, I will ask the Premier to give a very considered opinion, and I will bring it back to the House, as it is a very important matter.

AGRICULTURE, TRAINING

Mr BROKENSHIRE (Mawson): I direct this particularly important question to the Minister for Primary Industries. What are the key educational factors identified by Primary Industries to improve the viability of South Australian primary producers, and what training programs have been implemented to help our farming communities? I understand that the Minister recently addressed the biennial conference of agricultural teachers held at Roseworthy and spoke about the many important issues in this wonderful field of agriculture.

The SPEAKER: Order! The honourable member is now commenting. The Minister—briefly.

The Hon. R.G. KERIN: It is always good to get a question from the member for Mawson, who is well known as the best dairy farmer in the House.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: As in all fields, education and training are certainly key elements in the further development of the agricultural sector. Recently when I opened the Agricultural Teachers Association conference I spoke about the importance of generating positive signals about where agriculture is going, and I encouraged more young students to look at courses and careers in agriculture. We certainly need to ensure that students receive the right messages about agriculture and the range of career opportunities that it offers, because there are other careers beside farming—there are a lot of service industries which pick up many graduates. The students of today are certainly the farmers of tomorrow, and I believe—as I think the member for Mawson would, too—that the agriculture sector will continue to be a major contributor to the State's economy. There are many opportunities, particularly in the food industries, as we become more globally aware and competitive.

The future success of agriculture will lie largely in good education now. The good lifestyle that was always associated with farming will no longer be enough; it is a tough business, and people need to know what they are doing. There are some concerns about the level of education in our farm sector, particularly compared with some of our overseas competitors. A recent study by the National Farmers Federation highlighted the overwhelming benefits of education and training and showed that it was not just desirable but that the benefits were indeed measurable. The NFF study 'Change, training and farm profitability' shows that farmers with agricultural qualifications and a commitment to training are more prosperous.

The South Australian Government is committed to providing training opportunities for farmers so that they can become more self-reliant and can run sound businesses with long-term planning. As a new initiative the Government has made available funding through the rural adjustment scheme, with an emphasis on training grants. The training grants are for both groups and individuals and will provide an excellent opportunity to assist farmers to improve their skills and enable them to access a range of education and training opportunities. Primary Industries South Australia already offers a range of training opportunities, such as property management planning workshops—Grain Gain or Prograze.

Through appropriate training, farmers can develop a more profitable and competitive farm sector. In this way farmers can boost financial and technical management and business knowledge. Some $750 000 is available this financial year under RAS, and so far 68 groups involving 1 227 people have had access to the scheme, but we encourage far more to come in, given that it is a new scheme. We also recognise the vital work that TAFE is doing, particularly with the on-farm training—that is a terrific course—and the commitment of the University of Adelaide at both Waite and Roseworthy to educating our future farmers.

LOCAL GOVERNMENT AMALGAMATIONS

Ms HURLEY (Napier): Is the Minister for Local Government concerned about the number of small councils, such as the Walkerville council, that have not progressed amalgamation plans? The Australian Electoral Office has produced a schedule of local government elections for May. The smaller councils scheduled to hold elections with no formal proposal for amalgamation before the Local Government Reform Board include Burnside, Mitcham, Prospect, Yankalilla, Unley, Victor Harbor and Walkerville.

Members interjecting:

The SPEAKER: Order!

The Hon. E.S. ASHENDEN: I find this absolutely incredible. Time and again the Opposition gets up and asks questions knocking a process that is going really well. Heavens above, the honourable member should just get up and say, 'I understand that the process is working extremely well and that we have been able to reduce the number of councils from 118 to 70'—and it will soon be below 70—and 'The process has proceeded smoothly.' Instead, the honourable member gets up and carps, just like the rest of the Opposition, on a couple of minor areas within the total local government reform program.

I want to make quite clear to the House that the local government reform program is going extremely well. As I said, we have reduced the number of councils on a totally voluntary basis from 118 to 71, and very shortly it will be below 70, and we will benefit from all the advantages that go with that. Did the honourable member talk about the fact that when Port Adelaide and Enfield councils combined there were savings of $3 million? Did she talk about the fact that we have saved about $20 million throughout the State because of the improved efficiencies in local government? Did she talk about the success that has occurred in this State, compared to, say, Victoria where they brought in amalgamation in a most unsatisfactory way?

In South Australia we have brought about amalgamation on an entirely voluntary basis. The councils have come together on an entirely voluntary basis. All the benefits are there for all to see—all except for the member for Napier. She is just looking for something in order to be critical of a process that is working extremely well. In Mrs Eiffe, we have a Chairman of the Local Government Reform Board who has done an absolutely fantastic job in bringing the councils together. I know that she is meeting with the councils to which the honourable member referred. I have no doubt that she will meet with similar success there as she has enjoyed everywhere else.

SELF-DEFENCE

The Hon. G.A. INGERSON (Deputy Premier): On behalf of the Attorney-General in another place, I lay on the table a ministerial statement on self-defence.

GRIEVANCE DEBATE

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

Mr LEGGETT (Hanson): This afternoon, I want to talk on a very important development in the western suburbs, that is, the proposed Hilton shopping centre on the corner of Burbridge Road and Bagot Avenue, Hilton. For over two years this venture has been constantly thwarted. It has been the centre of controversy and frustration for the State Government, the West Torrens Thebarton council and, more importantly, the residents of the western suburbs who have been desperately waiting for a top class shopping centre in close proximity to their homes. The development is of particular importance to the elderly citizens in that area, and there are a lot of elderly citizens in the areas very close to the proposed shopping centre. In the past, on a number of occasions, plans submitted by the local council—the then West Torrens council—were blocked by the Development Assessment Commission (DAC). After a period of time, it was finally approved by this totally independent body. However, now we have a legal challenge in court that, once again, has forced developers to halt proceedings.

The frustrating saga has been ongoing since before a protest meeting was convened as far back as November 1995. Unfortunately, many residents still blame this Government for the delay. Many residents in Hanson are saying, for example, that the Government should not allow court proceedings to stop this venture. However, it is important to understand that the Government and the Parliament make the laws but they are certainly not above the law. Everyone associated with the development must wait for the decision of the court, and that is to be handed down on Wednesday 26 March. In numerous newsletters sent to the people of Hanson, I have indicated my total support for the Hilton development, and the sooner it is built the better. Whenever I have been asked by the West Torrens Thebarton council or constituents in Hanson for a response from the Premier or a Minister, I have always received the information and taken it straight to my constituents.

There has been a sustained and unfair attack on the Olsen Government by the Opposition on this very matter. The propaganda promoted by the Opposition suggests that not enough has been done to ensure that the development proceeds. At all times, the Premier and the Ministers have been totally supportive of the proposed shopping centre, and the Government is using every effort to facilitate a resolution to this delicate situation, which has become deadlocked, to say the least. Of course, it is most unsatisfactory for everyone concerned. The Labor Opposition has been vocal in accusing this Government of preventing the development and stopping 250 jobs from being created. Of course, this is nothing but rubbish. When people criticise the Government for not having done enough as a government regarding this development, it should be clearly pointed out that early in 1995 this Government attempted to make changes to the Development Act that could have been used to assist developments of significance to this State.

Briefly, these two proposed changes were introduced into the Parliament in 1995. They proposed changes in two specific areas: first, major developments, which would have been a way to provide a fast track approval process for projects of State significance, and that would include the Hilton shopping development; and, secondly, the determination of the relevant authority would have been a way for the Minister of the day to call in developments from council to the Development Authority Commission for a decision.

Both proposed changes, which could have been very important to this present Hilton deadlock, were defeated by the combined vote of the Democrats and the Labor Party in another place. Ultimately, this important project will be restarted and will finally be completed—as I said earlier, the sooner the better. The shopping centre will stand tall in Hilton and will have the complete support of this Liberal Government, which since day one has concentrated on promoting business and jobs in this State.

Mr CLARKE (Deputy Leader of the Opposition): I rise on a very important matter, because it touches on the rights of citizens to criticise members of this Parliament, no matter how high the office they hold in this Parliament, and not feel threatened in their employment or day-to-day life. I have correspondence relating to Mr Paul Brock, who works as an Employment and Training Field Officer for the Employers Chamber in Port Augusta. A letter was forwarded to Mr Brock on 21 February 1997 by Mr Ian Harrison, his General Manager. The letter states:

> Dear Paul, Garry Curtis has brought to my attention a letter you recently wrote to the *Transcontinental* and which was reproduced, I presume in full, under the heading 'Astounded at lack of action from Gunn'. Paul, this is a very serious matter.
>
> I understand that you made contact with Garry prior to submitting the letter and he made it clear that it should not be submitted under the Employers Chamber's name. I think he commented that he was not in a position to tell you what to do or not to do under your own name.

The letter continues:

> Graham Gunn is the Speaker of the House of Assembly and has spoken already to Garry about this matter. He is understandably upset that a person connected—

The SPEAKER: Order! The honourable member will resume his seat. I point out to the Deputy Leader—

Mr Atkinson interjecting:

The SPEAKER: Order! I warn the member for Spence. The Chair will protect the privacy of the Chair. The Deputy Leader has taken it upon himself of recent days to engage in

a vendetta against the Chair. He is using the substitute title of 'the member for Eyre'. I make it very clear to the Deputy Leader that, if he continues—and I am not here to argue with the Deputy Leader—on that track, I will apply Standing Orders without any hesitation.

Mr ATKINSON: I rise on a point of order, Mr Speaker. What Standing Order?

The SPEAKER: Order! The honourable member is attempting to defy and reflect upon the Chair.

Mr Atkinson: What Standing Order?

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

Mr CLARKE: I am quoting from the letter to Mr Brock—

The SPEAKER: Order! That does not give the honourable member the opportunity to reflect either on the Chair or on any other honourable member.

Mr CLARKE: The letter states:

> He is understandably upset that a person connected with our organisation would make such comments in public. I attempted to contact Graham late this afternoon without success and will try again over the weekend. If still unsuccessful no doubt I will catch him on Monday, at which time I will be apologising to him on behalf of the organisation for what has transpired.

The letter further states:

> If this directive is not followed it will result in an immediate reconsideration of your employment contract with the Employers Chamber. There must be no repeat of anything like the article to which this letter refers and hopefully I have that quite clear. I also want you to contact Graham Gunn, if you have not done so, and apologise for what has transpired.

Mr Brock replied to Mr Harrison by letter dated 27 February 1997. The letter is too long to read in full but, in part, it states:

> Being in Adelaide, I believe you have underestimated the support my views have, and if the people of the region knew that the SAECCI has bowed to political pressure in attempting to suppress my own personal views, the damage to its credibility would be severe.

The letter further states:

> I know you believe that I should have spoken to Mr Gunn prior to submitting my letter, but previous experience tells me that I would have acquired none other than the standard political response with which every one has grown tired. My letter was in fact a calculated strategy highlighting my own personal views to provoke a response. It is my belief that Mr Gunn knows (as every one else does) that I was expressing my personal views, but he has used his position in the Government to apply pressure to my organisation to censure me. As I mentioned to you Ian, I find this as distasteful as Mr Gunn found my letter. However, the difference being of course that I was exercising my democratic rights and Mr Gunn may be abusing his political privileges.

The letter further states:

> Additionally, I cannot accept a directive which removes my—basic democratic right of freedom of speech. . .

The Hon. R.G. Kerin interjecting:

The SPEAKER: Order!

Mr CLARKE: The purpose behind the letter is quite simply this: any member of the public is entitled to write a letter to any newspaper to be critical of whomever in public office, and they should be free to do so without any fear of their employment being jeopardised. Mr Brock wrote that letter as a private citizen, and it is not for any member of this Parliament, no matter what high office they hold, to intimidate that person's employer, or to try to have that employer take disciplinary action against one of its employees. It is an astounding position.

The SPEAKER: Order! The honourable member is starting to reflect on the Chair. His comments are inaccurate and I will not tolerate reflections on the Chair.

SPEAKER'S RULING

Mr ATKINSON (Spence): Sir, I dissent from your ruling.

The SPEAKER: The honourable member can do whatever he likes. Put it in writing.

Mr ATKINSON: Yes, I do.

The SPEAKER: It is obviously a stunt, because the honourable member had it written out.

Members interjecting:

The SPEAKER: Order! The honourable member has handed to the Chair a document that states, 'I dissent from the Speaker's ruling.' The honourable member must give some reason.

Mr ATKINSON: I am about to.

Members interjecting:

The SPEAKER: Order!

Mr ATKINSON: I am dissenting from the Speaker's ruling; I am allowed to under Standing Orders, and I am doing it now.

The SPEAKER: Order! The honourable member has not carried out the procedure correctly. He is obviously vying for a fight with the Chair. The honourable member has followed the normal procedure and put his complaint in writing, but he has not given the reason. I suggest to the honourable member that he follow the correct procedure and the Chair will accept his motion, but he is obviously intent on disrupting the proceedings. He has been here long enough to know the rules.

Mr ATKINSON: Under the rules, I move dissent from your ruling.

The SPEAKER: Then put it in writing.

Mr ATKINSON: I just did: 'I dissent from the Speaker's ruling.' I disagree with it.

Members interjecting:

Mr ATKINSON: I dissent from the ruling that we cannot talk about this topic and that we cannot criticise the Chair in his capacity as the member for Eyre.

The SPEAKER: Order! That was not—

Mr ATKINSON: It is.

The SPEAKER: Order! That was not the reason the Chair spoke to the Deputy Leader. I said that I would not have personal reflections made upon the Chair or any honourable member. That was the ruling.

Mr ATKINSON: And I dissent from that.

The SPEAKER: Then the honourable member wishes to move his motion?

Mr ATKINSON: Yes. I move:

> That I dissent from the Speaker's ruling that it is impermissible to criticise the member for Eyre because he is the Speaker.

I am dissenting from that proposition, because it is a grave breach of the traditions of Parliament. Sir, you have consistently, during your time as Speaker, confused your role as Speaker with your role as the member for Eyre. You put the two together. And, when any member of the House (usually the Deputy Leader) seeks to criticise you in your capacity as the member for Eyre or the Liberal candidate for Stuart, you then seek to suppress discussion in the House, and it is a gross impropriety by you, Sir.

It is a misunderstanding of the role of Speaker, and it is something from which we must dissent immediately each time it appears. You will recall, Sir, that you had the Deputy

Leader suspended from the House last year for criticising you in your electorate—the first time this century that a member of Parliament has been suspended for criticising the Speaker outside the House and in his capacity as the local member. It is the most serious—

The Hon. R.G. Kerin interjecting:

Mr ATKINSON: The member for Frome interjects that, on that occasion, the Deputy Leader was suspended for criticising the member for Eyre in his capacity as Speaker, but on this occasion the Deputy Leader has confined his remarks to criticism of the member for Eyre for seeking to jeopardise the employment of a man in Port Augusta because that man had the temerity to write to a local paper criticising the member for Eyre.

The SPEAKER: Order! The member for Unley has a point of order.

Mr BRINDAL: As I understand it, the member for Spence is disagreeing with your ruling, Sir. He is now entering into debate on the issue of the—

Mr Atkinson interjecting:

Mr BRINDAL: I do not care. As I understand it, the honourable member is not allowed to debate the matter that caused this ruling, and he is seeking to do so.

The SPEAKER: The Chair upholds the point of order, and the Chair has taken advice.

Mr ATKINSON: It is very important for the Opposition to prevent the Speaker from using his position as Speaker to suppress criticism inside and outside the House of himself in his capacity as the member for Eyre.

The Hon. D.C. Kotz: Which is a weak and cowardly thing to do.

Mr ATKINSON: I agree with the Minister. I agree that the member for Eyre should not be doing it. I agree with the Minister that it is weak and cowardly. They were not my words: they were the Minister's words, and I am quite happy to pick them up. So it is important that, when the member for Eyre seeks to use the Speaker's position not only for Party political purposes but to try to crush criticism of himself in his own electorate and to try to suppress the revelation of his trying to have sacked a constituent who criticised him in the local paper, the Opposition moves swiftly.

The SPEAKER: Order! The honourable member is going too far. He is making comments that are untrue and inaccurate. The Chair or the member for Eyre had no involvement in discussing the employment of any individual, and anyone who suggests that is not giving accurate information to this House.

Members interjecting:

The SPEAKER: Order! The Deputy Leader was reflecting upon the honourable member. It does not matter which honourable member because it is contrary to Standing Orders.

Mr BECKER: I rise on a point of order, Sir. Has this motion been seconded?

The SPEAKER: I thought it had. I call on the honourable member.

Mr ATKINSON: It is important that the Opposition move swiftly from allowing this abuse of the position of Speaker to develop in the way it has been developing.

The SPEAKER: Order! The honourable member cannot do that and he knows that.

Mr ATKINSON: I am moving dissent.

The SPEAKER: The honourable member is disagreeing with a ruling.

Members interjecting:

The SPEAKER: Order! I suggest that members calm themselves and stick to the motion. That will serve the House and everyone else far better.

Mr ATKINSON: It is important as a precedent for the Opposition to move dissent swiftly in order to prevent this trend from emerging and from its becoming a precedent for future Parliaments, because it may be that, in a future Parliament, the Labor Party is the Government and a Labor Party member is the Speaker, and that that person may attempt to use his or her position as Speaker of the House to shore up his or her position in a marginal seat and to suppress criticism of him or her in his or her capacity as the local member. Members of the Government should realise that this is a matter of principle and that—

Mr Venning: He can't defend himself.

Mr ATKINSON: He is defending himself pretty well out of the Chair. Of course he can defend himself.

The SPEAKER: Order! The honourable member will not talk across the House and will stick entirely to the matter before the Chair, that is, dissent from the ruling.

Mr ATKINSON: The Speaker, in his capacity as the Speaker or as the member for Eyre, could write to the *Transcontinental* or to any other newspaper in which this letter has been published and put his side of the story. He could distribute leaflets in Port Augusta putting his side of the story. He could, God forbid, go on talkback radio and put his point of view—or even on 5AA—or he could make a personal explanation in the House. He could do all those things.

The Speaker is in a perfectly good position to defend himself, but what the House must not allow is this very dangerous precedent of the Speaker, who in the future may be a member of the parliamentary Labor Party—think about that—using the position of Speaker to suppress criticism of himself in his capacity as a local member, as we have seen here today. That is why I move dissent, and that is why I ask thoughtful and forward thinking Government backbenchers to support this dissent motion.

The Hon. G.A. INGERSON (Deputy Premier): One of the fundamentals of the parliamentary system is the recognition of the role of Speaker, the position in which we all place the Speaker in this place, and an understanding that the moving of dissent against the Speaker is a very serious charge and motion before the House. In this instance, I think it has been quite frivolous, and I am surprised at the member for Spence, who, as I have said on many occasions before in this place, has been a reasonable member and does have some understanding of the rules of the House and some reasonable commonsense and good nature. But this is just a stunt and it should be treated in exactly that way. It should be dismissed as quickly as possible so that we can get on with the business of the House.

Absolute criticism of the Speaker needs to be warranted, to be recognised long term and justified, not just with instant decisions and flares because members opposite may not like the decisions of the Speaker. I believe that the Speaker in this instance has been fair and he has been reasonable in his term as Speaker of this House. I think that this motion—which, as I understand it, is quite frivolous—ought to be dismissed immediately.

The SPEAKER: Order! The Chair wishes to respond. In my time in this House, I have never seen an Opposition set out to cast aspersions on the Chair as certain individuals have. There has been an ongoing disruptive campaign by certain

members to disrupt the proceedings of the House. The Chair has shown more tolerance and has accepted more explanation from members than any other Speaker in the past 27 years, and I am very happy to have my conduct judged against that of the Deputy Leader of the Opposition.

Many of us are aware of the conduct of the Deputy Leader of the Opposition in and around this building. Most of us—and I in particular—would be prepared to have our credibility looked at. I have closed my eyes to a number of instances that I believe have been inappropriate for a member of Parliament, in the interests of fairness and commonsense.

Members interjecting:

The SPEAKER: Order! And the comments that the honourable Deputy Leader of the Opposition attributed to me in relation to this person are inaccurate and untrue. I took no decision whatsoever to question that person's employment. Whatever course of action someone's employer takes is up to them. I point out to the Deputy Leader of the Opposition that he ought to explain to the House how that person signed the particular letter. I would agree with the Deputy Leader and anyone else that any citizen of South Australia, in their own capacity, has the right to sign any document or any letter or to make any comment they think appropriate.

The House divided on the motion:

AYES (10)

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

NOES (30)

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

Majority of 20 for the Noes.

Motion thus negatived.

GRIEVANCE DEBATE

Mr BRINDAL (Unley): What a disgrace this House has been subjected to this afternoon. In the opinion of every Government member, the member for Spence has lowered himself. There are some on the Government benches who previously held the member for Spence in some regard. I can absolutely assure the member for Spence—

The DEPUTY SPEAKER: Order! The member for Unley will resume his seat. All members would be aware that the vote has been taken. It is quite improper to reflect in any way upon a vote which has been taken in the House. I ask members to steer clear and to resume normal grievance.

Mr BRINDAL: I am not reflecting on a vote of the House: I am merely making a grievance speech on my opinion on the conduct of certain people.

The DEPUTY SPEAKER: The honourable member's opinion is irrelevant, but the honourable member is allowed to grieve provided he steers away from the subject of the vote.

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Or to reflect on a member.

Mr BRINDAL: I certainly would not say anything about anyone in this Chamber other than that which could be considered accurate.

The DEPUTY SPEAKER: There is still a requirement on the honourable member not to impugn anyone—accurate or otherwise. The Chair is simply bound by the Constitution and the Standing Orders.

Mr BRINDAL: I understand; I wish I could take up the Minister's suggestion that I impale rather than impugn the honourable member. The problem that we on this side of the House have is that today and every day we witness an Opposition that criticises and carps and claims that it has documents, but it never produces the documents. Members on this side of the House and every South Australian are waiting to see a few policies. The Leader of the Opposition has been saying for months that we are about to go to the polls—all hands to the pumps; get ready, we are there; it is just about to happen at any time! Every week he announces to the media the new election date. Every week he does not announce to the media another Labor Party policy—we are yet to see any. The Labor Party may not have much chance of winning Government, but it is incumbent on it to put this Government to the test and to give the people of South Australia a choice. At present, there is no choice; there is no Opposition; there is no Opposition policy—there is a cobbled-together group of stunts. The Opposition picks up any populist cause it can and makes any promise that it does not have to keep, but there is a complete dearth of policy.

There is a place in politics for getting your message across but, first, you must have a message to deliver. We are not seeing any message at all from members opposite. We see carping, we see criticism, but do we see policies? The member for Spence inanely says, 'Yes, I have a policy on self-defence; I cobbled together a Bill and I brought it in', but that Bill does not even stand up. The House will not wear the member for Spence's rather puerile attempts to modify a law that he clearly does not understand.

Mr ATKINSON: I rise on a point of order, Mr Deputy Speaker. Is it within Standing Orders for the member for Unley to reflect upon a Bill which the House has just discussed and voted upon this morning?

The DEPUTY SPEAKER: It is not proper to do so. I thought the honourable member would take a boyish point of order on the word 'puerile'. The member for Unley should not reflect on a motion currently before the House.

Mr BRINDAL: No, I was not: rather, I was reflecting on the member for Spence's contributions on the public airwaves of South Australia to things that he calls his 'policy'. I was not reflecting on any vote taken in this House but rather on the honourable member's public pronouncements on a whole range of issues which constantly and consistently the Attorney-General manages to knock down, thereby leaving the honourable member looking rather silly.

Mr VENNING (Custance): We have all heard of the resounding success of the Barossa Tourist Train trial. I wish to bring the House and the people of South Australia up to date with the developments of the Barossa railway. Building on the success of the trial Barossa Discovery Month services

late last year, TransAdelaide operated a special express service to the region for the Under the Stars event featuring Shirley Bassey on Saturday 22 February. I attended that event, and it was an outstanding success, as again was this service, with more than 270 people taking advantage of the opportunity to use it. In keeping with this theme of servicing major Barossa events, TransAdelaide will operate a special service on Saturday 5 April 1997 to cater for people wishing to travel to the famous Barossa Vintage Festival. With respect to the introduction of a regular tourist rail service to the area, the working party—of which I am a member—convened by BREDA (Barossa Regional Economic Development Authority) continues to work hard to facilitate the concept.

In late February the group submitted a comprehensive proposal to the Commonwealth Department of Industry, Science and Tourism seeking grant funding. Prior to this, a proposal was lodged with the Passenger Transport Board seeking funding from the Research and Development Fund to develop a business plan for the venture. In addition, in its evaluation report on the operation of the Barossa Discovery Month trials, TransAdelaide has indicated its willingness to operate a service to the Barossa Valley. This would be subject to a number of conditions, including the sourcing of a third party to manage and operate such a tourist service at the earliest possible opportunity. These services are presently under consideration. I have spoken to the interested parties and am confident that a regular tourist train will return to the Barossa and surrounding regions fairly soon.

Another issue of high priority to the Barossa Valley region is a new road system. I am very happy with the Minister for Transport's announcement a few weeks ago concerning a study into the future of Barossa roads. I wish to update the House and the electorate on the state of progress with respect to new roads in the Barossa. The first stage of the strategy development is now nearing completion.

A steering committee comprising Department of Transport and Barossa council representatives has been formed to examine the issues relating to the development of the strategy. Extensive face-to-face interviews have been conducted with a wide range of Barossa Valley businesses, including transport companies, wineries and tourism operators. Representatives of the main street committees of each of the key towns are involved, and the topics canvassed include volumes of freight on the main routes used by transport operators, sensitivity of business to transport costs, the role of rail—both freight and tourism—in the Barossa, tourism-related transport needs, management of the mix of tourist and commercial traffic, and the requirements for safe and efficient operation of the transport network.

The information gained from these interviews will be analysed to assist in obtaining a clearer picture of the directions in which short and long-term development of the transport network should be focused. Other inputs to add to this analysis include the policies and actions of the Barossa Valley region strategic plan under DHUD (December 1993) and the draft report of the Barossa Valley freight strategy (Barossa REDO, December 1996).

The next stage in the development of the strategy will be a workshop process involving key people in the wine, tourism and transport industries, as well as community representatives. As the wine industry is very involved in vintage at present, the workshop will not be scheduled until April. Information gathered to date will be presented to workshop participants, following which there will be several facilitative sessions aimed at clarifying issues and solutions. Output from the workshop will assist the steering committee in preparation of a draft strategy, which I hope will be completed by mid-1997, which is about 12 weeks away. I will do all I can to expedite the process so that a new strategy can be put in place to build new and better roads in the Barossa Valley region.

Mrs GERAGHTY (Torrens): I wish to draw to the attention of members problems being experienced by Advanced Business Recruitment Training Assessment Incorporated. A number of concerns regarding management practices at the centre have been raised with me by personnel and by people within the local community who are concerned about the survival of this important training resource. According to reports I have received, Advanced Business Recruitment Training Assessment Incorporated is currently experiencing financial difficulties and has sold off engineering plant equipment to strengthen its financial position. I understand that the plant and equipment sold has been leased back to the training centre.

There are a number of anomalies with regard to ascertaining when key management personnel identified that there was a financial problem for the business and training centre. For instance, on 3 February 1997 a report was tabled to the Southern Development Board Adelaide outlining a strong economic performance. The report states:

> Advanced Business has worked to develop a stronger financial position recording an increase in turnover of 284 per cent and an opening profit for the first time of nearly $40 000. This strong financial position will be necessary to the future operation of the centre given the severe cuts to labour market programs.

Whilst the report outlines a strong economic position, it identifies problems due to the cutting of Federal labour market programs. However, the paragraph I have just read from the report shows an optimistic picture in order to get around this problem.

I understand that the Executive Director of the Southern Development Board Adelaide, also a member of the board of Advanced Business, spoke favourably of the report. However, on 10 March 1997 the Executive Director of Advanced Business presented to the board and the Southern Development Board another financial report stating that the Southern Region of Councils. It states:

> . . . was advised in December 1996 that Advanced Business was experiencing financial difficulties because of cuts in Federal Government labour market programs. . . actions were initiated to manage funding shortfalls by retrenching staff, selling/hiring out assets and seeking more user pay opportunities.

This is concerning and puzzling, because the two economic statements are within one month of each other and are at totally opposite ends of the spectrum. When a company is showing a strong economic performance with a base to build on of 'an increase in turnover of 284 per cent and a profit of $40 000' in February, why four weeks later does the training and plant equipment in the metal fabrication part of the business have to be sold off?

It appears that Advanced Business is very reliant on Federal and State Government funding with regard to the establishment of the resource and accessing of State and Federal Government programs. As I understand it, DEETYA gave the okay to the management of the centre to sell plant and equipment. The funding of State labour market programs revolves around Kickstart, where $50 000 worth of Kickstart programs had been gained. I question whether DEETYA or DETAFE were aware of the conflicting financial reports, and I wonder what was the earliest stage at which DEETYA and

DETAFE would have been aware of the dire financial position of Advanced Business. Has an independent audit by Government departments involved been requested, given the conflicting financial reports produced by Advanced Business?

Budget anomalies also create some disquiet. Retrenchments have been made, including the metal fabrication manager. According to information I have received, the metal fabrication side of the training centre developed $250 000 worth of business between July and December 1996. A further $90 000 of training programs was secured by the metal fabrication manager to commence after Christmas 1996. On the other hand, only $25 000 worth of training programs was raised from the business services section of Advanced Business Training, and I find it remarkable that Advanced Business would retrench the very personnel who brought in most of the business for the survival of the centre. I am not willing to comment further on that, because of an industrial dispute.

My concern, like that of many others in the southern districts, is for the survival of Advanced Business, because it is a major training resource for the area to skill and reskill people. The people who approached me believe it would be a terrible tragedy if poor management practices brought this resource to its knees. These people have told me that they have been to the member for Kaurna about this matter and asked her to give them some support and investigate the issue, but at this stage she has not acted upon their concerns, which is why they have come to me.

As I said, I know that the winding up of Federal labour market programs has left training centres in difficult positions but, having contacted the Port Adelaide Training and Development Centre, which was similarly affected, I have found that its management did some hard footslog to resolve its problems.

Mr ROSSI (Lee): Before I entered politics I was invited by a business colleague of mine to attend a Lions meeting. I attended such meetings about three times and I was asked whether I would like to become a member. I was fascinated by the Lions code of ethics, and with the indulgence of the House I should like to read it. It states:

> To show my faith in the worthiness of my vocation by industrious application to the end that I may merit a reputation for quality of service.
>
> To seek success and to demand all fair remuneration or profit as my just due, but to accept no profit or success at the price of my own self-respect, lost because of unfair advantage taken or because of questionable acts on my part.
>
> To remember that in building up my business it is not necessary to tear down another's; to be loyal to my clients or customers and true to myself.
>
> Whenever a doubt arises as to the right or ethics of my position or action towards my fellow men, to resolve such doubt against myself.
>
> To hold friendship as an end and not a means. To hold that true friendship exists not on account of the service performed by one to another, but that true friendship demands nothing but accepts service in the spirit in which it is given.
>
> Always to bear in mind my obligation as a citizen to my nation, my State and my community, and to give them my unswerving loyalty in word, act and deed. To give them freely of my time, labour and means.
>
> To aid my fellow men by giving my sympathy to those in distress, my aid to the weak, and my substance to the needy.
>
> To be careful with my criticism and liberal with my praise; to build up and not destroy.

I refer to that because today (and many times in the past) members of the Labor Party in this Chamber have been not what I consider to be liars but destroyers of the truth which, as far as I am concerned, is far more serious than lying.

Mr ATKINSON: Mr Deputy Speaker, I rise on a point of order. The member for Lee has just said that the 11 labor members in this Chamber are 'destroyers of the truth' to which I object and ask the honourable member to withdraw.

The DEPUTY SPEAKER: No, I do not think there is a point of order. The honourable member said that Labor Party members were not liars.

Mr ROSSI: Earlier today I was very upset by the conduct of the member for Spence towards the Speaker. I was very upset by the honourable member's standards. The other matter to which I refer is my continual doorknocking in the West Lakes area. A few weeks ago I was doorknocking an area in which a number of householders complained to me that the Charles Sturt council refuses to allow them to build any type of fence on the boundary of their property and the footpath. I was absolutely astounded at the beauty of the flower gardens, the well maintained lawns and the driveways of these houses, which were all of a very high standard. The matter which they brought to my attention concerned the football matches that are held in the area and the spectators who tend to go on to their lawns, kick the various flowers over and so on. However, the council—because of the indenture that was raised between Delfin Reality when West Lakes was first developed—does not allow front yards to be fenced.

I totally object to residents having to put up with pedestrians walking over their property, and I find no reason why the council cannot allow swimming pool fences to be erected in the front yard. They look very nice, and they do not hinder the appearance of the garden or the property itself. It is time the council changed its rules and allowed residents to erect some type of barrier so that their property is protected from vandals, inconsiderate neighbours and other residents.

MEMBER'S REMARKS

The Hon. D.C. KOTZ (Minister for Employment, Training and Further Education): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.C. KOTZ: The member for Spence unconscionably and deliberately used my words to imply I was reflecting upon the Chair. This is extremely offensive to me. I want to make it abundantly clear that when I used the words 'weak and cowardly' I was referring to the member for Spence and the Deputy Leader, not the Chair.

STATUTES AMENDMENT (REFERENCES TO BANKS) BILL

Received from the Legislative Council and read a first time.

The Hon. R.G. KERIN (Minister for Primary Industries): I move:

That this Bill be now read a second time.

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

Leave granted.

The main purpose of this bill is to remove discrimination against building societies and credit unions from South Australian legislation where it requires moneys to be deposited with, borrowed from or invested with banks.

There are in excess of 30 pieces of legislation which confer a positive advantage on banks by requiring accounts and facilities of banks to be used to the exclusion of all other deposit taking institutions. The basis of such 'discrimination' was presumably the high level of regulatory and prudential supervision of banks compared with other financial institutions such as building societies and credit unions.

However, on 1 July 1995, the Financial Institutions Scheme came into operation. The Financial Institutions Scheme provides a national approach to the regulation and prudential supervision of building societies and credit unions.

The Financial Institutions Scheme has raised the financial standards and stability of building societies and credit unions to, in some cases, levels stricter than those set by the Reserve Bank (such as restrictions on commercial lending) and in other cases, to levels at least equal to those set by the Reserve Bank (in respect of certain capital adequacy requirement, ratios and liquidity requirements). Further, the investment strategies required to be adopted by building societies and credit unions in order to meet the regulatory requirements, as well as their inability to go to the market to raise capital, result in their investment strategies being more conservative than those adopted by banks.

In view of the improved financial status of building societies and credit unions, the retention of provisions which discriminate against these financial institutions can no longer be justified.

Apart from the obvious advantages to the non-bank financial institutions themselves there are other benefits in removing the discriminatory provisions. Firstly, because more institutions are available to take deposits financial risk can be spread among a number of institutions. Secondly, there is more likelihood of moneys deposited by South Australians being applied in the State. While banks invest Australia wide, the Financial Institutions Scheme requires credit unions to direct 60 per cent of their funds to members. These are used for housing and personal purposes, with the remainder in commercial loans. Building societies must lend to the extent of at least 50 per cent for residential property. This increases the likelihood of the money in South Australian building societies and credit unions being applied for the economic benefit of the State.

The crux of this bill is the amendment to section 4 of the *Acts Interpretation Act, 1915* which provides that any reference in a statutory instrument to 'bank' will, unless the contrary intention appears, mean a bank, building society, credit union or other proclaimed body. Derivatives of 'bank' will have corresponding meanings, for example, 'banking' or 'banked'.

New subsection (2) of section 4 of the *Acts Interpretation Act* provides for the Governor to declare a body to be a proclaimed body for the purposes of the definition of 'bank'. This provides a mechanism by which other classes of financial institutions, which may in the future meet strict regulatory and supervisory requirements, to be put on an equal footing with banks, building societies and credit unions.

An amendment to the *Acts Interpretation Act* is not the most satisfactory way of proceeding, as anybody reading an Act which refers to 'bank' will have to refer to the *Acts Interpretation Act* to know what that word means. However, the other alternative, to directly amend the more than 30 Acts to be affected and thereby require their reprinting, would have been wasteful. Where an Act which contains a reference to 'bank' or its derivatives is amended in future, the reference to 'bank' can be adjusted according to the *Acts Interpretation Act* 'bank' definition. An example of such amendment is included in the bill. The *South Australian Co-operative and Community Housing Act, 1991* has needed to be directly amended because of a contrary intention to the *Acts Interpretation Act 1915* 'bank' definition.

The application of the new definition of 'bank' is not confined to removing discrimination against building societies and credit unions. For example, it will result in the *Unclaimed Moneys Act 1891* newly applying to building societies and credit unions.

There are a number of statutes where, on review, the reference to a bank as such either needs to be retained or retained pending further review. Some of these Acts have needed to be amended in the bill to ensure that the *Acts Interpretation Act 1915* definition of 'bank' does not to apply, namely, the *Administration and Probate Act 1919* (section 72), the *Criminal Law Consolidation Act 1935*, the *Equal Opportunity Act 1984*, the *Fair Trading Act 1987*, the *Firearms Act 1977*, the *Holidays Act 1910*, the *Pay-roll Tax 1971 and the Wrongs Act 1936*.

Finally, *the Evidence (Affidavits) Act, 1928* and the *Oaths Act, 1936* are amended to put managers of building societies and credit unions on the same footing as bank managers.

Part 5 of the *Oaths Act* provides that proclaimed bank managers can take declarations and attest instruments. This is amended to provide that managers of building societies, credit unions or other bodies proclaimed to fall within the meaning of 'bank' under section 4(2) of the *Acts Interpretation Act* may also be proclaimed to take declarations and attest instruments.

Section 2a of the *Evidence (Affidavits) Act* provides that affidavits may be sworn before proclaimed bank managers within the meaning of the *Oaths Act*. Accordingly, a consequential amendment is made to this section to reflect the amendment that is made to the *Oaths Act*.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause is standard for a Statutes Amendment Bill.

PART 2

AMENDMENT OF ACTS INTERPRETATION ACT 1915

Clause 4: Amendment of s. 4—Interpretation

This provision amends section 4 of the principal Act to insert a definition of 'bank' (which would, unless excluded, apply to all Acts and instruments made under Acts) and to provided for the making of proclamations for the purposes of that definition. The proposed definition would mean that a reference to a bank (or a derivative term) includes a reference to a building society, credit union or other body of a proclaimed class.

PART 3

AMENDMENT OF ADMINISTRATION AND PROBATE ACT 1919

Clause 5: Amendment of s. 72—Payment by bank of sums not exceeding $2000

This provision ensures that the current narrow meaning of 'bank' is preserved in this section.

PART 4

AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 6: Amendment of s. 212—Interpretation

This provision ensures that the definition proposed to be inserted in the *Acts Interpretation Act* will not apply to the references to a bank contained in this Part (which deals with forgery offences).

PART 5

AMENDMENT OF EQUAL OPPORTUNITY ACT 1984

Clause 7: Amendment of s. 5—Interpretation

This provision preserves the current narrow meaning of 'banking' in the definition of 'services to which this Act applies'.

PART 6

AMENDMENT OF EVIDENCE (AFFIDAVITS) ACT 1928

Clause 8: Amendment of s. 2a—Power of proclaimed managers and other persons to take affidavits

This provision is consequential to the amendment to the *Oaths Act 1936*.

PART 7

AMENDMENT OF FAIR TRADING ACT 1987

Clause 9: Amendment of s. 46—Interpretation

This provision preserves the current narrow meaning of 'banking' in the definition of 'services'.

PART 8

AMENDMENT OF FIREARMS ACT 1977

Clause 10: Amendment of s. 12—Application for firearms licence

This provision ensures that the current narrow meaning of 'bank' is preserved for the purposes of prescribing the type of identification to be provided on application for a firearms licence.

PART 9

AMENDMENT OF HOLIDAYS ACT 1910

Clause 11: Insertion of s. 2A

This provision ensures that references to a bank in the principal Act (ie. in the context of 'bank holidays') are not affected by the definition proposed to be inserted in the *Acts Interpretation Act*.

PART 10

AMENDMENT OF OATHS ACT 1936

Clause 12: Amendment of s. 32—Interpretation

This provision amends section 32 of the principal Act to replace the current concept of 'proclaimed bank managers' with that of 'proclaimed managers'. For this purpose, 'managers' are defined to include managers of building societies, credit unions and other bodies of a class proclaimed under the definition of 'bank' in the *Acts Interpretation Act*.

Clause 13: Amendment of s. 33—Appointment of persons to take declarations and attest instruments

This clause amends section 33 to replace references to 'proclaimed bank managers' with references to 'proclaimed managers'.

Clause 14: Amendment of s. 34—Who may take declarations and attest instruments

This clause amends section 34 to replace references to 'proclaimed bank managers' with references to 'proclaimed managers'.

Clause 15: Amendment of s. 35—Meaning of terms in declarations and instruments

This clause amends section 35 to replace references to 'proclaimed bank managers' with references to 'proclaimed managers'.

Clause 16: Transitional

This clause provides that persons who are proclaimed bank managers immediately before the proposed amendments come into operation will be taken to be proclaimed managers under the provisions as amended. The clause also provides that references to 'proclaimed bank managers' in other Acts or instruments will be read as references to 'proclaimed managers'.

PART 11
AMENDMENT OF PAY-ROLL TAX ACT 1971

Clause 17: Amendment of s. 8—Wages liable to pay-roll tax

This provision ensures that the current narrow meaning of 'bank' is preserved in this section.

PART 12
AMENDMENT OF SOUTH AUSTRALIAN CO-OPERATIVE AND COMMUNITY HOUSING ACT 1991

Clause 18: Amendment of s. 52—Share capital account

This provision deletes the current reference to a 'bank or building society' and replaces it with a reference that is consistent with the definition of 'bank' proposed to be inserted in the *Acts Interpretation Act*.

PART 13
AMENDMENT OF WRONGS ACT 1936

Clause 19: Amendment of s. 7—Privilege of newspaper, radio or television reports of proceedings of public meetings and of certain bodies and persons

This provision ensures that the current narrow meaning of 'bank' is preserved in this section.

Mr ATKINSON secured the adjournment of the debate.

SITTINGS AND BUSINESS

The Hon. R.G. KERIN (Minister for Primary Industries): I move:

That the House at its rising adjourn until Tuesday 27 May 1997 at 2 p.m.

Motion carried.

NETHERBY KINDERGARTEN (VARIATION OF WAITE TRUST) BILL

Adjourned debate on second reading.

(Continued from 5 March. Page 1145.)

Ms STEVENS (Elizabeth): The Opposition supports this Bill entirely. I understand from my colleague the member for Taylor, who is not able to handle the Bill this afternoon, that the purpose of the Bill is to vary the terms of the Peter Waite Trust to permit the Netherby Kindergarten to continue tenure on land presently owned by the University of Adelaide. I believe that in 1945 the University of Adelaide permitted the Netherby Kindergarten to be established on land which was granted in 1914 to the university in a trust deed by Mr Peter Waite. It was to be a temporary arrangement as the land on which the pre-school was located was not intended to be used for the purpose of a community kindergarten.

In 1987 the university negotiated with the pre-school management committee and reached a verbal agreement. The then Minister (Hon. Greg Crafter) wrote in January 1988 to the President of the Netherby Kindergarten Management Committee stating that there would be no initiative on the part of the university to have the pre-school quit its present site. He gave an assurance that, if the site was to be vacated, every effort would be made to relocate the kindergarten. As time passed a number of things occurred until this Bill came before us to finalise the position so that there can be no doubt that the Netherby Kindergarten will have the ability to continue its tenure on this land as it has done for many years. The Opposition fully supports the Bill. It is pleased that this kindergarten, which has operated so successfully over so many years, will now be in a position to be assured of continuing tenure. We support the Bill quite happily.

Mr ATKINSON (Spence): I indicate my support for the Bill. The Netherby Kindergarten was constructed at the beginning of the baby boom appropriately enough, and it has been located on the Waite Trust land since 1945. From its commencement it did not fit the description of the trust deed which dedicated the land to a park or a garden. However, the University of Adelaide allowed the kindergarten to remain there, although the kindergarten has from time to time been anxious about its future. The Netherby Kindergarten has been the subject of very long debates in the University of Adelaide Council, and I am almost pleased for the university council that Parliament has now decided to act and cut the Gordian knot by amending the Waite Trust to make it clear that it is permissible for the kindergarten to remain where it is. This is especially important, given that the people who run the kindergarten have been planning to rebuild the structure in which the kindergarten is housed.

It is important to notice that the Bill has granted the trustees immunity against any people who may sue them for breach of trust—always an important provision in these kinds of Bills. The Bill has been to a select committee. As I understand it there was no evidence of any objections to the variations; perhaps the Minister will confirm that. With those remarks, the Opposition supports the Bill.

The Hon. D.C. KOTZ (Minister for Employment, Training and Further Education): I thank the members of the Opposition for their support for this Bill. In terms of some of the legislation that comes through this House it is reasonably minimal, but it is an extremely important Bill for the people who are involved in the Netherby Kindergarten. As most members have mentioned, the kindergarten has occupied that site for more than 50 years, and during that time the kindergarten has had no lease or security of tenure over the land. Therefore, the important aspect of the Bill is the manner in which it will seek to vary the trust itself, which means that the terms of the trust will now allow continued security of tenure for the Netherby Kindergarten to continue its operations on that site. Once again I thank members of the Opposition for their support for all aspects of the Bill all the way through. It is important to the people on that site and to the university for its acceptance for the variation of the trust.

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

LONG SERVICE LEAVE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 March. Page 1143.)

Mr CLARKE (Deputy Leader of the Opposition): I indicate our opposition to the Bill as it is currently drafted. I want to say a few things with respect to this Bill at the outset. We are making our second reading contributions today, but the Committee stage of the Bill will be dealt with when the House resumes some time in June, that is, if there is no early election. That will allow the Labor Party more time for consultation with not only its trade union affiliates but also other unions and employers. However, I regret that we are proceeding with the second reading debate today, because I would have preferred to be able to put a definitive statement to the Government as to what will be the Opposition's final position now rather than later.

The Hon. Dean Brown interjecting:

Mr CLARKE: That is an interesting point: I should let some of the unions speak for themselves in this matter. As the Minister has alluded to in some respects, whilst we oppose this Bill *per se*, nonetheless some workers might find the principle behind some elements of the Bill attractive. The Minister likes to interject, and I am glad he does, because the workers do not want this Bill as it stands, for very good reasons, and I will give one. It provides that long service leave be paid out at the rate you were earning at the time your long service fell due and not at the rate of pay that you are earning when you take your leave.

Mr Bass interjecting:

Mr CLARKE: The member for Florey interjects that that is fair enough. Coming from a former union secretary, I am a bit surprised at that, because he knows as well as I do that many workers, even though they accumulate their annual leave after 10 years service, often cannot take it at the time of their choosing because, particularly now with downsizing, the employer says, 'We don't want you to take long service leave at this time: it is not convenient for us', and often it can be some years after they have accrued their entitlement before they get to take it. So, in the case of many of the member for Florey's members, it would mean that many of them might go 15 or 20 years before they take any long service leave, so they would be paid out only at the rate that they first accrued it. If we think back to what an MP's salary was 10 years ago compared with what it is now, we would not want to take long service leave (if we were eligible for it) at the rate of pay 10 years ago as against today.

The Hon. Dean Brown interjecting:

Mr CLARKE: The Minister rightly says that MPs are not entitled to long service leave, but I use this example by way of illustration to highlight the fact that workers do not want this Bill in its current form. Indeed, I remember this type of legislation in Victoria during the 1970s. This provision under the Victorian Long Service Leave Act is precisely that which the Minister wants to import into South Australia, so that workers get paid out their long service leave only at the rate they accrued it and not at the time they take it. In many instances in Victoria the employers nonetheless paid it at the rate they were earning at the time until the Hamer Liberal Government finally amended its own legislation in that respect, although it might have been John Cain when he finally became Premier.

It was more honoured in the breach than in the observance because, even though employers in Victoria could have taken advantage of that legislation, they overwhelmingly chose not to do so. However, on some occasions when I was Federal secretary of a small Federal union that had members in Victoria at the time, one employer did try to wave this around under his workers' noses. I said that I would take him off to the Industrial Relations Commission and, whilst he had the law on his side, I do not think he would have liked to be touted around town as the meanest employer in Victoria. That is one thing to which all workers in this State would be 100 per cent opposed.

Another reason why we oppose the Bill in its current format is that the Minister claims in his second reading explanation and press statements that long service leave must be made more flexible and ought to be able to be made part of an enterprise agreement. We oppose that, for very good philosophical and practical grounds. We do not believe long service leave should be able to be made subject to an enterprise agreement, for a very simple reason. I will take a hypothetical case of a retail company with 100 employees. Basically 80 to 85 per cent of retail employees are casual.

The Hon. Dean Brown: Before you make your second point, your first point is fundamentally wrong. You should read the Bill. It is in clause 7 of the Bill.

The DEPUTY SPEAKER: Order! Minister, it is not appropriate to conduct debate across the floor.

The Hon. Dean Brown: I would hate for the Deputy Leader to say and have it go into *Hansard* if it is fundamentally wrong.

The DEPUTY SPEAKER: Order! The Minister has the right of reply.

Mr CLARKE: The Minister can correct me in his reply.

The Hon. Dean Brown: I refer you to clause 7.

Mr CLARKE: I will read that shortly. I was going from your press releases, as well as the intent of this legislation. However, if I am wrong, I am quite happy to withdraw, and we will not waste any more time on that point. I will continue with my example of a retail store with 100 employees, roughly 85 per cent of whom are casuals and 15 per cent of whom are full-time. Under certain circumstances, casual employees are entitled to long service leave, given the way the courts have interpreted the definition of 'continuous service' under our existing Long Service Leave Act, and I do not seek to disturb that. An enterprise agreement could be entered into where the employer might offer a deal to the 100 employees and say, in return for a pay rise or some other change in employment conditions, 'I want you to roll up your long service leave entitlements and have them cashed out and annualised as part of your salary, or cashed out rather than taken in time.' A number of casual employees might well be persuaded to vote that way, particularly if it was a fast food outlet, for example, a Kentucky Fried Chicken, McDonald's or something of that nature, because those employees will rarely give 10 years service.

Student employees and those of other occupations involving the making of pin money will move in and out of employment with such a company quite easily. They know they will not hanging around to wait for the long service leave: they do not expect to be there more than one or two years to get them through their university study. So, it may be attractive for those people to vote for it. That becomes binding, because they are the majority of the work force, on the enterprise agreement, but it disregards the interests of the rights of the 15 per cent of the workers who are full-time

employees, who may well believe they have a long-term future with the company, will accumulate service leave and will be able to take it.

I am aware of the provision of the Bill that basically provides that the individual can nonetheless seek to get out of the enterprise agreement and have the individual right in terms of taking their annual leave. My problem with that is simply that that requires that one individual to stand outside the enterprise agreement and say, 'I want it done differently.' All sorts of underlying pressures can be felt by an employee in saying, 'I want to be different from the other 99 employees who are working here.' That is wrong. Quite clearly, we in the Labor Party want the Long Service Leave Act to stand alone and not to be able to entered into or traded off in an enterprise agreement. We want it purely to become an individual matter between the employee and the employer, with no capacity for an enterprise agreement to be able to overtly or covertly place pressure on employees in terms of annual leave.

The Hon. Dean Brown: I am trying to find out where you stand. Will you oppose this legislation?

Mr CLARKE: Yes, we oppose the legislation, as it is currently drafted. However, when it comes to Committee, depending on consultation with our affiliates and debate in our own Party room, we may well choose to put forward amendments. However, I am not in a position to put it to the House today.

The Hon. Dean Brown: Do you know the view of the Party room on this matter?

Mr CLARKE: Yes, the view of the Party room is that it is absolutely opposed to the Bill as it is. Propositions may be developed within the Party room such that we would seek to amend the Government's legislation without outright opposition. If that ultimately transpires, the Government may be persuaded to accept our points of view.

The Hon. Dean Brown: The chance of your being persuaded to join our position is far greater than our opposing this legislation.

Mr CLARKE: We will see on that point. However, it is worth going over a little of the history of long service leave, because that was not contained in the Minister's second reading explanation, to see how long service leave developed in Australia, and in South Australia in particular. I refer members to my source, which is an extract from the Law Book Company Limited, New South Wales 1983, pages 1 to 8, chapter 1, under the heading 'The history and purpose of long service leave'. It is worthwhile taking the time of the House to trace the history of long service leave. The book states:

> Long service leave, as an expected condition of employment, is unique to Australia. In its present form, it is the product of legislation and arbitral decisions, spread over many years and jurisdictions. It is surprising, in view of its economic cost, that so little attention has been given to either the reasons for its development or to the extent of its social benefit.

A number of examples is then provided, but we go back to the antecedents of today's long service legislation and we see that section 30 of the South Australian Civil Service Act 1862 provided:

> The Governor may grant to any officer in the Civil Service of at least 10 years continuous service, not exceeding 12 months leave of absence on half salary or, at his option, six months leave of absence on full salary or if of 20 years continuous service 12 months leave of absence on full salary, and in cases of illness or other pressing necessity such extended leave in such terms as he may think fit.

The long service leave in South Australia dates back to the Civil Service Act 1862. Legislation was introduced in various other colonies, as they were at the time, which also led to the Commonwealth Public Service Long Service Leave Act 1902. I will quote an interesting extract regarding the history of long service leave, as follows:

> No doubt, one can look to the Depression, the war years and early recovery to explain why there was little development from the end of the 1920s until the early 1950s. In New South Wales, without employer consent, long service leave provisions would not find a place in an award.

So you could get long service leave only with the consent of an employer. It continues:

> An exception was an application by the fire brigade employers in 1945. Even in that case, the board was already exercising a discretion to award an allowance of three months salary after 20 years of service.

In the Commonwealth arbitration commission at the time, the same situation prevailed. In 1932, His Honour Justice Drake Brockman stated:

> Long service leave was a matter of privilege to be granted at the discretion of the employer.

We see that prior to the passage in New South Wales of the Industrial Arbitration Amendment Act 1951, the benefits of long service leave were enjoyed by public servants and by those employees whose employers had consented to the inclusion of long service leave in their award. Against the opposition of employers, it had been awarded only in a very limited number of cases and for special reasons. However, in 1951 the New South Wales Parliament took the initiative to extend Long Service Leave to the work force generally.

The Government's views about long service leave in New South Wales at the time were three-fold, and they are: first, that it would tend to reduce labour turnover; secondly, that it would provide reward for long and faithful service; and, thirdly, that it would enable an employee, half way through his working life, to recover spent energies and to return to work renewed, refreshed and reinvigorated. Those three fundamental points, which were the grounds on which the New South Wales Government in 1951 awarded long service leave generally to all employees in New South Wales, basically hold true today, and were the basis for extending long service leave, over the years, by both the Federal Commission and State Parliaments.

Even though the Commonwealth Arbitration Commission had express powers under the then Conciliation and Arbitration Act to grant long service leave to Federal award based employees, it did not do so until 1964, when it became the subject of a general award prescription. I point out that the commission's decision to do that was in opposition to what the trade union movement wanted, and particularly the blue colour trade union movement, because the Federal long service leave award provisions were inferior to the long service leave provisions that applied at a State level in New South Wales. Generally speaking, Federal award prescriptions for long service leave have never been welcomed by the trade union movement, at least up until the latter dates. I am not sure what the position is today but, when I left the trade union movement 3½ years ago, we still opposed the making of Federal awards with respect to long service leave because they were inferior to the State legislation which, since 1972, has applied three months long service leave after 10 years and *pro rata* long service leave after seven years.

The Federal level standard had been three months long service leave after 15 years service and *pro rata* long service

leave after 10 years, but that has applied only in the past 10 years. Until the past decade, as I recall it, no *pro rata* entitlements existed after 10 years service, unless you had a pressing domestic necessity. In other words, if you were a female and pregnant and had to leave your employment for those reasons, you were given long service leave but, if you were a male and obviously not in that situation, you missed out on long service leave until you had completed the full 15 years of service.

The history in South Australia is quite interesting, and I refer members to the second reading speech by a former Premier and, at that time, Minister for Social Welfare, the Hon. Frank Walsh in the House of Assembly on 14 September 1967. South Australia did not have any State legislation covering long service leave until 1957. The Labor Party, under its former leader, Mick O'Halloran, had sought to introduce a long service leave Bill in 1954 but it had been defeated in the House—obviously, they were not in government and did not have the numbers to win, hence there was no long service leave provision until 1957.

It is interesting to note that the 1957 legislation did not actually provide for long service leave: it was a misnomer. Basically what happened was that the Playford Government, in an attempt to forestall the introduction of genuine long service leave in South Australia, granted an extra week of annual leave if an employee had served 20 or more years service, rather than granting 13 weeks. Somehow or other, though, in 1957 the Playford Government called the legislation a Long Service Leave Act when, in reality, it was no such thing. At page 1966 of *Hansard*, the Hon. Frank Walsh said:

> There is in existence an Act passed by this Parliament in 1957 which masquerades under the title of the 'Long Service Leave Act'. No-one who examines the provisions of the Act could possibly see any connection between the title of the Act and its provisions, for what it does is to provide that an extra week's annual leave shall be given to all workers in their eighth and subsequent years of service with the same employer. In 1957, the Long Service Leave Bill was vigorously opposed by members of my Party, but the Liberal and Country League had a majority in both Houses. Although the Bill was amended in various respects, it was passed in the form in which we now find the Long Service Leave Act, 1957.

Basically what the then Minister said was that, after the passage of the 1957 Act, a variety of awards and agreements were made between the then South Australian Chamber of Manufacturers, the Employers' Federation and other employer organisations with their trade unions that included long service leave provisions that mirrored those in the other States. In effect, there were agreements covering about 80 per cent of the workers in this State, one way or another. This led to a great deal of confusion about what workers were entitled to under particular agreements that employers had made with their respective unions and the interpretation of the 1957 Long Service Leave Act.

At that time the Dunstan Government found the whole situation untenable and in 1967 introduced, for the first time, a true Long Service Leave Act. The Dunstan Government sought to introduce the existing benefits, such as 13 weeks long service leave after 10 years service and pro rata leave after seven years although, regrettably, that legislation was defeated in the Legislative Council in so far as the quantum of entitlement was concerned. However, we received the existing quantum and entitlements under the Long Service Leave Act with the re-election of a Labor Government under Don Dunstan, which came into effect on 1 January 1972.

Basically the legislation has remained unchanged since that day. Changes were made in 1987 and periodical amendments have updated the Bill, but fundamental matters have stayed in place, one of which is that the employee shall take long service leave. The employee is not to be paid out, not to be cashed up. It was an entitlement that workers needed, which goes back to those three basic points to which I referred earlier and which were the basis of the New South Wales Labor Government's decision in 1951 to grant all workers long service leave, that is, to reduce labour turnover, to reward long and faithful service and to enable an employee, halfway through their working life, to recover spent energies and return to work renewed, refreshed and reinvigorated. They have been the fundamental tenets behind long service leave and, in particular, the no cashing out provision.

The Hon. Dean Brown: Have you worked out which way you want it?

Mr CLARKE: Quite frankly, I am comfortable with the Act as it stands, but from time to time representations have been made to me by constituents and I can understand their views. Some constituents come to me and say, 'I am on low wages—

Members interjecting:

Mr CLARKE: Members on the other side might interject but, as I said before the Minister arrived, I would have far preferred the second reading speeches to occur in June, because I would have then had the definitive position of not only the trade union movement but the Party itself. We did not have the time to do it, so we are doing it—

Mr Brokenshire interjecting:

Mr CLARKE: The member for Mawson interjects. We had a week, but there have been a few other matters in the meantime.

The Hon. Dean Brown interjecting:

Mr CLARKE: The Minister interjects that the union movement was notified about six weeks ago. Minister, you are undertaking a fundamental change and that is why I have gone through the history of long service leave both in South Australia and interstate. You do not easily cast aside some very validly held beliefs about the need for workers to take a break. They are not machines and they cannot work 24 hours a day.

Mr Venning: That is their choice.

Mr CLARKE: The member for Custance interjects that that is their choice. If one were to follow the logic of the member for Custance, there is no reason why workers should not be treated like machines, work their 38 hours continuously and then knock off. That is the rationale of the member for Custance and, likewise, his rationale would also apply with respect to annual leave.

Why have annual leave? Why not let people annualise it? Let us treat them as workhorses and simply say, 'This is worth so much money: we will annualise your salary. Don't take annual leave. You're not a human being who should experience life, recreation and enjoyment. You should be just like a machine and work seven days a week.' Let us work everyone continuously seven days a week and, after six months, they can knock off and take the next six months off. That is ridiculous, but that is the type of logic that the member for Custance is talking about. We on this side of the House do not support in any way, shape or form the position that workers should not take a break.

Mr Brokenshire interjecting:

Mr CLARKE: No, I do not support the Bill. I made it abundantly clear, and if you had been here at the beginning

of the debate you would have heard it, so do not keep interjecting. If you want to participate in the debate, come in at the beginning.

That is the fundamental objection that we on this side of the House have. As I said earlier, I have been approached by constituents; I was approached by members of my union when I was with the union, as have all union officials from time to time. Particularly low paid workers who take long service leave do not get any loading, overtime or anything of that nature, and if someone is on only a base rate of $300 to $350 a week, which is quite common in a whole range of industries, and the employer says that he must take long service leave, if he has 13 weeks at a base rate of $300 to $350 a week he basically cannot afford to go anywhere by the time he meets his mortgage commitments and other expenses and can only look forward to 13 weeks of pulling out the weeds in the garden. He might well be persuaded that he would prefer to stay at work rather than pull out the weeds from a garden.

Mr Venning interjecting:

Mr CLARKE: The member for Custance interjects that I am moving. We could move, certainly, and we could apply a long service leave bonus, as we gave an annual leave loading to workers. We could go that way. We could actually amend the Act to provide that workers do not go on their flat rate of pay for long service leave but average out their overtime and penalty rates for the previous 12 months at the time of taking their long service leave. That may be an amendment that the Opposition will put forward; who knows? These are issues that we will be discussing with the employer movement as well as with the trade union movement. I can well imagine the response from the employers if I said to them, 'Let's do to long service leave what we have accepted since 1974 with respect to annual leave'; that is, that a loading be applied so that workers can actually get some extra spare cash and enjoy their long service leave. That may be an option. That would mean a great deal of flexibility.

In a trade-off situation, who knows? That may be an option that could well and truly be explored. I would be interested to hear the views of such magnanimous and generous employers as the Retail Traders Association on that proposition. I would love to hear their views, although I could possibly predict them in advance. I hear those views, except that I also say that workers are not machines and they are entitled to and should take time off.

Mr Venning interjecting:

Mr CLARKE: The member for Custance interjects 'Mutual agreement'. Perhaps he is a good and generous employer and would never do anything wrong. I spent 20 years as a union official and most employers did the right thing, but I also met a number of scoundrels who would put the heavy on their employees to agree to work for less than the award rate, and would intimidate them not to take their long service leave at the time of their choosing. Another area the Minister may well want to explore, since he is talking about flexibility, is the following.

At the present time the Long Service Leave Act says that once a worker has accrued his entitlement he can be given 60 days notice by the employer to take his long service leave. And wherever I say 'his' read 'her' as well, just so that I am politically correct and do not have to keep getting my tongue tied. Wherever I say 'his' read 'her' or *vice versa*; whatever suits you.

Ms Hurley: Not good enough!

Mr CLARKE: The member for Napier interjects and says that it is not good enough. At the moment, when an employee accrues annual leave and wants to take it, the Act states, in effect, 'as soon as practicable after it falls due'. In reality, if it does not suit the employer, they do not get their long service leave at the time they want it. If the Minister is dinkum about flexibility and being even-handed between employer and employee, one option is that the employee has the right to give 60 days notice to his or her employer and say, 'That's the date on which I want my long service leave and that's when I'll take it.' The onus is then on the employer to say, 'If I can't afford your absence, I will take you to the Industrial Relations Commission and seek an order that you can't take the long service leave at that time because I need you for these reasons.'

That reverses the onus and would be quite a good move, because it is very easy for employers now simply to say to employees, 'Don't take long service leave now; it's not convenient for me.' But the employee may want to go on an overseas trip. A number of workers are from two income families and try to tie up a particular time so that they can take time off together, so they can genuinely enjoy their time off for long service leave, and there needs to be some additional protection for employees so that they can state a date and be reasonably certain they can have their leave at the time of their choosing, not simply at the time of choosing of the employer.

This is increasingly the problem with all employers, whether Government or private, that with the downsizing of the work force it is getting harder and harder for employees to get the time off that they want. Increasingly, more and more employers are saying to workers, 'Please don't take your full four weeks annual leave; we would prefer you to take it in smaller chunks.' A number of employees like to spread out their recreation or long service leave to suit domestic circumstances. On the other hand, an equally large number of employees would like four weeks straight annual leave or a full 13 weeks off for long service leave. That is getting increasingly difficult for them because of the reductions in the work force.

We also know from the ABS statistics that the average number of hours worked per employee per week has increased significantly over the past decade. There are fewer workers in the work force, working harder and, I would say, enjoying it less. That is not an uncommon experience in industry, whether public or private. That also points out the need for people actually to take time off to refresh and reinvigorate themselves, which is the whole point of long service leave. The Minister's response essentially would be to say—

Members interjecting:

Mr CLARKE: I can predict. Basically, the answer would be that the Bill does not make it compulsory for any individual to cash up his long service leave. We are making it an option. We are also making it an option through enterprise agreements. I have dealt with the enterprise agreement situation. I do not believe it should be where an individual can, by majority vote—

An honourable member interjecting:

Mr CLARKE: No, I will come to that in a moment. People should not have pressure applied to them covertly to fall in with the mob, so to speak, where they have to stand out as an individual against the rest by insisting that they have long service leave for a straight 13 weeks, rather than having it cashed out. But the Minister will say, 'Well, let people cash

it out if that is what they want'. Again, that devalues the currency. I know what will happen, particularly with enterprise agreements: as time goes on employees will be expected to trade off, and to get a 5 per cent wage increase employees will be asked to forsake an element of their long service leave.

Mr Brokenshire: What about the safety net?

Mr CLARKE: The member for Mawson talks about the safety net. I will not spend time with the member for Mawson on this issue, because he knows nothing and has learned nothing in the 3½ years he has been here, particularly with respect to industrial relations. The whole point of long service leave will be devalued over time, just as the annual leave loading has been devalued by being incorporated into salaries on an annualised basis. Workers have had to give up something, to which they were entitled as of right, to get a wage increase they should have received in any event. It becomes part of a bargaining process. I know what is behind this. The long-term aim behind the legislation as it is currently drafted will be to subvert long service leave as a right and for workers to trade it away over time. Historically, the Liberal Party has always opposed any long service leave and any improvement to long service leave conditions in this State or anywhere in this country. As currently constituted, this Bill is designed over time to abolish long service leave *in toto*. That is not something that we on this side of the House will countenance at all.

In conclusion, the Opposition opposes this Bill in its current format. We welcome the fact that the Committee stage of this Bill will be dealt with in June, when the details of the measure can be explored more fully. There will be a greater opportunity through the Industrial Relations Advisory Council for the prime stakeholders, namely, the employer groups and the UTLC of South Australia, to negotiate with the Government to see what, if any, common ground can be reached. The Opposition would have preferred that to take place prior to the Bill being introduced in this House so that we were not put in this position.

But it was the Government's decision to go ahead and do it this way. We have seen what has happened to Government legislation introduced in a haphazard fashion. For the last week or so the Minister for Health has experienced the joys of that type of approach. Essentially, if there is to be sensible legislation in this area we should await the deliberations of IRAC. Common ground can be found in this area, but the Government will have to move a fair way from its current position. The Opposition is always prepared to consider its position further during the course of those discussions—

Mr Venning interjecting:

Mr CLARKE: Unlike the member for Custance, members of the Opposition are statespeople: we put the interests of the State first. We look at the interests of the workers across the board and we are capable of changing our minds as we talk through these issues with the various stakeholders. I am in the process of doing that at this time. However, we oppose the Bill as it is currently drafted.

Mr BASS (Florey): I support the Bill. It addresses the Long Service Leave Act 1987 which, to be frank, does not work and has not worked as originally intended. As the Deputy Leader said, long service was originally provided as a pressure valve. The occupation in which I was engaged involved working in a pressure cooker situation. After 10 years I believe you should use your long service leave. Employees should have the break, but this has not occurred for years. Employees work, whether they be in the Police Force, a factory or anywhere else, and when their long service is due they put it away and keep working, because they know two things: when they retire they will receive a lump sum; and they will be paid at their wage rate on retirement.

In relation to police officers, the majority of long service leave is accumulated as a constable and senior constable. Anyone who does his or her exams and who with a bit of luck after 40 years retires as a detective sergeant, superintendent or an inspector will be paid 12 months long service leave at the pay rate of a commissioned officer or senior sergeant, most of that service involving the period of employment as a constable. Three months long service leave was meant to be a pressure valve for 10 years service, but no-one ever used it.

I can remember working in the Police Force for 10 years, having begun my career at the age of 17. At the age of 27, I would have loved to be able to cash in my long service leave to help set myself up, putting a deposit on a house and buying some things for my young family. But there was no way I could do that. I know people in the Police Force who took their long service leave and who, against regulations, went out and got another job working as labourers or driving trucks. I can recall using some of my annual leave to drive semi-trailers interstate. I remember carting wood shavings to chicken shops for three of my four weeks annual leave simply to make an extra dollar that would help me set up a house for my young family. I would have loved to be able to cash in my long service leave at that stage to assist me in that respect.

The fact that the Long Service Leave Act is not used as originally intended is probably as much the fault of the employer as the employee. Very often, the employer did not want the employee to go because someone else would have to be found to do the job, and the employee did not want to go because he knew he could save it up and be paid at a higher rate after a few years, or perhaps he could not really afford to go but wanted to continue working and to receive a lump sum. The opportunity for any employee to access three months pay in a lump sum after 10 years work is very attractive, especially if after 10 years that person is at the stage of trying to establish a home and raise a young family. The opportunity also exists for the employer to pay the employee the long service leave and retain that employee's services, which is very attractive for the employee also.

Of course, this Bill provides that it has to be agreed to by both parties, so that there is no way that the employer can tell the employee, 'Here's your money; take it'; and *vice versa*, there is no way the employee can approach the employee and say, 'I want three months pay and I'll continue working.' It is an agreement, and that is how it should be: consultation and agreement. I know that publicly the unions will be opposed to this measure. My colleagues who are still involved with unions privately think that it is a great idea. They believe it is a good opportunity for the employees to get some cash and not, as some of them do now, take their long service leave and work somewhere else just to make ends meet or to get some extra money. The Deputy Leader of the Opposition mentioned that they would only be paid out at the rate at which the time was built up, but the Minister is right to point out that clause 7 provides that they will be—

Mr Clarke: I accept that.

Mr BASS: It is very gracious of the Deputy Leader to accept that. This is not an attempt to pay an employee out at a lower rate: it is an opportunity for an employee to access what could be a substantial sum of money. There is no way

that I would agree to let long service leave disappear. I would get rid of annual leave loading, because that is the greatest wrongdoing—

Mr Clarke: Did you say that when you were Secretary to the Police Association?

Mr BASS: Yes, quite openly. I do not believe that annual leave loading should be paid. I believe in wage maintenance, where a person who works shifts goes on leave and is paid the equivalent of the shifts that he would work. That is different from a leave loading where a person who works 9 to 5 Monday to Friday goes on leave with more money than if he worked. That is ridiculous, but I agree with wage maintenance, which is much different from leave loading. However, I will always support the maintenance of long service leave provisions.

I also support the opportunity for long service leave to be paid in a different way, under an enterprise bargaining agreement, provided that it gives the employee some financial benefit or an opportunity still to have half of it as leave and half paid out in a lump sum. That is very attractive because it gives an employee a break and a chance to get away from the work environment and its long hours. An employee could have six weeks off, which is paid at the normal rate, and also get a six week lump sum. That is flexibility and, if it is in an employee's enterprise agreement, I am comfortable with that. Such an enterprise agreement should be worked so that it is suitable for both the employer and the employee.

I know that the unions will publicly oppose this measure but I also know that, once they look at it and bring in a few amendments that they might require to safeguard a few areas against what they think are Liberal tricks (I do not believe that there are any), deep down they believe it is a good thing. Employees want it, and I commend the Minister for bringing in the Bill.

Ms HURLEY (Napier): Many of my constituents work shift work as a natural course of their employment and also do a fair amount of overtime, and that is factored into their family wage. Very often they are young families with a mortgage and other commitments, and to take long service leave on their standard rate of pay is extremely difficult. They are simply not able to keep up their financial commitments on that rate of pay as well as have a holiday and do the many things that people like to do during a holiday. If they did take long service leave they would be more or less stuck at home, doing a bit around the house, and I do not believe that they would necessarily get the rest and recreation that long service leave is designed to provide.

There may be a case for more flexibility in long service leave arrangements, but I am disappointed that I am unable to speak more definitively on this subject and to consult with my constituents and the unions that represent many of them because of the lack of time—the mere week—that we have had to consider this. I would have liked to use my speech in the second reading debate to canvass more extensively the measures in this Bill and the way in which they relate to the people whom I am here to represent.

I take very seriously my obligations to my constituents and to the families with working people who are struggling to cope in today's environment. This Government has given insufficient attention to young families and to working people on lower incomes. That is why I am not prepared to endorse this measure. I would like to consider it more carefully in case the Government has, once again, not considered working families well enough.

I am sorry that I have been denied the opportunity to consult widely enough to speak competently about this. This is another example of the Government's failing to consult widely enough. That fault has tripped up Government members on a number of Bills during their time on that side of the Chamber. However, when on a number of occasions the Democrats have joined with Labor to amend Bills to allow wider consultation with the people or communities affected, I believe that the legislation has been better and has worked. That includes a number of Bills concerning the Development Act and the Local Government Act with which I have been closely associated.

I am not quite so familiar with the provisions of industrial affairs legislation, so I would like to get back to my constituents and take some time to consult. I will do that between now and the Committee stage, but I would have liked to use the time available to me here to speak more widely on the provisions of the Bill on behalf of those families in my electorate.

Mr VENNING (Custance): I support the Bill. It is my opinion that giving employers and employees a choice and flexibility of options with regard to long service leave is a good idea. The Bill proposes to allow an employer and an employee to mutually agree in writing to the cashing out of the whole or part of the long service leave entitlement. Where this has been agreed for the employment of the employee during this period, it will not be an offence.

I cannot understand why the Deputy Leader opposes this Bill. It gives total flexibility as to whether or not the entitlement is cashed out in total or in part. As for the member for Napier saying that she has not had enough time to consult, I can only point out that it has been on the Notice Paper for two weeks, so she has had plenty of time to make inquiries in her electorate, particularly on such a non-controversial issue.

The Opposition is expressing the same old political dogma and the same old inflexibility, and it is opposing the measure just for the sake of opposing it. The Deputy Leader should have put the opposite argument, giving the employee, rather than the boss, that right. As long as this measure is mutually agreed upon and no undue pressure is put upon either party to handle the long service leave in any particular way, I consider that this is very beneficial. A worker can decide whether it benefits him or her.

No two work situations are alike, and sometimes it is not appropriate for long service leave to be taken because of work loads, and I certainly know that as a farmer. Believe it or not, some people would prefer not to stop working and keep on top of their workload rather than hand over to a temporary and possibly untrained or inexperienced employee while taking their long service leave. Some people prefer to keep their workload within their own control rather than worry about the things that might go wrong while they were away. That is just one instance where employees might prefer to have their long service leave cashed out in total or in part, and it might suit the employer as well. These amendments give the two parties that option.

This element of flexibility brings the long service leave legislation further into line with the changed industrial relations system in Australia. My only concern would be if any employees came under duress not to take their long service leave as actual leave when they really wanted or needed a break. The fact that the cashing out of long service leave must be agreed to in writing by both parties should limit

this problem. As an ex-farmer, I can see great benefit in this—

Mr Brokenshire: Don't you do any farming work any more?

Mr VENNING: No, I do not do any farming work, apart from being an adviser. I did a few hours on the header during harvest, but not many because I am very seldom there. Most farm workers are usually long-term workers. It is not unusual for a farm worker to take three or even four periods of long service leave. On our farm we have been blessed with having very good workers who have served us—the family, including my father before me—over a long period. Seasonal conditions often demand that they be at work, and they are very difficult to replace. I have enjoyed very good relations with the workers on our farm. I have always worked alongside them and they have always been our friends. This is a good Bill, and I cannot understand the opposition to it. I congratulate the Minister for introducing the Bill. I certainly support it and I wonder why the Opposition opposes it.

Mr BROKENSHIRE (Mawson): Given the time constraints, I will try to be brief. I am particularly delighted to support this Bill because it provides leading edge, twenty-first century, new millennium developmental opportunities for workers and employers. It is visionary and it will look after the so-called battler. Whenever I have the opportunity to support the battler in this Parliament I will do so. I happen to be proud of the fact that people who work help develop Australia. As the member for Ross Smith rightly points out, I have been in Parliament for only 3½ years, but that short time has helped me understand why the Opposition opposes the Bill—simply because it is still in the archaic 1950s.

The workers of South Australia want to head into the next millennium with the promise of a better future, more opportunities, more flexibility and with safety net provisions to ensure that there is a baseline, and after that they can capitalise on opportunities. That is simply and exactly what this Bill is all about. When many young women begin working in a clerical position at, say, age 15 or 16, they are interested in getting married and buying a home by the time they are aged 25 or 26. One of the biggest problems (although it is easier now by virtue of our Deposit 5000 scheme and other initiatives) and one of the impediments to them has been the fact that they do not have enough deposit to buy a house and, if they do have enough deposit, they cannot buy the carpets, the washing machine, the light fittings, the curtains and all the other items that go with it.

This Bill will give those young people that opportunity. The people in the Woodcroft area will endorse this opportunity and, when I knock on their door, they will tell me what a great piece of legislation the Minister for Industrial Affairs (Hon. Dean Brown) has introduced into this Parliament. This Bill is a vote winner as well as being of benefit to all the people in the mortgage belt. Today we must realise that workers are not there to be exploited by a Liberal Government, and I for one would never support that. In fact, I would be one of the first to cross the floor if ever I saw an impediment that would disadvantage a worker. That does not mean to say that I will not be strong and tough as a member of Parliament when it comes to fixing the debacle and the damage caused by the previous Labor Government.

The member for Ross Smith should remember that, when he talks about statesmen and people representing the State, his Party did not do a very good job for 10 years. The only reason wages have not increased is that, between Keating federally and Bannon, Arnold and Rann in the State arena, they drove down Australia and South Australia. Consequently, they drove down the opportunity for profits and, if a business does not make a profit, it cannot pay workers more money. Having a lateral thinking Government and a Minister and a department who are prepared to look at opportunities allows legislation such as this to be introduced.

The safety nets remain. I commend long service leave and, for as long as I am a member of this Parliament, I will ensure that long service leave remains. As a father, I have been working seven days a week since I was 15, which is 25 years, and the most time off I ever had was three weeks. Until we become older, many of us do not need a long time off work. Employees will now have the opportunity to pick up some valuable dollars. In fact, at age 25 or 26 they will be able to access a quarter of a year's salary, which will set up their future and provide them with opportunities. This is a great piece of legislation. I will be very disappointed if the Labor Party does not support this Bill. I believe that the unions will support this Bill because the union movement in South Australia realises that it needs to support the Liberal Government, the workers of South Australia and the employers of South Australia.

The employers of South Australia sometimes find that employing a temporary staffer for three months can cause a downturn in productivity and down spiral their profitability, so the Bill is a win for both the employer and the employee. The Liberal Government is looking to the future and providing opportunities. The workers and the employers want a future and the opportunity which this Bill provides, and the unions recognise its benefits. The only group still behind the times is the South Australian Labor Opposition, particularly the Leader of the Opposition (Hon. Mr Rann) and the Deputy Leader (Mr Clarke) who are still living in the 1950s and who have not got up to the pace of the 1990s. They cannot understand the benefits of the Bill. It is a good Bill and anyone who believes in South Australia and South Australians should support it.

Mr WADE (Elder): I do not share the sentiments of my colleague and I do not understand his reference to the 1950s. To give some background to this matter, as far back as 1884 New South Wales public servants received long service leave under the Civil Service Act. The first long service leave enactment in South Australia was the Long Service Leave Act in 1957, and perhaps that is the reason for my colleague's reference to the 1950s. It provided seven consecutive days long service leave for each year of service after the completion of the first seven years. Weekends were included as days of such leave, and the seven days could be taken each year from the eighth year of service onwards or could be postponed.

As we are all aware, in 1967 a new Act provided long service leave of 13 weeks after 15 years service. This was amended in 1972 to provide for 13 weeks leave after 10 years service. The objects of the Long Service Leave Act—and these objectives go right back to the 1800s—were, first, to be an influence tending to reduce labour turnover which at that time (and in the 1950s and 1960s as well) was a considerable waste of effort for employers, and it was costing them a considerable amount of money. Secondly, it was to reward long and faithful service with a single employer. Thirdly, it enabled an employee halfway through his or her working life to recover their spent energies and to return to work feeling renewed, refreshed and reinvigorated.

This Bill proposes that long service leave entitlements be paid in cash to an eligible employee after 10 years service, or at and when an employee has sufficient service to accrue an entitlement to at least 13 weeks leave. The employee and the employer must both agree to the cash payment before it can be made. An employee can continue to work after receiving that payment, and in all other situations the normal long service leave conditions prevail. I have been told that the reasons for this proposal are that workers are treating long service leave as a retirement benefit and are not taking the leave when it falls due. Consequently, employers are exposed to millions of dollars in unfunded or poorly funded long service leave liabilities. I also understand that employers and employees are in favour of a long service leave 'pay-out'. I also understand that small employers say they cannot afford to lose experienced workers for 13 weeks, especially if the worker concerned is the only one with the required expertise to keep a business operational.

I have a few problems with the push for the long service leave payout. Long service leave is not misnamed: it is paid leave from work, designed to fulfil the aims I stated above. These aims are as relevant today as they were in the 1950s and the 1880s. What has changed? Nothing has changed. I do not believe that employers who have lived with long service leave for 40 years in this State should suddenly be saying they cannot afford to let employees take their rightful long service leave because of business commitments.

Mr Brokenshire interjecting:

Mr WADE: The mini recession of the early 1980s, when employees were shed like used snakeskins, should have brought this matter to a head: instead, it comes up 15 years later. I would remind my colleague that one of the objections to long service leave being taken and not paid out by private employers and Government is that they cannot afford to let the employee take their rightful long service leave, because of business commitments. They cannot afford to have a long serving employee take 13 weeks off. The House should remember that long service leave has been with us since 1884; it is nothing new. I understand further that the unions could be in favour of a pay-out in their members' pockets. I understand that, because money is the tangible, universal language of the industrial relations environment. Unions would achieve this, get more money for their members and then start working in other areas to get back that 100 year old condition of long service leave. I am concerned that we may be lighting a fire which will spread and which we will not have the ability to put out.

Another concern is that, even should employees and employers agree that long service leave be paid out, I would hate to see undue pressure placed on employees who really desire a break from work to accept the cash payment and keep working. It concerns me that they would be doing this for the employer's benefit and not their own. Even though they are receiving a cash payout, it does not mean they wanted one. There are those who would like to take long service leave, and they should be able to take their long service leave even when their employer wants them to take a cash payout. I understand that that is part of the Bill; I just do not think it is strong enough. The employee should have their say, no matter what.

I would not have any hassles with a provision that an employee must demonstrate a case of extreme financial hardship to their employer and an independent body such as the Commissioner or the employee advocate before long service leave can be converted to cash. That is a sensible way to go. I am not prepared to support this Bill fully with the reservations I currently have. I am sure that during Committee those reservations will be addressed by the Minister. I have raised them and I look forward to the Minister's responses.

Mr BECKER (Peake): The debate that has occurred on this piece of legislation is a terrible shame. Whilst I realise that it is the province of the Government of the day to legislate for certain benefits for workers one way or another, I am amazed at the attitude of some of my colleagues in relation to benefits that workers have won over the years. Again, I have to place on the record that for seven years I had a wonderful period as a union representative in the banking industry, with two years as a vice president and two years as the State president. We opened a division in the Northern Territory, and I was a member of the Federal executive for five years as well. Many of the benefits that employees in the banking industry got in South Australia were achieved because quietly and peacefully we worked away with our employers and won benefits that some unions are trying to win even today.

The member for Florey said that he could live without the addition of annual leave loading. I won that for the banking industry 35 years ago, because bank employees, like school teachers and public servants throughout the whole of this country who because of their position were forced to work in country areas, as were people working for Elder Smith or stock and station agents and all sorts of other organisations whose employees were welcomed by country towns, were disadvantaged, as the only times we could take our holidays was when it suited the bank—our employer—or when it suited certain members of the staff.

Many members of the staff who were married and had small children wanted to take their holidays during the school holidays. That period was the most expensive time to go on holidays. In years gone by, and even today, the most expensive time to go on a holiday anywhere in this country of ours was during the school holidays, so many country employees were disadvantaged, even in the opportunity of returning home to their parents or relatives in the metropolitan area. In my case, I was transferred to Sydney for three years and it was quite a trek and very expensive to get back to the small country town I came from for annual holidays. The bank realised that in all our cases and paid special allowances, which we eventually had converted into a leave loading payment. That is how it all came about in the white collar area, and it flowed through to the police and everybody.

That was a benefit in appreciation of the work of those people who went out to country towns away from city living. A lot of them did not want to go, but they went, and they became very good local citizens for those country towns. Those country towns appreciated it, whether you were the local policeman, a representative of the Public Service, an employee of ETSA, the gas company or a stock and station agent, or a bank or insurance officer. So, the white collar workers were seriously disadvantaged in many respects.

The member for Elder he gave us the history of the idea and purpose of long service leave. To us, it was a reward for loyalty, because we were not the highest paid white collar workers when I joined the bank. In 1951 I think we got about three pounds a week, and you had to pay for your board and travel out of that; if you travelled from one country town to another by train (we still had trains in those days), it was not cheap. Not everybody had motor cars or motorbikes—and not

everyone lived very long if they had a motorbike. So, country workers were disadvantaged.

The problem that faces the Government now is that there are two types of employer: the small business employer and the large employer. The large organisations, be they banking or insurance organisations, stock and station agents or the Government—the employer of police and school teachers—can add on those costs. I know that the add-on costs to employ a person can be as much as 60 per cent. That is accepted. If anybody goes into business with the intention of employing people but not providing for those add-on costs, they should not be in that business. They should not even start. That is the capital requirement.

It is all very well for the member for Mawson to get up and say that he is a farmer. I appreciate what he does. He is a single employee most of the time. Of course he does not get long service leave, as a single employee. Once he starts employing people, he has to make provision for all those add-on costs. As I said, it could be 60 per cent again of the wages he would pay a person. I realise and acknowledge that, and I accept that that is part of it. It is difficult being an employer in a small business today, let alone being in a big business. That is why, in many respects, things are so expensive in this country. We have a huge country, and we have an obligation and a responsibility to people in the rural area.

This legislation clearly sets out in clauses 4, 5 and 6 that this is a voluntary issue. It is something that will not be forced on the employees. I do not like industrial agreements. I saw them in operation in America and, quite frankly, I rue the day we changed from the British-European system of employment to the American system. I am horrified to hear that my Federal Government colleagues are starting to consider that, if you work 20 hours a week, you are a full-time employee. That is rubbish. In America, some people have to work two or three jobs to get what we would consider today a fair week's wages. That is a terrible tragedy. They are almost getting back to slave labour conditions.

This type of legislation will destabilise the work force. It might be thought of as smart industrial relations that will take us into the next century, but we can forget about that, because the country will pay the price. Once you start destabilising the work force—and we have seen it happen in South Australia—the first thing that is hit is real estate. In some areas, real estate values in South Australia dropped 30 to 50 per cent. Some outer suburbs of the metropolitan area of Adelaide have not regained that drop in property values. They are the people who really feel the pinch, because they are being assessed and taxed on what they paid for their properties. Local councils and SA Water, through the system of using property valuations, increase and adjust the taxes and collect the same amount of money. The people in the fringe areas are disadvantaged.

To ask workers to give up a right that they have earned and to take cash is morally wrong. I started work when I was 15—but only two weeks later I had my sixteenth birthday. I am now 62. I have worked for more than 46 years. I did not have the opportunity to take long service leave; I went straight from 19 years of banking into Parliament. I wish with all my heart that, after 27 years in politics, I had had a break for three months during that period. I will bet any member in this Chamber that, three months after the next State election, I will be fully recharged and willing to take on another career. I believe you need a physical break from your employment. We saw it time after time in the bank. The bank would ask some of our country managers not to take their long service leave. They would then transfer them to the city for a year or two before they retired, and within weeks after retirement they would pass away. We saw that happen many times. They did not benefit from their superannuation or for their hard work and loyalty to their employers.

Through these industrial agreements and by the pressure that is applied by some small business people—and I do not say all, because it will be only a small percentage, but it will be a percentage that is big enough to cause further stress to the workers in this country—people will be forced to take the cash and not long service leave, or they will be forced to take a percentage of the cash and not long service leave, or a combination of both, namely, an extra week here and there. We are not doing the right thing by the young workers of this country. I do not accept the theory that women go into the work force at 15 years of age. Today most people are 18 to 20 years before they get into the work force. In the retail industry, there are few permanent jobs. It is the greatest abuse of labour this country has ever seen. I have no time for American organisations such as McDonald's or Pizza Hut. These American conglomerates rip the guts out of our country. They have come to Australia and they have brought their smart alec franchising systems, be it through the supermarkets or fast food chains. They employ young labour but they do not hang onto many of them for too long. That is their practice.

They are forcing this country into a terrible industrial relations system that will take about a generation to change. However, change will come, because the workers in this country will not be able to put up with it. My point is that we will not have a stabilised work force and, if we do not have a stabilised work force, people will not go out and buy houses. We can offer them the lowest interest rates in the world, and what is happening is sheer stupidity. The margins that the banks are earning on their housing loans are almost suicidal. Nobody has even mentioned the margins of building societies or credit unions. Who is the guarantor? Who is the lender of last resort in the banking system, credit unions and building societies? We should explore this matter thoroughly. The State Bank will be lesson No. 1, and it will be minor compared with what could happen if we destabilise the work force in this country. I can only warn everyone. I can only beg everyone to be careful with this legislation. If you want to bring it in, bring it in. It is not compulsory: it is voluntary. There are terrible traps in it. Nobody can guarantee to me that every employer will do the right thing. Nobody can ever guarantee to me that employers will make for long service leave as we would like them to do it.

If we are to bring in this sort of legislation, we virtually have to force the employers to set aside a certain amount of money into a trust fund so that the workers will get the benefits they rightly deserve. The reason I am opposed to this legislation is that my dear, late father-in-law worked for the building industry in New South Wales. He worked for three of the biggest builders in Sydney. The first one went into involuntary liquidation and the second went bankrupt. He did not get a penny in long service leave or holiday leave. He was robbed blind, as were all the other workers in those companies, because the companies made sure they went broke and wound up before they paid their workers. He learned the lesson the hard way, as did his colleagues. That experience has stayed with my wife's family all this time.

I know what it is like, and I understand the situation. I have seen it from a white-collar worker's point of view. We worked for it, and we worked hard as a union to get the

benefits. We were proud of the benefits we got for the employees in the banking industry, particularly those who served in the country and in isolated areas. I am appalled to see the banking industry closing bank branches all over the State. Given the way the banking system is operating, it is an absolute disgrace to the founders of the banking system and to their clients.

Mr Brokenshire: Relevance!

Mr BECKER: There is a lot of relevance in this, because the questions are: who can pay and who wants to pay? The real trick is who wants to pay the workers their dues? That is what it is all about. I have stood up many a time in the Adelaide Town Hall with 1 400 or 1 500 people and vowed that I would fight for their rights. I felt the best way to fight for their rights was by joining the Liberal Party to make sure that my political Party would do the right thing by the workers, and generally it does. This is a voluntary system, and I have no problem with that. I warn members that I will be the first critic if I ever hear any of my constituents, friends or relatives being forced into a situation where they have to take the cash and not the long service leave that is rightly due to them.

Mr Brokenshire interjecting:

Mr BECKER: I appeal to the member for Mawson to stand up for the workers, to give them a fair go and not to force them into the American type of industrial relations system which is foreign to the whole background and development of this country. We have an obligation to the people of this State. We have an obligation to bring about stability, to create employment and to give the worker a fair go.

Mr EVANS (Davenport): I rise to support the Bill—

Mr Brokenshire interjecting:

The SPEAKER: Order!

Mr EVANS: This Bill is a good illustration of the Liberal Party as being a broad church when, in relation to this matter, as a Liberal member a former union advocate presents his view followed by someone who has run a small business presenting a different view. This legislation actually supports the worker. It gives workers flexibility to access cash payments for their long service leave rather than having it locked away, as is currently the case. I noted the member for Peake's example of companies going bankrupt and employees losing their money.

This legislation gives the employee a little more flexibility, because everyone knows that employees working in private enterprise can generally sense if a business is going rough; they generally know, for example, how sales and the maintenance on capital equipment are going. The employee generally knows whether or not a business is experiencing financial trouble. This Bill gives employees an opportunity to access their money early, if they so wish. The member for Peake basically argues that people have lost their money because a business has gone bankrupt. The only reason employees lose their money is that it is locked away and they do not have the opportunity to access it. This Bill unlocks their money and gives them that access.

Mrs Geraghty interjecting:

Mr EVANS: The member for Torrens says that employees will not be paid if the business is bankrupted. If a business is in the latter stages of financial trouble, that may well be true, but businesses trade for many years in difficult financial circumstances without necessarily going bankrupt and then trade out of it. Because a business has financial problems does not mean that it necessarily folds or becomes bankrupt. This legislation provides the opportunity to employees and employers to reach a voluntary agreement, whereby employees have access to their long service leave amounts ultimately due by way of a cash payment.

I employed 24 people in my business, at its peak, prior to coming into this place, and I can tell members that it was a regular occurrence for employees to say to me, 'We have just got married', 'We want to pay something off our mortgage', 'We want to buy a new car', 'We have a health issue', or 'We are putting the kids through college.' They had some emergency to contend with and wanted to access their long service leave entitlements. As an employer I had no right to give them that money. I am sure that in the real world many employers do that, but they put themselves at risk in doing so, because they have no legal right to do it and they can reclaim, as I understand it. That situation often happens.

As a small business employer I was often put in the position of saying to a person with whom I worked every day and with whom I was friendly, 'I know you are in financial difficulty; I know you are going through a really tough trot, but I can't give you the money. Even if we both agree, I can't give you the money.' All that does is create tension in the business. This law simply says that, if the employer and the employee agree, the employee should have access to long service leave payments if they so wish. At the end of the day it is the employee's money.

It is locked away as their money in the accounts of the business, so what right does the Parliament have to say to them, 'We will not let you have access to your money. Even though you have earned it, you will not have access to it because we in Parliament know what is best for you. Even though you say you have financial difficulties, we in the Parliament say that you cannot have access to it'? I disagree with that principle. I believe that anyone who has earned the right to long service leave should then be able to negotiate with the employer to cash it out. I see absolutely no problem with that. This legislation is bringing more flexibility into the workplace environment, and I see that as a good thing.

Mr Becker: What if it's done at the beginning of their employment?

Mr EVANS: It is not done at the beginning of their employment because—

Mr Becker interjecting:

Mr EVANS: It does not, because at the beginning of a person's employment an employer is often employing that person under a retail award and there is little opportunity, necessarily, to negotiate. I invite the member for Peake, when he retires from politics, to invest his superannuation in a small business and prove me wrong. I invite the member for Peake to do that. I mortgaged my house, built up a business and employed 24 people, and as a small business person I am telling the honourable member that he is absolutely wrong. He may be right from the point of view of a union advocate, but from the point of view of someone who has mortgaged a house and is trying to develop a business he is absolutely and fundamentally wrong.

All small businesses will jump at this measure as a great piece of legislation for small business, because it brings in flexibility between the employer and the employee. That can only be a good thing for small business, and it can only be a good thing for the employee. It is an unfair imposition on the Parliament to say to the employer and the employee, 'Even though you both agree'—and even though the employee is on his or her knees and needs the money; indeed, the employees

concerned may merely want the money earned through their service to the company—'you cannot have it.' I believe that is a wrong law and a false principle to adopt. It is an excellent policy embodied in this Bill; I congratulate the Government on introducing it, and I will be strongly supporting it.

Mr BUCKBY (Light): I rise in support of this Bill. As the member for Davenport has just said, one principal aspect of this legislation is flexibility within the work force. I too have worked for a bank but not for as long a period, by any stretch of the imagination, as the member for Peake, but I recognise the benefits of long service leave. I did not stay at the bank long enough to accrue long service leave entitlements; I went home to the farm too soon for that, but I did recognise the benefits associated with it and the work that went into gaining those benefits for employees.

As the member for Davenport said, one aspect of this Bill is increased flexibility. A small business in Gawler is currently in the very situation mentioned by the honourable member. It is basically teetering on the edge of bankruptcy. A number of employees have left that business, some of whom worked for the company for 17, 18 and 20 years. Fortunately, people have injected some private income into the company which, for now, is managing to keep it afloat. But if that had not happened I can assure members that the company would have been made bankrupt and those employees would not have received any of their long service leave entitlements because debtors were standing in line.

I think I am correct in saying—and the member for Ross Smith knows more about this than I and can probably correct me—that long service leave entitlements fall about No. 3 or 4 on the list of creditors in terms of pay-out.

Mr Clarke: Before unsecured creditors.

Mr BUCKBY: Even so, when you have a bank looking at a company with a relatively high level of debt and an asset that will not cover that, those employees have very little chance of getting hold of that long service leave. As the member for Peake said, a member of his family suffered exactly that situation many years ago. I take the case of workers who have been employed by a company for 17 or 20 years, during which the business may have been operating very profitably and, had they been able to take the cash after their 10 years continuous service, it would have reduced the risk to them. If, at some time down the track, the company falls over, then at least the workers have been reimbursed for 10 years service rather than missing out on the total amount when the company becomes bankrupt.

Of course, as this Bill states, there must be an agreement between both the employer and the employee. The benefit to the employer is that employees often do not wish to take their long service leave; they would be quite happy to take the cash and continue to work. Employers in that situation do not need to find someone with similar skills and replace that person for that period or take on the extra work themselves. Particularly in the case of a small business, that often happens.

So, the employer benefits from the fact that he maintains a continuous employee; the employee benefits from having the cash in the pocket and, as other members have said, can use that money as he wishes, for example, to pay off the car or the household mortgage. The employee may merely wish to put the money aside and, when annual leave is due, take a more expensive holiday than would normally be possible.

The member for Peake raised a good point concerning the companies that do not put aside money to pay out their employees' long service leave. This is a problem for not only small businesses but larger businesses as well. In difficult times such as we have had in the past few years, it is very easy for a small business not to put aside that money because of the pressures of business and the lack of cash flow. Of course, when someone does decide to leave and a long service leave payout is due, businesses often struggle from having to pay out that amount of money. The member for Peake does raise a good point—and I am not sure whether anyone else has raised it; they may well have—in that there may be some area that should be considered by Government in terms of ensuring that employers actually have to pay into a long service leave scheme.

As a farmer, some 10 years ago, having to pay shearing contractors and the sort of entitlements involved, we had to pay money into a scheme. There was no question about it; we could not escape it—not that we wanted to, it had to be done. The main feature of this Bill is that, first, it is not compulsory to undertake this measure. It is a voluntary agreement between the employer and the employee. There are benefits to both parties if both of them wish to participate in the agreement. If employees decide that they want to take their long service leave rather than working, the employer cannot force them into that situation. Under this Bill it must be an agreement between both. I believe that this is a step in the right direction. As I said, it gives increased flexibility, which is a good thing for the work force, and I have pleasure in supporting this Bill.

The Hon. G.A. INGERSON (Deputy Premier): I understand that there was one issue which the Deputy Leader brought up and which the Minister has asked me to clarify. The position is that the last amount that is being paid is the amount on which the payment is calculated. The Minister asked me to put that on the record.

The House divided on the second reading:

AYES (27)

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

NOES (9)

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

PAIRS

Baker, S. J.	Blevins, F. T.
Olsen, J. W.	Stevens, L.

Majority of 18 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1—'Short title.'

Progress reported; Committee to sit again.

[Sitting suspended from 6.1 to 11.55 p.m.]

SITTINGS AND BUSINESS

The Hon. G.A. INGERSON (Deputy Premier): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

SUBORDINATE LEGISLATION (COMMENCEMENT OF REGULATIONS) AMENDMENT BILL

The Hon. G.A. INGERSON (Deputy Premier): I move:

That the Bill be laid aside.

Here, we have ended up with the most ridiculous set-up of all time, with regulations coming into effect, not being implemented for four months but a certificate being issued introducing those regulations immediately. Some 75 per cent of all regulations are introduced in that way, and now we see the stupidity of continuing *ad infinitum* a bit of bureaucracy which was introduced by Martyn Evans in the previous Government and which set up this whole system. It is an absurd situation. This legislation was an attempt by the Government to reform the process and get a simple outcome. As everybody knows, we have a Legislative Review Committee and there is ample consultation on all regulations, going through a whole process.

The Legislative Review Committee itself has recommended the process and now it is being tossed out because of the attitude of some individuals in another place. It is an unbelievable set-up, where the minor Parties of this Parliament—the Labor Party and the Democrats—have got together to halt a reform that is in everybody's interest. The reality is that 75 per cent of regulations are implemented in any case. It seems to me that the shadow Attorney and all the others concerned are opting for one of the most absurd processes possible. The Government is not prepared to tolerate this, because we will get the outcome we want in any case. Instead of 75 per cent, we will make sure that 100 per cent of regulations are implemented immediately. We will get exactly the same result, but it would make things easier if we had the appropriate legislation. However, as I have said, we will obtain the outcome we want in any case.

Mr ATKINSON (Spence): We have now heard from the Deputy Premier that the rule of law is a bit of bureaucracy.

Mr Cummins: What rule of law?

Mr ATKINSON: Obviously, the member for Norwood is of the view that we do not live under the rule of law in South Australia, but I had the impression that we did and that it was up to the State Government to try to live up to the rule of law. One of the main elements of the rule of law is that citizens of South Australia should have the opportunity to know what is the law and modify their behaviour in accordance with the law. Before one can avoid transgressing the law, one must have an opportunity to know what the law is. One of the great achievements of Martyn Evans' amendment to subordinate legislation in this State was to require that, if there was no reason why subordinate legislation should come into effect immediately, its coming into effect should be postponed for four months. That four-month delay was very important, so that citizens of South Australia would read the subordinate legislation, find out how it affected their lives and modify their behaviour and their practices so that they would comply with it. It was an important achievement for the rule of law in South Australia. Make no mistake, Martyn Evans chiselled this out of the Labor Government, because the Labor Government at that time was a minority Government and was beholden to Martyn Evans.

Mr Evans: He was a Cabinet Minister.

Mr ATKINSON: He was not. When the subordinate legislation measure was amended, at Martyn Evans' suggestion, he was the Chairman of Committees. However, the Government relied on his vote in order to remain in Government, because we were a minority Government. So Martyn Evans, being the principled man he was—

An honourable member: And is.

Mr ATKINSON: And is—was relying on his experience in this place as an Independent—an Independent without the balance of power—decided that, when we did have the balance of power, he would make important reforms. One of the reforms he made was to the parliamentary committees system, and a good reform it was. A second reform he made was to the method of bringing in subordinate legislation in this State. I still support Martyn Evans' initiative, and I will go on doing so whether I am a member of a government or an opposition because his amendment was good for the rule of law.

The law in this State provides that the only exception to the four month postponement on the operation of regulations and subordinate legislation generally is if that legislation must come into effect immediately because of emergency conditions. It must be necessary and appropriate for that legislation to come in immediately. The Deputy Premier has told the House that the deeming of regulations to be emergency regulations is a rort 75 per cent of the time. So the Deputy Premier admits that what the Government is doing in declaring 75 per cent of regulations to be emergency regulations is a rort. He brazenly admits that to the House.

The Hon. G.A. Ingerson interjecting:

Mr ATKINSON: He interjects that the 75 per cent is a rort and, just to prove what a big rort it is, in the future the Government in all cases will declare subordinate legislation to be emergency legislation even though it is not. The Deputy Premier is telling the House that he is prepared to break this law which, by its nature, is constitutional law. He is saying that he is happy to break the law and happy to give certificates that are false or fictional. The Governor of this State ought to be reading *Hansard*, because it is an appalling admission for a Minister to make to the House that he is quite prepared to break the constitutional law of the State because he finds it inconvenient. The constitutional law of this State provides that the only regulations that come into effect immediately are those that are necessary and appropriate to come into effect immediately. The Minister is saying tonight that all of them are emergency regulations. The Opposition rejects that and is happy to see the Bill laid aside—may it stay laid aside forever.

Mr CUMMINS (Norwood): I am amused by the fatuous arguments of the member for Spence in relation to section 10AA. The reality is that historically the Labor Party adopted the same procedure the Liberal Party is now adopting. About 75 or 80 per cent of its regulations were the subject of a certificate. Of course, the member for Spence is misleading the House. He knows very well that the regulations are subject to review, because the Legislative Review Committee looks at every single regulation that comes before this place. Of course, we know that on that committee half the members

are Labor and half are Liberal, and the Chairman is a Liberal member of the Upper House. Each of those members has the right to move a notice of disallowance in relation to the regulations.

One wonders, when the member for Spence talks about a breach of the rule of law, what in fact he is talking about, because a breach of the rule of law is a common law concept and has absolutely nothing to do with regulations. The honourable member has, of course, left the Chamber because he probably knew I intended to say something. He is not here to respond to what I am saying, unfortunately.

Mr Clarke: Here he is.

Mr CUMMINS: He is over there, relaxing. I thought he was probably out having another ginger beer, which apparently seems to have some terrible effect on him. The member for Spence has been saying things that really, as a lawyer, I am surprised he should attempt to say in this place. The reality is, as I have said, that the Legislative Review Committee peruses these regulations and there is a right to disallow. The Legislative Review Committee is now proposing that the same should apply in relation to national uniform legislation.

It is interesting that the honourable member puts this argument forward when every State Government in this country is saying that, if this sort of legislation goes before a committee, that is sufficient. To say the least, the member for Spence's argument has been very misleading. Either he does not understand the concepts or he has set out to mislead the House. I support the Minister's view. It is a great tragedy to see this legislation being put aside, because the test in relation to granting a certificate is that it is necessary and appropriate.

That is a subjective test to the Minister himself so that, in every case under section 10AA of the Subordinate Legislation Act, he can make a decision to issue a certificate. The Opposition and the Democrats, unfortunately, in their pedantic manner and for reasons known only to themselves, are forcing us to issue a certificate in relation to regulations. I think that is fatuous, pedantic and stupid, and they should be condemned for that. It is a great pity that the Minister has had to—

The Hon. H. Allison interjecting:

Mr CUMMINS: It is obstructive, obviously, as the honourable member says. It is pedantic and pathetic and illustrates the extent to which this Opposition has descended. How the Opposition can sit there and do this to us after a conference (which I attended at 10 p.m. last evening) is amazing. It illustrates that the Opposition has no policies and no vision, and that it will make little pedantic moves to make pathetic points. It is a great shame that the Opposition should do this because, if a democracy is to operate, we need an effective Opposition. I am sorry to say that, in this place, there is no effective Opposition, and its actions in relation to section 10AA illustrate the point.

Mr CLARKE (Deputy Leader of the Opposition): I find it amazing that the member for Norwood, in his capacity as a member of the Legislative Review Committee, could tonight come to such a conclusion, particularly given that the last two annual reports of that committee have complained precisely about the very points made by the member for Spence, namely, that the abuse of the provisions, whereby Ministers deeming every regulation they sign virtually as matters of urgency, and therefore not coming—

Mr Evans interjecting:

Mr CLARKE: —or appropriate—within the ambit of, as I will term it, the Evans' amendment of a few years back—

An honourable member interjecting:

Mr CLARKE: Quite frankly, this is on the head of the Government and certain Ministers. The fact is, as I have said in this House on a number of occasions, Ministers in this Government should not be permitted to flout continually the will of Parliament by ignoring resolutions passed in another place that disallow regulations, and then immediately repromulgate them and laugh about it in the Parliament, such as the member for MacKillop did when he was Minister for Primary Industries, as does the current Minister for Primary Industries, as did the former Minister for Housing and Urban Development with respect to Housing Trust water rates, and likewise the current Deputy Premier when he was Minister for Industrial Affairs and tried to subvert Parliament with respect to issuing exemption certificates to get around the law on Sunday trading in the CBD, a matter that was ultimately brought, by the courts, back to Parliament seeking legislative approval for what he had done.

If that is the behaviour of this Government and of those Ministers, and if the Opposition Parties take a view that this is a Government that cannot be trusted to abide by the will of Parliament in these matters, the Government has only itself to blame. As the member for Spence pointed out, if the Deputy Premier has an attitude that he and other Ministers of his Government will simply say that every regulation they issue is appropriate and urgent and, therefore, ignore the amendment legislation—

Mr Cummins interjecting:

Mr CLARKE: I wish that the member for Norwood would calm down. I realise that he is upset that there are no night courts in session that he can occupy himself with and that he is forced to be here. Nonetheless, if he would just sit here and listen for a little while, it would be of some assistance to him. If the Deputy Premier wants to pursue the line that every regulation will be deemed by Ministers as urgent and appropriate to try to flout the will of Parliament, by all means he should go ahead. The Minister's track record in this area has not been good when these matters have been tested in the courts. If this Government and its Ministers want to continually flout the will of Parliament in this area then, by all means, the Minister's admission in Parliament that everything will be deemed urgent and appropriate by Government Ministers will no doubt hold anyone who wants to take such decisions to the Supreme Court or anywhere else in good stead to rely on as to the lack of *bona fides* of this Minister and the Government on these issues. I can see no reason for the attacks that the Government has launched on the Opposition in this matter.

Finally, with respect to the member for Norwood, when he said that this Opposition has no policies and is an ineffective Opposition, he must have been reading different newspapers and watching different television news stories over the past several months with respect to the gaffes that this Government continually makes and for which it has continually had to be brought to book by an effective Opposition.

Motion carried.

TELETRAK

The Hon. G.A. INGERSON (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.A. INGERSON: Today I received the report of the Racing Industry Development Authority (RIDA) in relation to the TeleTrak proposal and proprietary racing, and at this stage I would like to table the report and make a general comment on it. In contrast to the position in other States, currently proprietary racing is not unlawful in South Australia. However, where the promoters wish to engage registered horses and licensed persons, Race meetings must be approved by the controlling authorities. Notwithstanding such, it is considered appropriate that the Government subjects all forms of racing from which wagering emanates to stringent control and a regulatory system that ensures that the criminal element does not get control nor that the existing racing industry or Government sources of revenue are severely affected.

However, it is recognised that any legislated Government controls that restrict competition would be subject to the requirement of legislation review under the Competition Principles Agreement. No worthwhile surveys, reports or other independently verifiable information have been provided to prove that the TeleTrak scheme would be legally permitted in the Asian countries and that the scheme would be accepted by the Asian public and used as a betting medium. It is not possible for RIDA to confirm at this stage whether the TeleTrak proposal is commercially viable and whether it has promoters of financial substance, as insufficient evidence has been supplied by TeleTrak.

Factors that are unusual are that it is proposed to raise substantial sums from a public float and that a small council in Victoria is the key contractor for the provision of all administrative services to the operation, including the sourcing of tracks. RIDA questions the appropriateness of TeleTrak or the Central Goldfield Shire Council collecting up to $110 000 from interested councils before the South Australian Government expresses its view on the proposal. The imminent technology capability suggests that the Government should give consideration to defining a framework within which diversified racing ventures could be accommodated within the existing industry activities and gambling and wagering systems, and with potential economic benefit to the State.

TeleTrak documentation suggests that a TAB holding rights to the betting on its races would need to contribute up to 30 per cent of the equity of TeleTrak. RIDA questions the appropriateness of the South Australian Government or any of its agencies investing equity in such an enterprise. South Australia derives significant benefits from agreements with other States, for example, the pooled totalisator agreements. The commissions payable to the industry and the Government as proposed by TeleTrak would need to be secured and at a higher level to be considered commercially beneficial to existing arrangements. On the basis of current information, RIDA concludes that it would be imprudent of the Government to endorse the TeleTrak proposal in its current form. In the light of the foregoing, RIDA recommends:

(a) that the Government not consider legislative changes to assist TeleTrak to set up operations in South Australia, nor give it active encouragement in any other way unless the proponents can provide the Government with:
  (1) evidence of its financial backing;
  (2) verifiable marketing and business plans;
  (3) evidence that any probity standards pertaining to shareholders and ownership could be satisfied before granting of any licence; and
  (4) financial surety to underwrite State and local government involvement in such a venture on behalf of the public of South Australia.

(b) that the Government appoint a small interdepartmental group to examine whether it is feasible to define a framework within which diversified racing ventures could be accommodated taking into consideration expansion of the racing industry and with potential economic benefits to the State.

Having received this report, I have to say that I am surprised at the way that a group of local councils have acted in this area. I am staggered that local government officials have entered into agreements without checking in any way the probity and financial backup or undertaking any probity checks on individuals in TeleTrak. I am surprised, too, at the number of business people in the community who, likewise, have picked up and run with this proposal without demanding the same sorts of controls and probity checks that they would have in their own businesses.

Ideas like this need to be thoroughly investigated to assess the differences between opportunities and dreams. At this stage the project is still a dream and has little basis at all for any support from Government. It is my view as Racing Minister that it is important to check carefully all details of any proposal—consequently the RIDA inquiry—and in particular it is important in investigating these sorts of proposals that we look at the facts of life, one of which is that it would require about 5 000 horses to set up this sort of proposal in South Australia.

That is equivalent to about four or five extra seasons of the current breeding system. It requires investors to have probity. We would not allow any poker machine operators to set up in South Australia unless they went through police checks, yet we have individuals putting forward this proposal involving millions of dollars being wagered nationally and internationally but not offering to tell us who are the shareholders. As I said, the whole exercise really was a dream, and it needs to get some reality.

It is now entirely in the hands of TeleTrak or any group that may want to put a proposal of this type to come up with a proposal that has some business sense. It needs to be backed up with reality, with finance and with security checks of the individuals concerned because they are going into the wagering business. Clearly, we have an established Act under which bookmakers are registered and requiring checks, and we have a TAB that requires checks. Why would any Government establish a system that would not require such checks? If you cannot operate like that and know who are the individuals concerned, in my view no Government should attempt to allow a process of this type to continue.

It is also important that we make it clear regarding any proposal which is put forward that it is in the best interests of the racing industry to grow and be part of that growth. It is absolutely critical that we do not destroy the existing basis. Having said that, it is very important that we do not knock a new idea on the head without seeing whether it can enable the industry to grow. It has to be part of the existing basis to enable it to grow. That is a fundamental issue that needs to be taken into consideration.

The last part of the report and the last part of the recommendations relate to the Internet and to a range of changes occurring in the wagering and gaming area. There are major difficulties for Governments, nationally and internationally, as a result of the Internet. It is important that we quickly establish an inter-departmental committee to examine those

major issues that the Internet has created. With respect to the racing industry, the investigation and inquiry has been very worthwhile. It sets out that a number of issues have not been resolved. The Government is not prepared to support the TeleTrak proposal as put before RIDA. That is not to say in any form that the TeleTrak people have not attempted to cooperate, because they have. The reality is that they do not have the backing they say they have. They have come forward and volunteered information, but the information has no substance to it at all. As a consequence, the Government is not prepared to support the proposal.

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (SUPERANNUATION) BILL

Returned from the Legislative Council without amendment.

LOCAL GOVERNMENT (CITY OF ADELAIDE ELECTIONS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

ENVIRONMENT PROTECTION (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

PUBLIC FINANCE AND AUDIT (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

GAS BILL

Returned from the Legislative Council without amendment.

RACING (INTERSTATE TOTALIZATOR) AMENDMENT BILL

Returned from the Legislative Council without amendment.

MEMBER'S REMARKS

Mrs ROSENBERG (Kaurna): I seek leave to make a personal explanation.

Leave granted.

Mrs ROSENBERG: This afternoon in the grievance debate, the member for Torrens referred to Advanced Business, which is a recruiting, training and assessment group in the Lonsdale area. I will not, as part of a personal explanation, comment on the inaccuracies that the member for Torrens raised in regard to Advanced Business, but I will refer to what she said, as follows:

The people who approached me believe it would be a terrible tragedy if poor management practices brought this resource to its knees. These people have told me that they have been to the member for Kaurna about this matter and asked her to give them some support and investigate the issue, but at this stage she has not acted upon their concerns—

The SPEAKER: Order! The honourable member is commenting and she cannot—

Mrs ROSENBERG: I am quoting from *Hansard*.

The SPEAKER: The honourable member has to be very clear. A personal explanation must relate to the honourable member.

Mrs ROSENBERG: Because it has caused me offence, I should like to address the inaccurate comments and accusation that I made no attempt to do anything about this matter. On 19 February I was approached by a constituent who is now a dismissed member of staff of Advanced Business and who claimed that he had been unfairly dismissed from that organisation. He asked me to investigate the financial situation of Advanced Business and made several claims against that agency. The accusation by the member for Torrens is that I did nothing about it. I refute that by saying that I immediately made contact with the Minister for Employment, Training and Further Education because of the $5 000 that Kickstart put towards that group.

Because Advanced Business is funded by an amount of $308 000 by the Federal Government, I contacted by telephone the Federal member for Kingston, Susan Jeanes. I then followed up that telephone contact by fax on 26 February, and I followed that up by telephone call on 5 March. I followed that up on 13 March with another call to Susan Jeanes's office and, on 18 March, another call was made to Susan Jeanes's office. As will be recorded by all the phone logs in my office, those telephone calls were made. In the meantime, I contacted the Minister and asked about an audit of Advanced Business. She has informed me that the audit has been done and returned to her and that it is satisfactory.

Mr Brokenshire interjecting:

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

[Sitting suspended from 12.27 to 2.35 a.m.]

TOBACCO PRODUCTS REGULATION BILL

Returned from the Legislative Council with the following suggested amendments:

No. 1. Page 3, lines 6 and 7 (clause 4)—Leave out the definition of 'Fund'.

No. 2. Page 6, lines 20 and 21 (clause 7)—Leave out 'where the average tar content as so required to be stated is less than 5 milligrams' and insert 'where the number of milligrams so required to be included in the statement as to average tar content is 1, 2 or 4'.

No. 3. Page 6, lines 24 and 25 (clause 7)—Leave out 'where the average tar content as so required to be stated is 5 milligrams or more but less than 10 milligrams' and insert 'where the number of milligrams so required to be included in the statement as to average tar content is 8'.

No. 4. Page 6, lines 28 and 29 (clause 7)—Leave out 'where the average tar content as so required to be stated is 10 milligrams or more' and insert 'where the number of milligrams so required to be included in the statement as to average tar content is 12, 16 or a greater number'.

No. 5. Page 8, line 21 (clause 10)—Leave out '$150' and insert '$500'.

No. 6. Page 8. Line 22 (clause 10)—Leave out '$300' and insert '$1 000'.

No. 7. Page 8, line 23 (clause 10)—Leave out '$600' and insert '$2 000'.
No. 8. Page 22, lines 18 to 20 (clause 40)—Leave out paragraph (e).
No. 9 Page 24, line 13 (clause 47)—After 'lounge' insert 'area'.
No. 10. Page 24, line 14 (clause 47)—After 'drinks' insert 'rather than meals'.
No. 11. Page 24, lines 32 and 33 (clause 47)—Leave out the definition of 'licensed restaurant'.
No. 12. Page 25, line 5 (clause 47)—Leave out '(other than a licensed restaurant)'.
No. 13. Page 25, line 7 (clause 47)—After 'lounge' insert 'area'.
No. 14. Page 25 (clause 47)—After line 9 insert new paragraphs as follow:

'(ab) an area within licensed premises (whether being the whole or part of an enclosed public area) that—
(i) is a bar or lounge area; and
(ii) is for the time being exempted by the Liquor Licensing Commissioner;
(ac) licensed premises consisting of or including only a single enclosed public area (not the subject of an exemption under paragraph (ab)) while meals are neither available nor being consumed in the area;'.

No. 15. Page 25, line 10 (clause 47)—Leave out '(other than a licensed restaurant) between the hours of 10 p.m. and 5 a.m.' and insert 'between the hours of 9 p.m. and 5 a.m.'.
No. 16. Page 25, lines 15 to 25 (clause 47)—Leave out paragraph (e) and subclauses (4) and (5) and insert the following:

'(4) An exemption in respect of an area within licensed premises—
(a) may be given on written application by the licensee in a manner and form approved by the Liquor Licensing Commissioner and accompanied by the prescribed fee;
(b) may be subject to conditions fixed by the Liquor Licensing Commissioner, which may include conditions requiring—
(i) the display of signs;
(ii) the installation, operation and maintenance of ventilation and air conditioning equipment;
(iii) the maintenance of a bar or lounge area as a distinct area separated by at least 1.5 metres from an area occupied by tables and chairs used for meals;
(c) may be varied or revoked by the Liquor Licensing Commissioner on application by the licensee or on contravention of or non-compliance with a condition of the exemption.

(5) The provisions of Division 4 of Part 2 relating to reviews and appeals apply in relation to a decision of the Liquor Licensing Commissioner under subsection (4) in the same way as in relation to a decision of the Commissioner under Part 2 but with references to the Administrative and Disciplinary Division of the District Court to be read as references to the Licensing Court of South Australia.

(5a) The occupier of an enclosed public dining or cafe area—
(a) must display signs in the area in accordance with the regulations; and
(b) must not, if an exemption under subsection (4) relates to the area, contravene or fail to comply with a condition of the exemption.

Maximum penalty: In the case of a natural person—$500
In the case of a body corporate—$1 000.'

No. 17. Page 25, line 27 (clause 47)—Leave out 'or (4)'.
No. 18. Page 30, lines 20 to 22 (clause 57)—Leave out subclause (3).
No. 19. Page 30, line 25 (clause 57)—Leave out 'this Act' and insert 'the prohibition of such advertising or sponsorships (enacted by the Tobacco Products Control Act Amendment Act 1988)'.
No. 20. Page 33 (clause 66)—After line 23 insert new paragraph as follows:

'(da) examine and test ventilation and air conditioning equipment in an enclosed public dining or cafe area;'

Schedule of the suggested amendments made by the Legislative Council

No. 1. Page 37, line 7 (clause 70)—After 'Fund' insert 'continued under Part 4'.
No. 2. Page 37 (clause 70)—After line 8 insert new subclause as follows:

'(2A) Not less than such part of the amount collected under this Act by way of fees for tobacco merchants' licences as is attributable to the fixing by section 7 of the prescribed percentage at a percentage greater than 100 per cent must be paid into the fund established under this Part for application in accordance with the provisions of this Part.'

No. 3. Page 37, line 9 (clause 70)—Leave out 'into the Fund for the purposes of subsection (2)' and insert 'for the purposes of subsection (2) or (2A)'.
No. 4. Page 37, line 12 (clause 70)—Leave out '(2)' and insert '(3)'.
No. 5. Page 37—After line 12 insert new clause as follows:

'Fund for anti-smoking programs and research

70A. (1) A fund is established at the Treasury.

(2) The fund consists of money paid into the fund under this Part.

(3) The fund will be administered by the South Australian Health Commission.

(4) The Commission may, in accordance with guidelines formulated by the Minister for Health and promulgated in the form of regulations, apply the fund in making grants for—
(a) education and publicity programs designed to reduce the incidence of tobacco smoking, particularly in young people; and
(b) research undertaken in the State into the prevention or treatment of smoking-related diseases.

(5) The regulations must establish an independent body of expert persons to advise the Commission on the allocation of grants under subsection (4).

(6) The Commission must, on or before 31 October in each year, provide an annual report to Parliament on the application of money from the fund during the preceding financial year.'

Consideration in Committee.

Amendment No. 1:

The Hon. M.H. ARMITAGE: I move:

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

I indicate that as a result of an agreement by all Parties of the South Australian Parliament the Government will commit the first $2.5 million of any additional revenue raised by the legislation on an annual basis to a fund to be administered by the South Australian Health Commission. This fund will be used to implement education and publicity programs designed to reduce the incidence of tobacco smoking, particularly among young people, by 20 per cent over five years. This money is in addition to money already allocated to Living Health and does not affect any of the allocations made by Living Health. The fund will operate as long as the surcharge exists. This means that the fund referred to in amendment No. 1 is irrelevant.

The Government acknowledges the role played by the Opposition and the Democrats in reaching this position. Responsibility for parts of this present legislation which reflect the old Tobacco Products Control Act will be delegated to me as Minister for Health. I am also pleased to identify that, as I understand it, Living Health shortly will seek a fairly major budget variation which will go toward the area of anti-smoking initiatives, a smoke free venues project, smoke free generation, which has been referred to during the debate in another place, and further sponsorship promotion.

Ms STEVENS: I am pleased to be standing here tonight having heard that statement by the Minister for Health, because I believe that what he has just announced is a huge win for health in South Australia. All Parties of this Parliament have agreed on a position that has seen the Government commit $2.5 million per year specifically to address anti-smoking, particularly in relation to young people.

I understand that, as a result of this measure's allocations, South Australia will be putting forward the highest per capita amount of money in Australia towards the prevention of smoking. In about three years we should see significant outcomes from this considerable increase in resourcing. I believe that all of us deserve congratulations. This is one time when we can all pat each other on the back because of the agreement we have reached. I thank the Australian Democrats, the Minister for Health, colleagues on the other side of the House and my own colleagues for supporting this historic move. I certainly look forward to seeing what we in South Australia can do about changing the incidence and the extent of tobacco smoking in our community.

Mr BECKER: The move towards educating young people to stop smoking is worthwhile because we do not want young people to partake of tobacco products. I hope the campaign will go further than that because we know that a tremendous amount of young people are trying marijuana. The political Party getting the credit for this tonight believes in legalising marijuana, so that is a hypocritical stand. The $2.5 million that will go into this campaign is substantial. We have all been lobbied by the Heart Foundation, and the Heart Foundation is most upset at the lack of funds that have been provided for such a campaign in the past. The Heart Foundation has virtually been excluded from any such campaign. How can we guarantee this $2.5 million if there is a shortfall in revenue through other taxing measures under this legislation? I cannot see how we can delete the definition of 'fund' and say that this will allocate $2.5 million to the Health Commission. I am not happy with the explanation.

The Hon. M.H. ARMITAGE: In my statement I indicated that it would be the first $2.5 million of any additional revenue. If, as people believe, the revenue may be more than that, there will be extra funding for the Government. If, as some people believe, it raises less than $2.5 million, there will not be that amount of money. The first $2.5 million of any additional money goes into this fund for the Health Commission, and the Health Commission will spend it as identified—'to implement education and publicity programs designed to reduce the incidence of tobacco smoking'. It is not hypothecated, if you like, to any particular program. The member for Peake of all people would be most keen to see the money being spent in the most appropriate and efficacious way. Accordingly, I do not believe that we ought to identify any particular program for the money, but it will be spent in the most reasonable way to ensure that the objects (including reducing the incidence of tobacco smoking—particularly amongst young people—by 20 per cent over five years) are achieved.

Motion carried.

Amendments Nos 2 and 3:

The Hon. M.H. ARMITAGE: I move:

That the Legislative Council's amendments Nos 2 and 3 be agreed to.

Mr BECKER: This deals with certain penalties.

An honourable member interjecting:

Mr BECKER: I beg your pardon? If you want to carry on, I will be here all morning, too. This is entirely different legislation from that which we debated and there have been some major alterations. In particular, the consumer licence fee has now been increased from $600 to $2 000. It disappoints me that we are presented in the House of Assembly with a piece of legislation; we debate that legislation in all good faith. It is then amended in the Committee stage and we debate that, and it goes to another place and then the other place amends the legislation. That is the democratic process that we have been encouraged to support over the years. However, there are problems that I foresee. The consequences of a tobacco company not renewing its unrestricted wholesale licences is to relieve it of its current obligation to collect State licence fees on behalf of the Government. In other words, cigarettes would be sold into South Australia State licence fee free. There is a danger in this.

It is estimated that each smoker in South Australia contributes, on average, approximately $1 000 per annum in State licence fees, and there are over 200 000 cigarette smokers who generate about $200 million in State licence fees. That is a considerable sum of money that the Government is dependent on from the tobacco industry and those who choose to smoke. On the assumption that all three tobacco manufacturers do not renew their unrestricted wholesale licences in order for consumers to purchase tobacco products, they would be required to obtain a consumption licence which is currently available to consumers at an annual cost which was originally $600; $150 per quarter. This would enable smokers to purchase tobacco products State licence fee free: that is, cigarettes would be available at less than half their current price.

That is what could have happened, and I believe that the tobacco industry warned the Government that this may happen. The Government increased that fee to $2 000, which makes it almost impossible for any consumer of a tobacco product to pay up front. However, they could do it in quarterly fee stages of $500. So, in order to safeguard against revenue loss, the Government is moving an amendment to increase the current cost of a consumption licence to $2 000. This will make the cost of consumption licences prohibitive. Accordingly, smokers may find ways to obtain cigarettes without a licence: that is, a group of smokers pooling funds to purchase one licence.

I hope—and it has not been explained—that these amendments will not allow that to occur, because if it does occur then once again the legislation is flawed. Why bring in penalties, or why bring in fees, that cannot be enforced? Why do something when you can drive a truck through the legislation? That is what really concerns me. The South Australian Government would suffer significant revenue loss as well as having to administer both the issue of licences and the policing of such licences. How much is that going to cost, and how will we police those licences? So, I just hope that this has been well thought through. There has not been a chance to debate it in this House at all by any member, and we have been placed in the position where there is an increase of all these licence fees, penalties and whatever.

There is a definition in relation to lounge areas, and drinks rather than meals, and an amendment to leave out the definition of a licensed restaurant. They are wide-ranging amendments that we have been asked to consider at this stage, and with very little background at all. That disappoints me and, as I have said, this is a classic example of how not to handle legislation. It is a classic example of how not to

handle a situation that will impact on industries—the hotel industry, the hospitality industry, licensed restaurants in this State and restaurants in general. And these restaurants are far superior to anything that you will find anywhere else in Australia. We have spent years building up the reputation of the hospitality industry in South Australia. Five years ago a third of the hotels in South Australia were struggling to pay their licence fees, and many of them were in real financial difficulties. Now they have picked up because of poker machines and are doing extremely well and are providing a service and a facility to the people of South Australia which we never expected.

The restaurants have had to compete strongly in this State, cafes have come into force, and the opportunities to eat out and enjoy the benefits of the produce of this State have been tremendous, and it is thanks to the TAFE colleges, the School of Catering and various classes that have been established over the past few years. The licensed clubs, of course, have their own area to cover as well and the people to look after the service.

This legislation does impact heavily on these organisations and it is estimated at the moment that the hospitality industry could be lumbered with about $8 million worth of extra expense in the process of licences and applying for special exemptions to meet the demands of this legislation. You cannot put a penalty of $8 million on an industry without a considerable amount of thought. Of course, no financial impact statement has been done. No-one has sat down and worked out the nuts and bolts of the impact of this legislation. A penalty of $8 million is imposed on the industry to apply for these licences and to meet the requirements, without looking at air-conditioning or upgrading of premises which may be required as well.

I am very disappointed that we are being asked to consider this legislation with little background information. I do not like the way these deals are being done in the corridors of this House at this time of the morning and the way in which the House is being treated. It is not good enough, and I hope that future Parliaments will not tolerate this type of attitude.

Ms STEVENS: The Opposition would like to put on record some comments in relation to these clauses and, in particular, clause 47. The Opposition had many concerns in relation to the measures introduced by the Government in relation to environmental tobacco smoking in restaurants, pubs and clubs. Those concerns are on the record for people to read and think about. I concur completely with the comments of the member for Peake who said that this was a classic example of how not to handle legislation. We on this side of the House stand by that. We believe that there could have been a different result if things had been handled differently. However, that will be an opportunity for someone else to take up at a later date.

The Opposition in another place moved two amendments which were not accepted. The first amendment suggested that the Licensing Commissioner be the person who would handle exemptions from this clause. We felt that was a more appropriate way to go, but it was not accepted. We also had concerns about the fees that people who run clubs, pubs and restaurants may have to pay to get exemptions. Our information was that the Government will gain about $280 000 from this.

The CHAIRMAN: The Licensing Commissioner amendment appears to be in amendment No. 14 which has to be dealt with next.

Ms STEVENS: I will conclude here, Sir. We have accepted what is there. We have concerns which are on the record. We concur with the member for Peake and hope that, on another day, we might get further with those amendments.

Motion carried.

Amendment No. 14:

The Hon. M.H. ARMITAGE: I move:

That the Legislative Council's amendment No. 14 be agreed to with the following amendment:

Leave out 'Liquor Licensing Commissioner' where it appears and insert 'Minister for Health'.

The Hon. W.A. MATTHEW: I fully understand why the Minister would wish to insert this amendment. All members recognised that this Bill was likely to be one of compromise and fully expected us to be in the situation we are in this morning—but perhaps not quite at this hour—in debating compromise to this Bill. We all fully recognise that amendments such as this will probably be the subject of future debate in this Chamber as further evolution of this legislation is under way.

I suspect that amendment No. 14, while I hope the Minister's amendment gets through this morning, in not too distant a time may vanish from the legislation altogether, perhaps in the time of another Parliament—who knows! I ask how the Minister sees the process of exemption working if it is he and not the Liquor Licensing Commissioner who is processing such exemptions, what criteria will be necessary for the Minister to use to make his decision as to whether or not an exemption ought to be granted, and whether there is actually a specific enough framework within this clause to provide substance for a categorical decision.

The Hon. M.H. ARMITAGE: I see the legislation working in the way one would expect it to, in that people will apply for an exemption. In that application, they will identify a number of features as to why they believe they ought to get an exemption, and a number of the features of that application would, I guess, address matters in amendment No. 16, and a decision would be either made or not made.

Mr BASS: Unlike the member for Bright, I do not have the slightest clue why the Minister for Health wishes to make these amendments changing it from the Liquor Licensing Commissioner to the Minister for Health. The Liquor Licensing Commissioner licenses the hotel. He decides the number of people who can be there. He virtually controls hotels, yet the Minister now wishes the Liquor Licensing Commissioner to be excluded from a decision which really will reflect on the way some of the hotels are run. Is it the Minister's intention in the future to take over from the Liquor Licensing Commissioner and actually make decisions in relation to the way a hotel is run?

The Hon. M.H. ARMITAGE: No.

Motion carried.

Amendment No. 15:

The Hon. M.H. ARMITAGE: I move:

That the Legislative Council's amendment No. 15 be agreed to.

Motion carried.

Amendment No. 16:

The Hon. M.H. ARMITAGE: I move:

That the Legislative Council's amendment No. 16 be agreed to with the following amendment:

Leave out 'Liquor Licensing Commissioner' wherever it occurs and insert 'Minister for Health' and leave out 'Commissioner' where it occurs and insert 'Minister'.

Motion carried.

Amendments Nos 17 to 20:

The Hon. M.H. ARMITAGE: I move:

That the Legislative Council's amendments Nos 17 to 20 be agreed to.

Motion carried.

Suggested amendments Nos 1 to 5:

The Hon. M.H. ARMITAGE: I move:

That the Legislative Council's suggested amendments Nos 1 to 5 be disagreed to.

Mr WADE: Suggested amendment No. 5 looks at the regulations to establish an independent body of expert persons. Will this be a paid or an unpaid body? If the body is to be a paid body, where would the funds come to pay it?

The Hon. M.H. ARMITAGE: The member for Elder may be under an misapprehension. I have moved that the suggested amendments Nos 1 to 5 be disagreed to, because that body is covered in the agreement for the $2.5 million.

Motion carried.

SUPPLY BILL

Returned from the Legislative Council without amendment.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

Consideration in Committee of the Legislative Council's message—that it had agreed to amendments Nos 2, 4 and 5, had disagreed to amendments Nos 1 and 3 and had amended the words reinstated by the disagreement to amendment No. 1 and had made a consequential amendment to the Bill, as follows:

House of Assembly's Amendment No. 1:

Page 2, lines 24 and 25 (clause 6)—After the word 'authority', twice occurring, insert the words ', person or class of person'.

Legislative Council's Amendment thereto—

Page 2, lines 21 to 28 (clause 6)—Leave out proposed Division 5A and insert—

'DIVISION 5A—PROVISION OF CERTAIN INFORMATION

Provision of certain information

27A.(1) The Electoral Commissioner may, on application by a prescribed authority, provide the authority with any information in the Electoral Commissioner's possession about an elector.

(2) The Electoral Commissioner may, on application by a person of a prescribed class provide the person with any of the following information about an elector:

(a) the elector's sex;

(b) the elector's place of birth;

(c) the age band within which the elector's age falls.

[For the purposes of this subsection, electors' ages will be divided into age bands in accordance with the regulations.]

(3) However, information is not to be disclosed to a person of a prescribed class if the elector has requested the Electoral Commissioner in writing not to do so.

(4) The Electoral Commissioner—

(a) may provide information under this section subject to conditions notified in writing to the authority or person to whom the information is given; and

(b) may charge a fee (to be fixed by the Electoral Commissioner) for providing information

(5) An authority or person who contravenes or fails to comply with a condition under subsection (4)(a) is guilty of an offence.

Maximum penalty: $1 250.'

Legislative Council's Consequential Amendment—

Page 30, lines 6 to 11 (Schedule 3)—Leave out proposed new clause 6A and insert new clause 6A as follows:

'Exempt electoral records

6A. A document is an exempt document if it is a record of information about an elector obtained in the course of the administration of the Electoral Act 1985; but not recorded on an electoral roll (as defined in that Act).'

House of Assembly's Amendment No. 3:

Page 7—After line 27 insert new clause 15A as follows—

'Amendment of s.85—Compulsory voting

15A. Section 85 of the principal Act is amended by inserting after subsection (9) the following subsection:

(9a) The Electoral Commissioner may, if of the opinion that it would not serve the public interest to prosecute an elector for an offence against this section, decline to so prosecute.'

Schedule of the reason for disagreeing with the foregoing amendments:

Because the amendments are incompatible with the scheme of the legislation.

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

That the House of Assembly do not insist on its amendment No. 1 and agree to accept the alternative amendment made in lieu thereof.

Motion carried.

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

That the consequential amendment thereto be agreed to.

Motion carried.

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

That the House of Assembly do not insist on its amendment No. 3.

The general thrust of this Bill is to enable the Electoral Commissioner, on application of a person of a prescribed class, to give the following information about an elector: the elector's sex, the elector's place of birth and the age span within which the elector's age falls. There is a specific clause inserted to the effect that, if the elected person wishes not to have that information disclosed, the Commissioner could hold that back. There is a small fee that could be charged and a penalty for breach of this set of clauses. The Government believes that this will be a very useful addition to the electoral roll and, since it is available only to prescribed persons, it will be in the interests of those people.

Mr Atkinson interjecting:

The Hon. G.A. INGERSON: Absolutely. I did not want to say specifically that it was to MPs, but I can put that on the record.

Motion carried.

TOBACCO PRODUCTS REGULATION BILL

The Legislative Council intimated that it did not insist on its amendment No. 1, had agreed to amendments Nos 14 and 16 and had agreed not to insist on its suggested amendments Nos 1 to 5.

ADJOURNMENT

At 3.33 a.m. the House adjourned until Tuesday 27 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 18 March 1997

QUESTIONS ON NOTICE

WITNESS PROTECTION

16. **Mr ATKINSON:** What does the Government do to support and protect prosecution witnesses?

The Hon. G.A. INGERSON: Prosecution witnesses may be supported and/or protected in one or more of the following ways:

1. COURT ROOM AND EVIDENCE

Vulnerable Witness Legislation

Section 13 of the Evidence Act (SA) empowers a court to make special arrangements for taking evidence from a witness in order to protect the witness from embarrassment or distress, or from being intimidated by the atmosphere of a courtroom, or for any other proper reason. In order to effect this, the court may make orders of the following kinds: that evidence be given outside the courtroom and transmitted to the courtroom by means of closed circuit television; that a screen, partition or one-way glass be placed to obscure the witness' view of a party to whom the evidence relates or some other person; that the witness be accompanied by a relative or friend for the purpose of providing emotional support. This is not an exhaustive list of the kind of orders authorised by Section 13.

In criminal proceedings, by dint of Section 13(10), these protections are available to a witness who (a) is under 16 years of age; (b) suffers from an intellectual disability; (c) is the alleged victim of a sexual offence to which the proceedings relate; or (d) is, in the opinion of the court, at some special disadvantage because of the circumstances of the case, or the circumstances of the witness.

Clearing the Court

Section 69 of the Evidence Act (SA) authorises a court where it considers it desirable in the interests of the administration of justice, or in order to prevent hardship or embarrassment to any person, to order specified persons, or all persons except those specified to absent themselves from the court during the whole or any part of proceedings before the court.

Where the alleged victim of a sexual offence is a child and is to give evidence in proceedings related to the offence, an order must be made requiring all persons except (a) those whose presence is required for the purposes of the proceedings; (b) a person who is present at the request or with the consent of the child to provide emotional support for the child; and (c) any other person who in the opinion of the court should be allowed to be present, to absent themselves from the court while the child is giving evidence.

Suppression Orders

Section 69a of the Evidence Act (SA) authorises a court, if satisfied that a suppression order should be made to prevent prejudice to the proper administration of justice or to prevent undue hardship to an alleged victim of crime or to a witness or potential witness in criminal proceedings who was not a party to those proceedings, to make such an order.

Section 71a(4) prohibits publication of any statement or representation by which the identity of a person alleged in any legal proceedings to be the victim of a sexual offence is revealed or from which the identity of a person alleged in any legal proceedings to be the victim of a sexual offence might reasonably be inferred unless the Judge authorises or the alleged victim consents to the publication (but no such authorisation or consent can be given where the alleged victim is a child).

2. RESTRAINING ORDERS AND RELATED MATTERS

Domestic Violence Act 1994 (SA)

Section 4 of the Domestic Violence Act provides that on a complaint under the Act, the court may make a domestic violence restraining order against the defendant if:

(a) there is a reasonable apprehension that the defendant may, unless restrained, commit domestic violence; and

(b) the court is satisfied that the making of the order is appropriate in the circumstances.

A domestic violence restraining order may apply for the benefit of a member of the defendant's family who has made the complaint, or on whose behalf the complaint was made, or any other family member specified in the order. The terms of a domestic violence restraining order are very broad, viz., a domestic violence restraining order may impose such restraints on the defendant as are necessary or desirable to prevent the defendant acting in the apprehended manner: Section 5(1). Such orders may range from prohibiting the defendant from being on premises at which a family member resides or works through to prohibiting the defendant from contacting, harassing, threatening or intimidating a family member, or any person at a place where a family member resides or works.

A complaint may be made by a member of the Police Force or a person against whom, or against whose property the behaviour that forms the subject matter of the complaint has been or may be directed. A complaint may be made and dealt with by telephone by a member of the Police Force or by a person introduced by a member of the Police Force and where the court is satisfied that the complaint is genuine and that the case is of sufficient urgency to justify making a domestic violence restraining order without requiring the personal attendance of the complainant, the court may make a domestic violence restraining order and issue a summons requiring the defendant to appear before the court to show cause why the order should not be confirmed.

Section 7 provides that if a member of the Police Force has reason to believe that a complaint is being made, or is about to be made, against a person by telephone, the member may require the person to remain at a particular place while the complaint is made and dealt with so that any order or summons made or issued on the complaint may be served on the person. If the person refuses or fails to comply with the requirement or the member has reasonable grounds to believe that the requirement will not be complied with, the member may arrest and detain the person in custody (without warrant) for so long as may be necessary for the complaint to be made and dealt with and any order or summons made or issued to be served on the person, or for a period of two hours whichever is the lesser.

By virtue of Section 9, a domestic violence restraining order may be made in the absence of the defendant, if the defendant was required by summons or conditions of bail to appear at the hearing of the complaint and failed to appear in disobedience of the summons.

By virtue of Section 9(2), a domestic violence order may be made in the absence of the defendant and despite the fact that the defendant was not summoned to appear at the hearing of the complaint, but in that case the court must summon the defendant to appear before the court to show cause why the order should not be confirmed.

Summary Procedure Act (SA)

The provisions under Division 7 of the Summary Procedure Act may be used for the protection of a complainant who does not fall within the meaning of a 'family member' in Section 3 of the Domestic Violence Act. Division 7 of the Summary Procedure Act provides for:

Restraining orders—Section 99

Paedophile restraining orders—Section a

Complaints by telephone—Section 99B

Issue of restraining orders in the absence of the defendant—Section 99C

Registration of foreign restraining orders—Section 99H

By virtue of Section 99L of the Summary Procedure Act, a complaint made under Division 7 that could have been made under the Domestic Violence Act 1994 may be dealt with as if it had been made under that Act.

Section 99AA of the Summary Procedure Act provides

(1) On a complaint under this Division, the court may make a restraining order against the defendant if:

(a) the defendant has been found loitering near children; and

(b) (i) the defendant has been found guilty of a child sexual offence within the previous 5 years; or

(ii) the defendant, having been sentenced to imprisonment for a child sex offence, has been released from prison within the previous 5 years; or

(iii) the defendant has been found loitering near children on at least one previous occasion and

there is reason to think that the defendant may, unless restrained, again loiter near children; and

(iv) the court is satisfied that the making of the order is appropriate in the circumstances.

The power of the court to make orders pursuant to Section 99AA are wide ranging and extend to restraining a defendant from loitering near children in any circumstances.

It is an offence to contravene or fail to comply with a restraining order: Section 99I of the Summary Procedure Act.

It is noteworthy that registration of foreign restraining orders is always done at the Adelaide Registry of the Magistrates court regardless of where the complainant lives so that the whereabouts of the complainant is not divulged.

Criminal Law Consolidation Act

Section 19AA of the Criminal Law Consolidation Act creates the offence of stalking. This may in some circumstances provide protection for a prosecution witness.

Sentencing Act

By virtue of Section 19A of the Criminal Law (Sentencing) Act a court may, on finding a person guilty of an offence, or on sentencing a person for an offence, issue against the defendant a restraining order under the Summary Procedure Act 1921 or a domestic violence restraining order under the Domestic Violence Act 1994 as if a complaint had been made under that Act against the defendant in relation to the matters alleged in the proceedings for the offence. Such an order issued under Section 19A has the effect of a restraining order under the Summary Procedure Act or a domestic violence restraining order made under the Domestic Violence Act as the case may require.

Bail Act

By virtue of Section 10(1)(B)(iii) the bail authority should release an applicant on bail unless, having regard to, inter alia, the likelihood (if any) that the applicant would, if released, intimidate or suborn witnesses.

Bail may be granted conditional upon a person released on bail refraining from contacting directly or indirectly any proposed Crown witness.

3. WITNESS PROTECTION

Witness protection is available in the short term for vulnerable witnesses through the South Australian Police Department which provides a variety of protection according to the degree of risk. This protection sometimes involves police presence on a 24 hour a day basis.

On 13 January 1997 the Witness Protection Act (SA) was proclaimed. This Act was enacted as part of a legislative scheme between the Commonwealth and the States. Section 24 of the Witness Protection Act (Cth) requires an arrangement between the federal Minister and the Ministers of the various States. At this stage a memorandum of undertaking has been drafted by South Australia and has been put before the Federal Minister for Justice, the Honourable Mr Daryl Williams. The new State legislation will provide the mechanism for such matters as witness relocation, the creation of a new identity (Social Security number, Medicare number etc.) for a Crown witness and his or her immediate family. Section 21 of the Witness Protection Act (SA) creates a number of offences aimed ultimately at protection prosecution witnesses.

4. OFFENCE—DISSUADE WITNESS

Section 244(3) of the Criminal Law Consolidation Act creates the offence of prevent or dissuade (or attempt to prevent or dissuade) another person from attending as a witness at judicial proceedings or giving evidence at or producing a thing in evidence at such proceedings. The maximum penalty for such an offence is 7 years. In a similar vein, Section 244(5) provides that a person who does an act with the intention of deceiving another person in any way in order to affect the evidence of the other person at judicial proceedings is guilty of an offence. A similar penalty applies.

5. WITNESS ASSISTANCE SERVICE

The witness assistance service commenced on 4 October 1995 with the employment of a social worker based at the Office of the Director of Public Prosecutions Committal Unit. This service provides pre-trial support as well as assessment for counselling. Referrals are made as appropriate. This service is also available during a trial in certain circumstances and follow up after a trial is also done in appropriate circumstances. This service provides information about the court process, tours of a court room where appropriate, debriefing sessions and urgent counselling where required.

6. VICTIMS REGISTER

A register of victims of crime is maintained by the Manager of Client Advocacy and Information Services at the Department for Correctional Services. Notification of victims registered under this scheme is regulation by Section 85(D) of the Correctional Services Act. A person wishing to be included on the register does so by written application. Such applications are vetted by the South Australian Police Department to ensure bona fides. Once a person has been entered on the register he or she is notified in writing. In situations where an inmate makes application for release on parole, the Parole Board will automatically notify any relevant person or persons on the victims register and invite written submissions. Where an inmate becomes eligible for inclusion in a pre-release program, the Manager of the pre-release centre will automatically notify a registered victim of the general terms of the contemplated pre-release program. Where a registered victim initiates an inquiry, he or she will be notified of such matters as an inmate's transfer between institutions, release date, whether a person has been released on parole, the place at which a parolee is to report, and details of any escape from a Correctional Services institution.

TOURISM COMMISSION VEHICLES

44. **Ms WHITE:**

1. What are the position designations of 'Every person who is an adviser in the Tourism Commission (who) has a car' as part of their package as stated by the Minister in answer to a question without notice on 12 November 1996?

2. Are there any persons in the Tourism Commission below the level of Group General Manager who gets a car as part of their package and, if so, how many and what positions do they hold?

The Hon. E.S. ASHENDEN:

1. Chief Executive, Group Manager Tourism Development, Group Manager marketing Communications, Group Manager State Marketing, Group Manager National Marketing, and group Manager International Marketing.

2. Marketing Managers employed by Regional Tourism Marketing boards also have access to cars as part of their remuneration packages.

TOURISM COMMISSION CONSULTANCIES

45. **Ms WHITE:**

1. Can the Minister explain the reasons for the inconsistency between his statement to Parliament on 6 November 1996 that 'the Tourism Commission does hundreds of consultancies; it puts them out to tender on a daily basis' and information provided in the 1995 Annual Report of the South Australian Tourism Commission that there were 27 consultancies in that year?

The Hon. E.S. ASHENDEN:

1. Information provided in the 1995 annual report of the South Australian Tourism Commission indicates that there were 27 consultancies in that year. In addition the Commission also tendered for the supply of uniforms, and provision of stationery, together with sundry printing jobs that were not recorded under these consultancies.

2. The 1995-96 annual report of the commission (page 42) reports a total of 35 consultancies were undertaken by the commission in the financial year ended 30 June 1996.

ENTERTAINMENT CENTRE BOARD

46. **Ms WHITE:**

1. How large is the planned reduction in the 'Entertainment Board' that the Minister referred to in Parliament on 6 November 1996 and who is currently on this board?

2. Are members of this Entertainment Board paid and what advantage does the Minister expect to achieve by reduction in its size?

The Hon. E.S. ASHENDEN:

1. Currently the Entertainment Centre management committee comprises 3 members:

Mr Ian Cocks, Chairman
M G. Whitbread
Ms G. Wallace

There are no immediate plans to reduce the Entertainment Centre management committee.

2. On 29 January 1997, the Minister approved a payment of $15 000 to the chairman and a payment of $10 000 to each member to cover the period of service from May 1996 to April 1997.

TOURISM COMMISSION LOGOS

47. **Ms WHITE:**

1. Why does the existing SA Tourism Commission board not have the ability to register logos such as 'Sensational Adelaide'?

2. If the commission does not have the ability to register logos under the current Act, has there been any occasion when it has licensed other users to use its logos and if so, on what basis was this achieved and has the Government maintained total commercial use of such logos?

The Hon. E.S. ASHENDEN:

1. The existing South Australian Tourism Commission, as a body corporate, does have the ability and power to register logos, such as 'Sensational Adelaide'.

In September 1994 the SATC lodged the necessary documentation to register 'Sensational Adelaide' as a trade mark. Those registrations were rejected on the grounds they were descriptive rather than a trade mark.

2. The South Australian Tourism Commission has not licensed others to use any of its logo imagery and thus the Government has maintained total commercial usage of such logos.

TOURISM COMMISSION AMALGAMATION

48. **Ms WHITE:**

1. In what way is the Minister prevented under the current Act from bringing the major events group in the South Australian Tourism Commission as stated by him to the House on 6 November 1997?

2. Did the commission manage and/or sponsor the major events for South Australia such as the SA Tattoo, the SA Golf Open and the Tennis Championships prior to the creation of Australian Major Events?

The Hon. E.S. ASHENDEN:

1. There is nothing within the current legislation which prevents the amalgamation of the South Australian Tourism Commission and The Australian Major Events Group.

2. The Commission sponsored the SA Tattoo in November 1995 and was a contributing sponsor to the Tennis Championships in January 1995 prior to the operational set-up of Australian Major Events.

It was reported in the 1994-95 Annual Report of the South Australian Tourism Commission that the Ford Open Golf Championship received financial assistance from the Commission.

ATTORNEY-GENERAL, INTERVENTION

53. **Mr ATKINSON:** Will the Government amend the Director of Public Prosecutions Act so that the Attorney-General shall, in future, 'not have the power to intervene in any case to determine whether there should be an appeal' and, if not, why not?

The Hon. G.A. INGERSON:

1. No.

2. It may tend to undermine the statutory independence of the office of the Director of Public Prosecutions, independence which the then Labor Government felt was an important principle and which the present Liberal Government supports.

REGIONAL DEVELOPMENT

66. **Mr CLARKE:** When will the Minister provide the answers promised by him as the then Minister for Manufacturing, Industry, Small Business and Regional Development on 5 November 1996 (*Hansard*, page 384) concerning the Government's program expenditure on the Upper Spencer Gulf over the past three years, the number of jobs retained or attracted to that region, and the number of State Government jobs lost to the region over that same period?

The Hon. J.W. OLSEN: The old EDA database cannot be searched by region, only by program expenditure. The data input for the period 1990-1993 is difficult to interpret in terms of jobs and the capital expenditure generated from business by program incentives.

This means that only the totals for the whole State on the two relevant regional programs can currently be supplied to add to the information already provided by the Minister in Parliament (*Hansard* 5/11/96).

Past annual reports do not supply region specific data either, however some reports have detailed total regional jobs and capital expenditure generated.

Since July 1994, when the new Regional Development Division was created, more detailed total state regional development outcomes have been reported.

The following table contains the regional development program expenditure by the Department, on a financial year basis from 1990-91 to 1995-96. The Regional Industry Development Payments Program (RIDPP) refers to industry (business) assistance payments and the Regional Improvement Program (RIP) refers to the funding of the Regional Development Boards and their projects.

Regional Development Expenditure by Program (Statewide)

	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96
RIDPP	982 000	936 000	2 036 000	695 000	4 146 000	3 934 000
RIP	439 000	623 000	1 417 000	1 749 000	2 432 000	2 901 000
Total $'s	1 421 000	1 559 000	3 453 000	2 444 000	6 578 000	6 835 000

Regional Development Program Expenditure Outcomes (Statewide)

	1990-91 (old annual report)	1991-92 (old annual report)	1992-93 (old annual report)	1993-94 (old annual report)	1994-95 (new database)	1995-96 (new database)
Jobs retained	not reported	not reported	128	not reported	589	186
Jobs created	not reported	28	77	not reported	1481	1978
Capital exp'ture generated	not reported	663 000	4 185 000	not reported	34 000 000	224 000 000

The RIDPP expenditure cannot be separately extracted from the database for the Upper Spencer Gulf region. The area is covered by the Northern, Whyalla and Port Pirie Regional Development Boards. The total RIP expenditure for these Boards is shown below:

Period	1/7/90-30/6/93	1/7/93-30/6/96
RIP Expenditure		
Upper Spencer Gulf	998 215	1 277 174

AUDITOR-GENERAL'S REPORT

67. **Mr CLARKE:** When will the Minister provide the answers promised by the then Minister in his answer to questions concerning the Auditor-General's Report for 1995-96 on 2 October 1996 (*Hansard*, page 45)?

The Hon. DEAN BROWN:

1. (a) Payments made under Special Acts covers the remuneration of Judges and Magistrates of the Industrial Relations Court and Commission and the Minister for Industrial Affairs. I confirm that the Government has no direct authority over persons covered under Special Acts.

1. (b) The Department for Industrial Affairs' Enterprise Agreement increase ($36.00 per week, the final $10.00 was paid from 21 October 1996) was applied to Executive level staff who were not covered by a fixed term, negotiated conditions or other contract arrangements.

2. Yes. The Department for Industrial Affairs will continue to provide a detailed monitoring service and provide regular reports to the Minister and Cabinet. It is expected that future reports will be resumed from the quarter ending 31 March 1997 and include results

for the first three quarters of 1996-97.

TUBERCULOSIS

68. **Mr ATKINSON:** Why is it necessary to screen staff in nurseries for tuberculosis by means of biannual chest x-rays?

The Hon. D.C. KOTZ: The requirement for child care workers to undertake chest x-rays has been contained in child care regulations since 1972. With the establishment of the Children's Services Office, the regulations were transferred into the Child Care Centre Regulations pursuant to the Children's Services Act, 1985.

In 1986, the Health Commission ceased the practice of undertaking routine chest x-rays to screen for tuberculosis. The Health Commission took this action due to the low incidence of the disease in SA and the low risk of the infection being transmitted between community members. However, the Child Care Centre Regulations require that all staff engaged in the provision of child care must have a chest x-ray every two years.

Legal advice provided to the Department for Education and Children's Services (DECS) has stated that the current Regulations do not give the Minister or officers from Department for Education and Children's Services (DECS) any discretionary power to waive the requirement that chest x-rays be performed.

The Minister and DECS' officers are aware of the concerns raised by the SA Health Commission and child care staff concerning the necessity for chest x-rays to screen for tuberculosis. As part of the current review of the Child Care Centre Regulations being undertaken by DECS, in consultation with the child care sector, it is proposed that the current requirement for a chest x-ray to be undertaken every two years will not be included in the new regulations.

COMMUNITY BENEFIT SA

69. **Mr ATKINSON:** Is one of the purposes of Community Benefit SA to provide compensation to established charities for revenue loss caused by the introduction of poker machines and if so, do charities applying for funding have to establish such a revenue loss and, if not, why not?

The Hon. D.C. WOTTON: The purpose of Community Benefit SA is to enhance the level of community support throughout the metropolitan, regional and rural areas of South Australia by providing financial assistance to community organisations addressing social welfare needs, including those organisations experiencing increased service demands relating to gaming machine use.

Funding is allocated for projects which

- assist families in need and people who are suffering poverty or hardship and risk breakdown
- assist new ways of supporting organisations which are in the past have relied on gambling related fund raising methods.

Community Benefit SA is not intended to operate as a compensation scheme for fundraising losses but is intended to provide an offset source of funding to community organisations which could reasonably be perceived to have experienced downturns in fund raising associated with the introduction of gaming machines. The fund provides funding for projects which assists organisations to develop alternative ways of fund raising and developing alternative revenue sources.

HOUSING TRUST HOUSES

71. **Mrs GERAGHTY:**

1. How many South Australian Housing Trust houses have been sold in the Torrens electorate over the past two years (by suburb)?

2. How much capital has the Government derived from the sales of these properties (by suburb) and what percentage has been reinvested into repairing and maintaining older Trust stock (by suburb)?

3. How many new trust homes have been built in Torrens over the past two years?

4. What percentage of the trust budget was spent on the maintenance and repair of older trust stock in Torrens over the past two years?

The Hon. S.J. BAKER:

Electorate of Torrens (1994 redistribution) house sales, new build and maintenance for 1994-95 and 1995-96.

1 Suburb	2 House Sales No.	3 House Sales $	4 Maintenance $	5 New Build No.	6 New Build $ m
Dernancourt	0	0	10 584	0	0
Gilles Plains	1	86 400	737 549	2	0.24
Hampstead Gardens	1	73 000	75 154	0	0
Highbury *	0	0	-	0	0
Hillcrest	138**	1 309 000	586 818	25	3.17
Holden Hill *	3	216 900	377 865	27	2.654
Hope Valley *	0	0	-	0	0
Klemzig	5	407 300	514 341	9	0.937
Manningham	0	0	472	0	0
Oakden	0	0	264 691	35	4.15
Vale Park	0	0	4 854	0	0
Windsor Gardens	1	55 000	757 265	1 (AHU)	0.145
TOTAL	149	2 147 600	3 329 599	99	11.296

* Part of this suburb is in the electorate of Torrens.
In column 4 the maintenance costs for the whole of Holden Hill is used to average the three part suburbs.
** Includes 133 timber transportable houses.
(AHU) Aboriginal Housing Unit.

1. There have been 149 house sales over the two year period as detailed in column 2. It should be noted that this figure includes 133 timber transportable houses sold as part of the Hillcrest Urban Renewal Project.

2. House sales raised the amount of $2 147 600, as detailed in column 3. It should be noted that timber transportable houses which are included in this figure had an average sale price of approximately $7 500. House maintenance costs ($3 329 599) expressed as a percentage of gross house sales proceeds ($2 147 600) is 155 per cent.

3. There have been 99 new Trust houses built, as detailed in column 5.

4. Maintenance expenditure for 1994-95 was $56.824 m and for 1995-96 it was $49.718 m; a total of $106.542 m. Maintenance expenditure in Torrens ($3 329 599) expressed as a percentage of the total Trust maintenance budget was 3.1 per cent.

GOVERNMENT CONTRACTS

72. **Ms WHITE:** Which Government contracts let by the Department of Environment and Natural Resources and which property sales handled on behalf of the Government by the department have not gone to open tender and in each case, why not, what was the monetary value of the contract/property sale and how

was the successful recipient of the work/purchase chosen?

The Hon. D.C. WOTTON: The Department of Environment and Natural Resources undertakes numerous sales of Crown land and surplus Government properties ranging from the disposal of small portions of surplus channel reserves and country town allotments to large former school sites in the metropolitan area.

Sales are effected using the Crown Lands Act 1929, which provides for the sale of land in a number of ways including the open tender or auction process, listing through an agent, sale to an adjoining owner, sale to a local or State Government agency, and sale to a licensee. The decision on which method to use is based on a recommendation of the Land Board, an assessment of public interest, by myself or Cabinet, and the circumstances of each case.

In all cases sale price is based on the Valuer General's valuation as directed by Cabinet.

Agents or contractors for work associated with sales of property are chosen from a register compiled by the Department every two years, following a public call for registrations of interest.

The Member for Taylor has not specified a time frame in her inquiry and it would be an extremely time consuming task to obtain the details of all sales ever conducted by the Department in the categories described. However, I would be pleased to provide the Member with details of specific sales if she so requested.

TRADE PRACTICES ACT

73. **Ms WHITE:** Is the Minister aware of concern about the number of businesses in Adelaide displaying 'no refund' signs in contravention of the Trade Practices Act and, if so, what steps have been taken to protect the rights of consumers who attempt to ask for refunds on purchases and are refused, what resources have been devoted to the policing of section 53 (g) of the Act, what is the process followed by the Office of Consumer and Business Affairs when it is alerted to the display of a contravening sign and what time limits are imposed for compliance by offending businesses?

The Hon. G.A. INGERSON: The Office of Consumer and Business Affairs has received several lists from a member of the public concerning alleged illegal 'no refund' signs displayed in many businesses in the Adelaide metropolitan area. It was alleged that the signs are in breach of either the Fair Trading Act 1987 (State) or the Trade Practices Act (Federal).

Fair trading legislation entitles consumers to a refund in certain circumstances, for example, where goods purchased are found to be defective, unfit for the intended purpose or do not perform as described at the time of sale. On the other hand, consumers need to choose wisely when purchasing goods and be satisfied that the goods meet their requirements. Traders are not obliged to provide a refund for goods on the basis that the consumer has changed his/her mind or did not specify their requirements at the time of sale.

OCBA protects consumer rights through a number of strategies including education and media releases, providing a conciliation service for consumer complaints and through monitoring and enforcement of the fair trading legislation.

In this particular matter, OCBA has acted on the information received concerning the use of 'no refund' signs in numerous retail outlets. Since July 1996, OCBA officers have visited 23 stores in Adelaide and the northern suburbs. Twenty one stores were found to have signs that were incorrect.

This monitoring and education program will continue until all the targeted stores have been visited.

The Office of Consumer and Business Affairs currently administers twenty four (24) separate Acts which comprise hundreds of sections requiring compliance. OCBA has approximately 32 Officers directly dedicated to providing fair trading services, which includes monitoring of section 53(g) of the Fair Trading Act. Policing of this and other sections may depend on the extent of non-compliance evident and the extent of consumer detriment involved. The advisory and conciliation services provided by OCBA ensure traders may be educated and warned if a breach such as this becomes apparent.

In this case specific monitoring of the problem was conducted. Approximately three full days have been spent by one OCBA officer in monitoring retail outlets.

The OCBA compliance approach is flexible and enables officers to deal with particular breaches of legislation according to the seriousness and nature of the complaint. In a technical breach such as displaying a 'no refund' sign, the appropriate strategy is to educate and warn traders in the first instance, and to follow up the matter to ensure future compliance.

Traders are asked to remove the offending signs and are expected to comply immediately or within 24 hours. Traders who ignore such warnings may be subject to more serious sanctions such as prosecution.