LEGISLATIVE COUNCIL

Thursday 1 December 1988

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

The Hon. CAROLYN PICKLES: I have to report that the managers for the two Houses conferred together at the conference but that no agreement was reached.

The PRESIDENT: As no recommendation from the conference has been made, the Council, pursuant to Standing Order 338, must resolve either not to further insist on its amendment or to lay the Bill aside.

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That the Council do not further insist on its amendment.

The Hon. I. GILFILLAN: The issue is an interesting one which I and the Democrats believe has not been fully resolved either in debate in this place or in the conference. I do not believe that it is appropriate at this stage to canvass any particular argument, but I remind the Council that the issue involves the acceptance or otherwise of an amendment dealing in simple terms with the conditions for union membership or the consequences of union membership in the training and education involved in this legislation.

The Democrats have had inadequate opportunity to consult with interested parties, unions, employers and the ICTC itself, and it is on that basis, Ms President, that we seek an extension of the time in which to deliberate on this matter. I will seek leave to conclude my remarks and, if I am successful in that respect, it will extend the period of consideration until February next year. With that in mind, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Tourism (Hon. Barbara Wiese):

Commissioner for Equal Opportunity—Report, 1987-88.
Friendly Societies Act 1919—Alterations and amendments to the Constitution of the Independent Order of Odd Fellows Grand Lodge of South Australia.
Teachers Registration Board—Report, 1987.
Tourism South Australia—Report, 1987-88.

By the Minister of Local Government (Hon. Barbara Wiese):

Libraries Board of South Australia—Report 1987-88.

MINISTERIAL STATEMENT: CORRECTIONAL SERVICES

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement.

Leave granted.

The Hon. BARBARA WIESE: On 6 October 1988 Mr Bill Trevorrow of the Correctional Officers Association of South Australia made a series of sensational claims regarding the Yatala Labour Prison. These claims were that a convicted sex murderer and his associates at Yatala choose 'whichever young boy takes their fancy' and that these prisoners 'dictate which prisoner they will have in their cell'. Mr Trevorrow then went on to claim that these prisoners virtually ran the prison, passed inmates from cell to cell for sex and that homosexual rapes were daily occurrences. He also alleged that these practices were being conducted with the full knowledge of correctional officers at Yatala.

No dates, particulars, corroborating witnesses or names (other than Bevan Von Einem's) were offered in support. The Department of Correctional Services Senior Investigations Officer, Mr Lee Bowes, approached Mr Trevorrow on 6 October, the same day the claims were made, in order to conduct a preliminary investigation of the allegations. Mr Trevorrow refused to speak to him. Similarly, the Police Department attempted to interview Mr Trevorrow on the same day. He refused to cooperate in this instance as well. The Government then wrote to Mr Trevorrow on 7 October 1988 with an offer to pay the legal costs incurred by COASA's seeing a lawyer in order to determine the most appropriate way of putting information to the relevant law enforcement agencies. Mr Trevorrow has never replied to that letter.

Recently Mr Trevorrow changed his mind and agreed to be interviewed by the police. Subsequent to that interview, the Police Commissioner (Mr Hunt) on 17 November wrote to the Executive Director of the Department of Correctional Services regarding the allegations made by Mr Trevorrow. That letter states:

Dear Mr Dawes,

Re: Allegations by Mr Bill Trevorrow

I refer to your letter of 6 October 1988 and advise that an investigation into the allegations made by Mr Bill Trevorrow has found no evidence to support his allegations. Mr Trevorrow has been interviewed, and he states that he made allegations based upon the advice of prison officers at Yatala Labour Prison. He has refused to identify the prison officers concerned.

Prisoner, Bevan Spencer Von Einem, has refused to be interviewed by police. Mr Kennedy, Manager of Yatala Labour Prison, states that Von Einem does not share a cell with any other prisoner. A policy directive, dated 3 May 1986, was produced which clearly indicates that the policy of management of the Yatala Labour Prison is that within Division 'B', where Von Einem is confined, no prisoner is to be placed into a cell if another prisoner occupies that cell.

In the absence of evidence to support the allegations by Mr Trevorrow and, indeed, strong evidence from Mr Kennedy supported by a documented policy statement re the occupation of cells, the finding of our investigation is that the allegations made by Mr Bill Trevorrow are refuted.

QUESTIONS

RESIDENT MEDICAL OFFICERS

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister representing the Minister of Health a question about resident medical officers.

Leave granted.

The Hon. M.B. CAMERON: Members would be well aware of the long running dispute with young doctors in Adelaide public hospitals. While not wanting to go into details of a matter which has been in the Industrial Court, suffice to say that the South Australian Salaried Medical Officers Association, which represents registered medical officers, is seeking a 38 hour week for these young doctors. At present these young doctors work at least 48 hours a week, and often in many cases far longer hours.

I understand that, despite widespread advertising for RMOs to undertake work at Adelaide's major public hospitals at the start of 1989, the Health Commission is at least 20 applicants short, and I am told that the problem of

staffing these vacancies as a result will be very acute. I understand that most of the unfilled vacancies for RMO positions are at the Lyell McEwin and Modbury Hospitals.

In fact, only eight applicants have applied for RMO positions at Lyell McEwin, while the hospital needs 20 to operate properly next year. I understand the existing acute shortage of young doctors at the hospital has only been hidden by the good work being done by GPs who have filled in some of the gaps. My questions are:

1. What steps is the Government taking to overcome the acute shortage of applicants for RMO positions in Adelaide hospitals for 1989, and in particular at the Lyell McEwin Hospital?

2. Has the Government considered advertising interstate and overseas for applicants and, if not, why not?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

PORT HOUSING AUTHORITY AND PORT UNEMPLOYED SELF HELP INC.

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Minister of Local Government, as acting Leader of the Government in the Legislative Council, a question about Port Unemployed Self Help Inc. (PUSH) and the Port Housing Authority.

Leave granted.

The Hon. K.T. GRIFFIN: On 12 April 1988 I asked questions of the Attorney-General, and my colleague, the Hon. Dr Eastick, asked questions of the Minister of Housing in respect of these two associations. Those questions related to allegations of mal-administration in both associations; membership of the committee of management of PUSH; of members with criminal convictions; and favoured treatment in terms of rent and allocation of houses by the Port Housing Authority. Investigations were promised urgently, but no information has been provided to the Parliament on the results of the investigation or actions taken.

I have, however, been able to glean a little of what has been happening. I understand that the Housing Trust is playing a bigger role in the Port Housing Authority, and that at the annual general meeting in August, following a direction by the Minister of Housing, a committee of five persons was established: three nominated by the Minister of Housing and two by the Port Housing Authority. I am told that PUSH had a deficit of about $7 500 at 30 June 1988, and that this was to be made up by the Department for Community Welfare. I am also told that the former coordinator of PUSH was being offered long service leave after six years on contract when he was not entitled to that leave, and that there is still special and preferred treatment being exercised in the administration of the Port Housing Authority.

Another major area of concern relates to the four members of the committee of management of PUSH who were prosecuted for breaches of the Associations Incorporation Act because they had convictions for dishonesty. In those circumstances they were in breach of section 30 of the Associations Incorporation Act. I am told that those four members were either remanded or their cases were adjourned on two occasions. At the annual general meeting of PUSH in August, the treasurer told the meeting he would take steps to see that the four would be taken care of by possible withdrawal of the prosecutions.

The prosecutions were due to come on for hearing on 10 November 1988. On 7 November the four members and the present coordinator were contacted by Corporate Affairs and told, 'We are withdrawing this matter unless someone brings it up again'. I am told that the reason for this action was that if the prosecutions proceeded half of similar associations would suffer a similar fate because many current committee members have convictions for dishonesty. If the prosecutions have been dropped and membership of committees of management is allowed where members have convictions for dishonesty in breach of the provisions of the Associations Incorporation Act, that is a matter of major concern. My questions are:

1. Will the Minister arrange for a full and detailed report of Government actions in relation to these two associations since April 1988 to be published as a matter of urgency?

2. Will the Minister arrange for a full investigation of the affairs of these two associations, the results to be published as soon as possible?

3. Why did the Government drop the prosecutions against members of PUSH for breaches of the Associations Incorporation Act?

4. In respect of how many other similar associations have such breaches not been prosecuted?

The Hon. BARBARA WIESE: I will refer those questions to the relevant Minister or Ministers and I shall seek to provide the responses that the honourable member has requested.

GOVERNMENT TENDERING PROCEDURES

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Acting Leader of the Government a question relating to South Australian Government tendering procedures.

Leave granted.

The Hon. I. GILFILLAN: In the Government tendering process, it is quite common for departments to accept a solution which differs markedly from that which was required in the tender. Typically, a particular supplier will attempt to win business by offering the user a basket of goodies in addition to the basic equipment supplied. Often the user department and hence the State Supply Board will justify acceptance of this supplier offering on the basis of this additional equipment or services.

There appears to be no process whereby the State Supply Board independently verifies the following: that the requested goods or services are in fact the best and most cost effective solution to the needs of the department concerned, not merely the personal opinions of the writer of the specification; or that the tender specification is not written so as to unfairly discriminate in favour of any one supplier, either on technical or compatibility grounds.

Although the rules relating to Australian content are quite clearly stated in the conditions of tendering, it is left to each tenderer to simply state the percentage of Australian content in the equipment being proposed. This leaves the way wide open for suppliers of imported equipment to unfairly declare the value of the Australian content. There appears to be no verification of the true nature of this content, thus allowing suppliers to put their own figure on the value added portion of the equipment.

The next point could perhaps be described as misrepresentation. It is understood that, where a supplier offers items which they have never designed or produced before, an unfair situation can be created relative to other suppliers. Typically, the supplier fails to state that these items have yet to be designed or produced, but merely states an availability date. In this situation, the user department is taking a considerable risk in accepting an unknown item, and

competitive suppliers who have such an item already available may be disadvantaged.

An example of this situation exists in respect of the JIS tender, which my colleague Mike Elliott mentioned a few weeks ago. That tender for data communications equipment was awarded to Network Automation Pty Ltd. This company tendered items of software which it did not have at the time of tendering, but which were offered by competitive suppliers. The company has had considerable trouble in supplying certain items of working software and has recently been granted an extension in delivery time, effectively giving this company an unfair advantage commercially.

In high technology areas, it is not uncommon for a supplier to be the subject of a takeover or merger. This may affect the company's ability to meet its contractual obligations and/or alter the value of Australian content where an overseas supplier is involved. In some cases, existing contracts may be rendered invalid.

It is common for unsuccessful tenderers to be notified after contracts have been signed with the successful tenderer. Often this notification comes many months later. Not only is this discourteous to the unsuccessful tenderer, but effectively prevents any process of appeal or inquiry. It would be helpful to the unsuccessful tenderers to know exactly why a tender was lost, without having to wait for months after the event. Periods of up to 12 months have been observed. Members would realise that that sort of delay makes it very difficult for constructive criticism of the tendering process.

Australian supply content is very important and I am sure that all members applaud the initiative by the State Government to ensure the highest Australian content in any tenders. Unfortunately, ETSA, which is under the control of the Minister of Mines and Energy and through him the Government, has not complied with that. I will quote two comparative clauses in the agreements to make my point. The extract from the standard State Supply tender conditions, which I think are admirable, states:

> The State and Commonwealth Governments have agreed that Australian industry will receive preference over foreign suppliers in Government procurement. This commitment is set down in the National Preference Agreement which came into effect on 1 July 1986. Preference is to be applied in the form of a nominal surcharge on the imported content of the goods when a comparison of prices is made during the evaluation of the offers. Goods from New Zealand will have a nominal surcharge of 12 per cent and 22 per cent for all other countries.

This obviously makes them more expensive as far as the ultimate tender costs are concerned. It continues:

> It is essential, therefore, to state the imported value and country of origin on the tender form or include this information on a separate sheet if a number of components from different countries are being offered. Failure to comply with this requirement may result in a 20 per cent penalty being applied automatically when the goods are evaluated. The imported content is defined as the estimated duty paid value inclusive of the value of any services (for example, overseas freight and insurance, software in computer tenders, consultancy or engineering effort) or any charges of overseas origin, together with customs clearing charges.

Obviously, the State Government has put a lot of thought into ensuring that there is strong incentive for Australian and locally based ingredients and it is designed for that purpose. However, an extract from ETSA's tender specification, E1112 on the 'supply, delivery, installation and commissioning of a packet-switched data network equipment', is as follows:

> The Electricity Trust of South Australia, as a State Government instrumentality, is conscious of the need to ensure that all local companies with the appropriate capability are given the opportunity to tender for any part or parts of this contract. Tenderers should indicate for each item for which they tender, the country of origin. If a composite product, the value in Australian currency of the portion manufactured outside Australia should be stated. If of Australian manufacture, the State in which the item is made is to be stated.

It is quite obvious from that how deficient and inactive ETSA is in forcing State or Australian content. I ask the Minister representing the Government the following questions:

1. Will the Government insist that ETSA conform with the State Government's standard requirements for Australian content in the tendering process?
2. What steps is the Government taking to improve the justice and efficiency of the State's tendering process?
3. Does the Government agree that there is scope in the present system for undesirable irregularities to occur, which could lead to corruption?
4. What action is being taken by the Government to prevent corrupt and irregular practices in State tendering?

The Hon. BARBARA WIESE: The issue of Government tendering is a complex area and at various times the economic subcommittee of Cabinet has received reports from the Department of Services and Supply in particular on various aspects of the tendering process so that we can have in place in this State the very best possible system to take account of the widest range of need and address a number of issues including such matters as Australian content. The question of corruption in the process has also been addressed at various times by the Government to ensure that our systems are as efficient as they can be in preventing such activity. As to the questions the honourable member has raised, I will not comment on them but will refer them to the Minister responsible for Services and Supply and possibly also the Minister of Mines and Energy, since the honourable member referred particularly to the tendering process of the Electricity Trust of South Australia, and ensure that appropriate replies are given.

LIVING ARTS CENTRE

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister Assisting the Minister for the Arts a question about the Living Arts Centre.

Leave granted.

The Hon. L.H. DAVIS: I have a copy of a letter to the Premier, dated 25 July 1988, from a Mr Robert Carthew, an architect. I seek leave to have the letter tabled.

Leave granted.

The Hon. L.H. DAVIS: In this letter Mr Carthew states that he prepared a feasibility study and report, including architectural plans, a strip-down model and photographs of the model, for the Living Arts Centre in North Terrace. Mr Carthew claims the work took him at least 400 hours to complete. Mr Carthew further claims that he was told to ring Jim Stitt by Terry Roberts, MLC, and was told that he was an approved 'finance broker' who cold arrange investors. He goes on:

> At this stage I was not told that this person was working for Multiplex, and was only informed of this several weeks later. I trusted him because I saw him at the end of a Labor Party monthly meeting at Trades Hall, going off in a social group with Terry Roberts, and because of this felt it was okay to deal with him.

Mr Carthew then complains:

> My work was readily accepted by your Government and used to entice Multiplex of Perth into entering negotiations with the Government. They all took my work readily to use in this process. The developer had no startng point for the overall development until they saw my work. They readily took this work to use it in their own deliberations and, in fact, gave it in June, without my consent or knowledge, to another firm of architects who used it in their design process.

By this stage in reading the letter, I had gained the impression that Mr Carthew was not gruntled! I continue to quote from his letter to the Premier:

Having shown the way to achieve this project, I expected to become the design architect for the project. Why else would I hand over a major body of work to the Government or its agents?

I expect some compensation from the Government as co-developer/site owner should I not proceed as architect for this job and if it finally goes to Multiplex. They have in fact told me, through Jim Stitt on 28 June 1988, that they are no longer interested in the project, although they have told the Premier's Department that they are still interested. Multiplex, it should be remembered, assured me that I was to be the design architect for the job, although I discovered that they had briefed another firm of architects and have given them my feasibility study and several photographs of the model.

Since the end of March through to the end of June, Jim Stitt, the agent for Multiplex, assured me repeatedly that I was to be the design architect for the project should Multiplex go ahead. I am continuing in my negotiations with a developer who has access to the required investment funds, and I expect to have open access to the Government for this purpose.

I cannot believe that a Labor Government would allow such a series of events to occur, and would allow an interstate investor to ride roughshod over a local initiative such as mine, which met all the requirements and which has been acknowledged as a development scheme by your Administration.

Finally, I understand that Mr Stitt, the agent for Multiplex, introduced to Mr Carthew by the Hon. Terry Roberts, has an interest in a Perth based company called International Business Investment Pty Ltd. I also understand that this same company has been involved in negotiations with the Government over the proposed development in the Flinders Chase National Park on Kangaroo Island.

My questions to the Minister, in her capacity as acting Leader of the Government, Minister of Tourism and Minister assisting the Premier in the arts, are:

1. Is the Minister aware of a company called International Business Investment Pty Ltd based in Perth?

2. Can she confirm that this company has been involved with the Government in negotiations relating to both a development in the Flinders Chase National Park and the Living Arts Centre?

3. Can she explain in relation to each project how International Business Investment Pty Ltd became involved in the negotiations?

4. Does she agree that Mr Carthew has every right to feel aggrieved by the fact his feasibility study and photographs were handed over by Multiplex to other design architects?

5. In the circumstances outlined in the letter, does the Government intend to compensate Mr Carthew for his work?

The Hon. BARBARA WIESE: First, I am aware of a company known as International Business Development, and Mr Jim Stitt, who happens to be a person quite close to me, is a director of that company. Mr Jim Stitt has nothing whatsoever to do with any project for a tourism development in the Flinders Chase National Park. I understand that he does have some association with a proposed development at the western end of Kangaroo Island outside the national park.

As to the question of the Living Arts Centre project, I understand that Mr Stitt is not acting as an agent for Multiplex or anyone else with respect to the development of a proposal, but I am aware that the Multiplex company has been discussing a proposal with the Government. I believe that the representatives of the company have been negotiating directly with Government officers on that project. In addition, I have heard indirectly that a person named Mr Carthew, whom I do not believe I know, has been making certain allegations along the lines that the Hon. Mr Davis has suggested. I understand that there is absolutely no basis to the allegations that he has made about the use of his designs by Multiplex or any other architect who may be associated with a Multiplex proposal for the Living Arts Centre.

Other than that, I can say nothing more about any of these developments, because I do not have any association with them and, as a member of the Government, I certainly have not had any contact with the various companies involved with any of these proposals to which the honourable member has referred.

WEST TERRACE CEMETERY

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Housing and Construction, a question about the West Terrace Cemetery.

Leave granted.

The Hon. J.F. STEFANI: Last Thursday 24 November, I visited this cemetery and, amongst other matters, I inspected a public register which details various information of burials and charges applicable and paid by the public for each burial. On 22 October the register records an entry detailing a burial at a site which had been inspected and found to be a vault. When I read the entry in the register it denoted 'Room for two further burials in this grave under headstone'. The list of burials that I have obtained from the Minister's office confirmed that on 22 October 1988 a second burial had taken place in a vault and that lifting of the body and deepening of the vault had occurred. The staff were aware and have stated to me that this practice is forbidden.

On Tuesday 28 November 1988, the Minister, when replying to a question put to him in another place, claimed that it was the first he had heard about the matters of complaint raised in the question put to him which included the irregularities regarding the opening of a vault, the removal of a body from the vault and the breaking of the vault's floor to allow the deepening of the vault.

I have been informed that correspondence dealing with a number of these complaints had in fact been received by the Minister in late October this year. In saying that it was the first time he had heard of these issues, the Minister has misled the Parliament. In his statement the Minister admitted that the safety of the cemetery workers has been at risk. In fact, shoring planks have only been delivered to the site at midday today. What a coincidence!

It proves that we were absolutely correct in questioning the safety of the workers at the cemetery on this issue and on other issues. In the latest development in this scandal (and the honourable member should listen to this) when I looked at the register at 12.30 p.m. today, the entry for the second burial which had taken place in a vault on 22 October 1988 has been changed to read 'Room for no further burials in this grave under the headstone'. The word 'no' has been written over the figure '2', which is still visible, and this change of the records has occurred since Thursday last. In view of this cover-up, my questions to the Minister are:

1. Did the Minister authorise the alterations of the records at the West Terrace Cemetery? If no, who did? Why is there an attempted cover-up?

2. Why was the original entry altered, by whom, with whose authority, and when?

3. What was the family of the deceased told by the West Terrace Cemetery superintendent with regard to future burials in this vault? Were they informed that two more burials were to be permitted? If so, by whom, and when? Have

they now been informed that no further burials will be permitted? If so, by whom and when, and did the Minister direct this change?

4. Has the practice of opening vaults and burying the remains of people under the headstone occurred before—and this is an important issue, so members opposite need not laugh about it—at the West Terrace Cemetery? If so, when, and on how many other occasions?

The Hon. BARBARA WIESE: I should have thought that the Hon. Mr Stefani might quit while he was ahead. Yesterday, in the House of Assembly, I understand—

Members interjecting:

The PRESIDENT: Order! I ask members to maintain order. The question was clearly audible to every member of the Council. I ask that the same courtesy be extended during the answer.

The Hon. BARBARA WIESE: Yesterday, in the House of Assembly, I understand that the honourable Minister of Housing and Construction dealt with great effect with this issue of the West Terrace Cemetery and workers employed there, and severely embarrassed, as I understand it, the Hon. Mr Stefani's colleague, the member for Victoria. It was suggested, as I understand it, that it has probably ruined his chances and aspirations of becoming Leader of the Liberal Party because it was such an embarrassment to him and his supporters in the House of Assembly. So I am surprised, Ms President, that the Hon. Mr Stefani is persisting with his line of questioning on this matter.

However, I do not have the replies to the questions that the honourable member has asked, but I will certainly refer them to my colleague in another place, and no doubt he will provide a reply as quickly as he can.

SENIOR SECONDARY SCHOOLS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Education, a question about senior secondary schools.

Leave granted.

The Hon. M.J. ELLIOTT: Shrinking student numbers have made it increasingly difficult to guarantee a broad curriculum, particularly at the senior secondary level. Among teachers there are some recognised problems in schools where we have year 8 students straight out of primary school, while on the other hand we have adults in year 12; that creates a number of problems in the school itself. It has been suggested by some people that a solution to that is the setting up of separate senior secondary schools.

This has been done in a number of places interstate: Tasmania has had it for quite a while, as has Canberra. In fact, I recall seeing a recent television program in which it was suggested that the Canberra senior secondary schools are working so well that students are being withdrawn from private schools to be put back into them. Queensland has now set up two pilot schools. One at Hervey Bay was set up three years ago with about 600 students, and the second one, in the metropolitan area at Alexandra Hills, was set up about two years ago with, I believe, about 1 400 students. The Hervey Bay school, I am told, is now drawing students from 71 different schools, including some who have even come from interstate. I believe it has also proven so attractive that quite a few mature age students have been returning to that school because they are not being asked to mix with children. Another effect has been that at Hervey Bay one feeder school no longer has a senior school. Its experience has been that its former junior students have, on the whole, behaved a whole deal more responsibly, and the running of that school has also improved dramatically.

The South Australian Government faces a problem at the moment of having surplus classroom space, and in fact under amalgamation proposals will have surplus schools. It means that with little capital cost it could set up senior secondary schools, possibly, initially, as with Queensland, on a pilot basis. There has been a whisper around South Australia that the Government is giving it some consideration. Can the Minister inform this Council what the Government's thinking is on senior secondary schools?

The Hon. BARBARA WIESE: I will refer this question to my colleague in another place and bring back a reply.

CONFLICT OF INTEREST

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about conflict of interest.

Leave granted.

The Hon. J.C. IRWIN: Further to my question to the Minister on Tuesday of this week regarding the conflict of interest arising from the Director of Local Government being a member of the South Australian Local Government Grants Commission, the Grants Commission will consider submissions from the Minister of Local Government and the Treasurer plus, I assume, other associations and individuals regarding allocations from the Grants Commission to Stirling council over a 10-year period, relating to the proposed funding package announced by the Minister of Local Government to help fund the bushfire liability.

The proposal to instigate a 10-year commitment from the Grants Commission will alone be an interesting legal exercise, as the Grants Commission allocates all its money on a year-to-year basis and as the methodology, source and quantity of funds is constantly changing. The Minister in her answer on Tuesday, made it quite clear that there will be no conflict of interest. The Director, according to the Minister, has not taken part in any discussion with the Minister or her department on any matter relating to the Stirling council's resolution of its bushfire liability. In other words, the Director, on any matter dealing with the Stirling council, has not taken, and will not take, any part in discussions and will firmly wear the Grants Commission hat.

This answer begs a number of questions. If the resolution of the Stirling liability does lie partially with the Grants Commission making allocations over a 10-year period, the Director of Local Government will be prevented from carrying out the responsibility of a Chief Executive Officer. This prevention will extend to quite a large area of local government administration, because the effect of helping Stirling council through the Grants Commission will affect every council in South Australia.

The conflict of interest will not only extend for a number of years but will also prevent the Minister from discussing important local government financial and other matters with her Chief Executive Officer. In most areas of local government, the Chief Executive Officer will be seen as a lame duck director, which is totally unacceptable to me and to councils generally.

No matter how the interest is declared or how one stands back from the conflict, the responsibility of a departmental head carries with it the actual and philosophical directions of the Government of the day. Thus, with over two years experience as Director of Local Government, this direction, philosophical and actual, no matter what, will be seen by

members of local government to be carried into the Grants Commission arena.

Will you as Minister intervene to ensure that the loyalty of your Chief Executive Officer stays with the Department of Local Government and not with the Grants Commission? The Minister would be well advised to heed the words of a former Minister of Local Government (Hon. Terry Hemmings) during a ministerial statement he made to the House of Assembly on 24 August 1983, having accepted the resignation of Dr McPhail. He was Mr Hemmings' departmental head at the time that he resigned from the Grants Commission. The Minister stated:

> I believe an error of judgment occurred, an error that may not have happened if the Chairman had not also been the head of the Local Government Department. Such a conflict should not occur again.

I underline those words. The Minister further stated:

> Therefore, I accept the Chairman's resignation from the commission on 17 August and in due course will recommend the appointment of a Chairman not directly involved in the management of the department.

One does not have to be a Chairman of a commission and at the same time a departmental head to have a conflict. My questions to the Minister are: is the Director of Local Government the Minister's chief adviser and, with the Minister's blessing, choosing to lose all credibility in local government by taking no part, on behalf of the Local Government Department, in perhaps the most important issue facing local government this decade? Further, can the Minister assure the House that at no stage in the past 12 months has the Director indicated to a Local Government Association regional meeting that local government should meet part of the Stirling council's costs? If answers are not readily available to the Minister now, would she give me an assurance that I will have a reply at a later stage?

The Hon. BARBARA WIESE: With respect to the second question, I am not in a position to give such an assurance. I have not accompanied my director to every meeting with local government that she has attended during the past 12 months, but I will seek that information and provide a reply.

As to the question of conflict of interest and the period of time during which the Director would be involved in the decision-making process (whether it be as a chief executive officer of the Department of Local Government or as a member of the Grants Commission) as it relates to Stirling council, the points made by the honourable member are totally ridiculous. The fact is that the decision as to whether or not to allocate Grants Commission money to the Stirling council to assist it through its problem is a one-off decision.

The Hon. J.C. Irwin: You don't know that yet; you haven't had legal advice on it.

The Hon. BARBARA WIESE: Legal advice on what?

The Hon. J.C. Irwin: The Grants Commission gives all its money out every year. How are you going to tie it down for 10 years?

The Hon. BARBARA WIESE: According to my legal advice, within the terms of reference of the legislation upon which it works the Grants Commission has the capacity to make a decision to allocate the money in the way I indicated earlier I would ask it to do. I want to return to the point I started to make, because I think that it is very important. The decision to allocate Grants Commission moneys in this way is a decision that the Grants Commission would have to take only once. It would assess the submissions that it received from the Government and any other interested parties within the next few months, and it would make a decision one way or another based on its own judgments of its responsibilities as to whether or not that is an appropriate use of Grants Commission money.

The fact that those moneys might be allocated over a period of years is a completely separate issue, and does not bear in any way upon the resolution of the Stirling council's problem, because all annual allocations of moneys made by the Grants Commission and the decision as to how much money will go to each individual council is based on the accepted methodology of the Grants Commission. What I have said is that it is my view that it is within the terms of reference of the legislation under which it works for the Grants Commission to judge favourably that it is an appropriate use of the moneys that it allocates, and that it can be done within the terms of the methodology that it uses. Once the decision is taken that that is an appropriate use of money, then the methodology takes over as to how those resources will be allocated each year.

The Hon. J.C. Irwin: You'll still have a conflict each year.

The Hon. BARBARA WIESE: You do not have a conflict each year because, once the Grants Commission has made the decision, that is the decision of the Grants Commission.

The Hon. Diana Laidlaw interjecting:

The Hon. BARBARA WIESE: The Grants Commission is not influenced or directed by Governments. The Grants Commission is an independent body.

The Hon. Diana Laidlaw: What about future commissions?

The Hon. BARBARA WIESE: The Grants Commission will make its own decisions—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —as to whether or not it is appropriate to allocate moneys in the way that this Government suggests is reasonable. The Grants Commission will make its own decisions on an annual basis about those matters, but I would be very surprised if the Grants Commission, having taken a decision during the course of the next 12 months about the appropriateness or otherwise of granting money to the Stirling council in the way that I have suggested, were to suddenly change course one, two, or three years later. That would be a most peculiar way for a Grants Commission to act. I put it to the Council that the Grants Commission would be most unlikely to shift its position on that isssue unless for some reason or another the rules changed, or that the legislation under which it operated and the agreed methodology for some reason or another changed.

I have no reason to believe that in the next few years that is likely to happen, but whatever the case the point that I want to make is that the Director of Local Government, as a member of the Grants Commission, will only be involved in her decision-making function on this issue during the next few months and, from that point, the responsibility ends and the normal procedures, practices and methodology used by the Grants Commission take over.

I have already indicated that, during the course of the past few months since I have been taking advice on this matter, I have not consulted with the Director of Local Government on this issue. I have worked primarily with the Deputy Director of the Department of Local Government, who is a very efficient and competent officer and who has prime responsibility for the Local Government Division of the Department of Local Government. That relationship has worked very effectively. For the Director, there will be no conflict of interest on this matter.

The Hon. J.C. IRWIN: As a supplementary question, is the Minister saying that the Grants Commission can make the decision for, say, 10 years and in fact allocate all its

money or part of it over those years and, therefore, can bind every following commission to that judgment?

The Hon. BARBARA WIESE: I am suggesting that the Grants Commission, if it sees fit, could make a decision that would last over a period of 10 years. It would certainly not be in a position this year or next year to know how much of the allocation that it makes would go to any particular council because it is not in a position to know what the allocation of funding from the Federal Government will be from year to year.

Using the methodology under which the Grants Commission works, it would be possible for it to take the sorts of decisions which I outlined earlier and which would assist the Stirling council to overcome its present difficulties working within, as far as anyone is able to roughly predict, the allocations that might be made by the Federal Government. I have no evidence that the Federal Government is planning to change in a major way its methods of allocating money to the local government sector of our community, and we can only base decisions in this and many other areas on what we know. Just as a State Government bases budgets, future projections, and plans for activity on what it knows about projections for income, so the Grants Commission operates.

The Hon. J.C. Irwin interjecting:

The Hon. BARBARA WIESE: But once the Grants Commission has made a policy decision on this question, that is the end of the matter. Then the methodology of the Grants Commission takes over as to how the money will be allocated on an annual basis. If you cannot understand that, I cannot say it any more clearly than I already have, but they are the facts.

Members interjecting:

The PRESIDENT: Order!

COMMUNITY WELFARE DEPARTMENT

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Department for Community Welfare's annual report.

Leave granted.

The Hon. DIANA LAIDLAW: At the beginning of business today the Minister tabled a reasonable number of annual reports, as she has done over the past week, but I was disappointed to note that yet again the Department for Community Welfare report was not amongst that number.

The Hon. L.H. Davis interjecting:

The Hon. DIANA LAIDLAW: Perhaps that is right, they do not have room to prepare it, and perhaps there are a reasonable number of other pressures that may explain it. I note that section 9 of the Community Welfare Act states that the department must have a copy of the annual report, for the period from 30 June of the preceding year with the Minister by the end of October and, as soon as practicable thereafter, it should be tabled before each House of Parliament.

This is the final day of this session. It is proposed that we sit again on 14 February, and I assure the Minister that many people are particularly interested in the content of this report and the activities of the Department for Community Welfare during the financial period 1986-87. So, I ask the Minister to explain why the Department for Community Wefare annual report for 1986-87 has not yet been tabled. Can she confirm that she will at least table that report on the first day we resume and is she prepared to release to people interested in the activities of the department, including me, a copy of the report before Parliament resumes in February? If not, we will be nearly at the end of the next financial year before we hear about activities of the past two years.

The Hon. BARBARA WIESE: I will have to refer those questions to my colleague, the Minister of Community Welfare, and bring back a reply.

GILLES PLAINS COLLEGE OF TAFE

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Employment and Further Education, a question about the Gilles Plains College of TAFE.

Leave granted.

The Hon. R.I. LUCAS: The Gilles Plains College of TAFE provides the only training in this State for employees and potential employees of many rural and animal-related industries. The Gilles Plains college offers a number of award courses, such as certificates in animal attending, animal care, animal technicians, animal care veterinary nursing, horse studies, horse racing for jockeys and the prevocational certificate in animal management. These courses provide entry to a wide range of occupations in animal-related industries, such as horse stud attendants, veterinary nurses, animal laboratory technicians, zoo attendants, wildlife park attendants, and a number of other animal associated areas.

The development of these and new courses has been based upon needs expressed by rural and animal industries, and has resulted in this college offering courses which use large animals for teaching animal handling, care, husbandry, artificial insemination, and diagnosis of animal illness, etc. As a result of these new courses, the college has had to improvise holding facilities for large animals in a very small piece of land (about .75 hectares) on the northern boundary.

The college staff have indicated that there is a problem in relation to available land for the continuation of the courses I outlined. Through the central office of the Department of TAFE they have asked whether some of the land immediately to the north of the college—now owned by the Department of Agriculture and no longer required by that department—could be provided to the Gilles Plains College of TAFE. I understand they are looking for an area of land of about two acres. Will the Minister indicate whether he and his department are prepared to look at this suggestion from the Gilles Plains College of TAFE and, if so, what is the Government's response?

The Hon. BARBARA WIESE: I will refer this question to my colleague in another place and bring back a reply.

STIRLING COUNCIL

The Hon. PETER DUNN: In the light of the fact that the successful litigants will want to be paid immediately for the Stirling bushfires, can the Minister of Local Government say whether the interest accrued on that money will come out of Grants Commission funds?

The Hon. Barbara Wiese: What money?

The Hon. PETER DUNN: It was a fairly straightforward question.

The Hon. Barbara Wiese: Well, say it again.

The Hon. PETER DUNN: In the light of the fact that the successful litigants against the Stirling District Council will be paid in part from the Grants Commission allocation, who will meet the interest on that money? If it is spread

out over 10 years and the residents will want to be paid now, someone will have to meet the interest on $7.5 million. Who will meet that interest? Will it also come out of the Grants Commission money?

The Hon. BARBARA WIESE: The two loans that form part of the package that has been suggested to meet the projected debt of the Stirling council with respect to the claims of bushfire victims would include the servicing of loans in the usual way, which includes interest payments on loans. That is the way things are usually done.

STATUTES AMENDMENT (WORKERS REHABILITATION AND COMPENSATION) BILL

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. I. GILFILLAN: I move:

Page 1—

Line 16—Leave out 'Subject to subsection (2), this' and insert 'This'.

Lines 18 and 19—Leave out subclause (2).

This amendment seeks to remove the retrospectivity clause, which has been debated with some intensity during the second reading stage. This clause has always been unacceptable to the Democrats.

The Hon. K.T. GRIFFIN: An amendment similar to that moved by the Hon. Mr Gilfillan was moved unsuccessfully in the other place. The honourable member's amendment is identical with mine which is also on file. I was surprised that the Government did not accept the amendment in the other place because, prior to the Committee stages of the consideration of this Bill, there had been a lot of public comment about the retrospective nature of the Bill. Statements from Mr Lea, the General Manager, were reported that the retrospectivity was not necessary for the purpose of the corporation. I believed that the Government would accept the amendment in the other place, so I was surprised that, when the Bill came to this place, it contained this provision.

During the course of my second reading contribution, I indicated how obnoxious the retrospectivity aspect of the Bill is and how vehemently I oppose it. I vigorously support the amendment that will remove that aspect of retrospectivity. It is unconscionable. As a matter of principle, it cannot be justified and it represents one of those rare occasions on which a Government gets too big for its boots and attempts to override the decision of a court which has established a right under existing legislation, only for a citizen or a company to find that a majority of Parliament passes legislation to override that decision.

With the Santos issue, the corporation has the opportunity to continue its clarification of the law which applied at the time the decision relating to Santos was made by taking the matter on appeal to the High Court. Newspaper reports have suggested that that is what would occur, anyway, and that is the proper course to follow. All citizens, corporations and companies have the right to exhaust their avenues of legal appeal.

That is one of the basic principles of our system. The law is clarified by the courts and, if Parliament cannot express itself clearly, it is a matter for the courts to interpret. In this particular instance, in no way will the Opposition support a proposition to allow the law as it was when Santos made its application for exemption to be amended retrospectively so that the rights which Santos had then it would not have by virtue of the retrospective operation of this Bill. As I said, it is unconscionable and must be resisted at every turn. That is why I support the amendment.

The Hon. BARBARA WIESE: The Government opposes this amendment. I take this opportunity to address some of the remarks, particularly about the Santos issue, that were made by the Hon. Mr Griffin during the course of his second reading contribution. Some of his comments were inaccurate. The honourable member said that the Government was seeking to retrospectively deny Santos the right that it had gained through the courts to be self insured.

Santos did not win from the Supreme Court the right to be self insured. The Supreme Court decided that the Act should be interpreted in a certain way and that the application by Santos should be returned to a review officer to reconsider the application for self insurance in the light of the Supreme Court's determination.

The Government believes that the Supreme Court has departed from the original intention of the legislation and it is therefore necessary to amend the Act to bring it into line with what was originally intended. The Government is further of the view that, when the Santos application is reconsidered by the review officer, it should be considered on the basis of the criteria as clarified by the Government's proposed amendment in this Bill. Otherwise, Santos will be able to gain exemption on a technicality and thereby avoid the spirit of the Act. It is not as though the Government is trying to take away exempt status from Santos. At this stage it has not achieved such status.

The Government is not, as the Hon. Mr Griffin suggests, seeking to take away accrued rights. The Government is only concerned to ensure that, when the Santos application is reheard by the review officer, it is heard on a basis that preserves the integrity of the WorkCover scheme, and the ball game in the grant of exempt status has not changed. That, in fact, is the Government's position on this issue. For that reason we strongly oppose the amendment.

The Hon. K.T. GRIFFIN: The Government is saying that Santos will go back to the review officer and its application will be considered upon what it calls clarified criteria. It is not just a matter of clarification. The criteria are being changed as a matter of substance. If we look at the criteria, one significant addition has been made, namely, that the corporation should have regard to the effect that the registration of the employer or group would have on the compensation fund. That is not a matter for clarification but a matter of substantial change. It is not putting Santos back into a position in which it was previously, but is changing the rules quite substantially. However the Government argues this, the fact is that the ball game is being quite dramatically amended retrospectively.

Santos will not go back, as a result of the Supreme Court decision, to the review officer and have the matter considered on its merits on the criteria in existence over a year ago. It will be sent back to have the application considered by a review officer on substantially different criteria. That, in any objective assessment, is a change of the rules. It changes quite significantly the basis upon which it may exercise its rights under the principal Act.

The Hon. BARBARA WIESE: I do not want to prolong the debate because clearly we do not have the numbers but it is important that everyone is clear about the issues before voting on the matter. I refer members to section 60 (4) *(g)* of the Act which, in dealing with the question of what matters the corporation shall have regard to in determining whether it is appropriate to register an employer or group under this section, talks about such other matters as the corporation thinks fit. It would be that part of the Act at

which the Government is looking in determining its position on the issue. In fact, it is a matter not yet resolved because the issue has gone to the High Court. In fact, in addressing this question the Chief Justice stated:

> The need to protect the solvency of the fund is obvious. In such a scheme the necessity of considering the effect on the fund of exemptions seems to be inescapable. If all employers with good records and adequate capacity to meet obligations must be exempted, the amount of the levy must rise and the corporation would be powerless to protect the solvency of the fund. I think the effect on the fund must be a proper matter to be taken into account by the corporation and hence the review officer in relation to an application for exemption.

A body of opinion exists to support the Government's position on this issue. The matter is being considered by the High Court.

The Hon. I. GILFILLAN: I will comment on Santos and the general question of exemption, which may prevent me from avoiding the responsibility of making remarks later. The issue of retrospectivity was a factor in so far as plugging a gap where a large number of potentially exempt employers could vacate the fund. We take the view that we have a high priority—almost a paramount priority—to ensure that the fund remains viable. It is a fine balancing act to determine the justice of companies and employers who are entitled to be declared exempt insurers having that right. Incidentally, I do not believe it is a divine right or has paramount significance compared with the continued viability of the fund. When we debated the original Bill, much stress and emphasis was put on the fact that it should be a fully funded scheme properly audited each year so that the books would balance and we would not run into trouble as has occurred in Victoria.

The Santos situation was the one significant incident which triggered off a concern for a proliferation of companies following suit. Santos in its own right is entitled to apply for and be granted exempt status. It is also my opinion that the WorkCover board is unlikely to see substantial obstacles to Santos' being granted exempt status, provided it is done in a timetable that does not unduly damage the balancing of the funds in the WorkCover Corporation. When I was considering this Bill, one of the factors was the retrospectivity clause being necessary to stop the devastation of the fund. I am now convinced that that is not necessary, so with some relief the Democrats are moving for the removal of the retrospectivity clause—a very undesirable provision in any legislation. Santos, I believe, will submit its case to the board and I am also confident that, with the arrangement of timing for exiting from WorkCover, provided Santos has convinced us all that it does run a safe organisation and complies with proper standards, it will be granted its exempt status.

The Liberals disregard the fact that there is an impression that there ought to be almost a divine right for companies that qualify to a certain degree to move out of WorkCover. If that happens, one of the principal achievements of WorkCover—to have kept low premiums relative to other States so that many industries can remain competitive—is put dramatically at risk. I remind the Hon. Trevor Griffin and members of the Opposition that the major beneficiaries of WorkCover as far as premiums are concerned involve those in the area of agriculture, forestry, mining, fishing, manufacturing, construction and transport. A very substantial part of these significant employers in this State are suppporters of the Liberal Party. If the Liberal Party is going to make it more difficult for WorkCover to balance its books and keep down the premiums, I hope it is conscious of the backlash that it will deserve from employers who suddenly find that they can no longer enjoy those low premiums, which will inevitably have to go up.

I will not be led into an analysis of the faults and credits of WorkCover. However, I think that it is significant in the discussion on this amendment that we do not get sidetracked into seeing it as a gateway for a large number of companies to move out of WorkCover. Therefore, I do not believe that the Government was entitled to leave this clause in the Bill. I am sorry that the Government has not seen fit to support this amendment.

However, I will focus on Santos, because that is where the emotional part of the debate began, and got a lot of front page headlines in the *Advertiser*. I do not think that Santos is being hard done by, and I am confident from discussions I have had with people involved that Santos will be granted exempt status in a reasonably short time. By doing so we will avoid the costly and unnecessary High Court challenge.

The Hon. K.T. GRIFFIN: I do not regard this amendment or clause as the gateway to employers gaining self exemption. I think that I have made it quite clear that as a matter of principle it cannot be tolerated. However, the Hon. Mr Gilifillan has addressed some remarks to me, in particular, and to the Liberal Party about where our traditional support might be. He overlooks the fact that this scheme is a socialist concept. It does not provide for employers, in particular, to be lifted up to a higher standard or level. It provides for everybody to come down to, effectively, the lowest common denominator.

The principle that the Liberal Party believes should be recognised is that, if an employer has sufficient strength, demonstrates a sufficiently good record and can demonstrate an acceptable program with respect to rehabilitation, there are many more advantages for that employer, and for the community at large, if that employer is enabled to administer its own scheme, subject, of course, to appropriate oversight in the general sense.

The problem is that with rehabilitation there are many self insurers who provide a much better standard and are much more conscious of the need to get employees rehabilitated and back to work than employers covered by the general WorkCover scheme. There is no incentive because 75 per cent of the employers covered by WorkCover are paying more than they were paying when they were insured under the old scheme. There is incentive for about 25 per cent to 30 per cent of employers. However, they are being heavily cross-subsidised by a whole range of other employers. That is a major issue with this scheme. As I said, this is a socialist concept because it seeks to bring everyone down to the lowest common denominator and not lift everyone up to the highest common denominator.

The Hon. I. Gilfillan interjecting:

The Hon. K.T. GRIFFIN: I am not talking about Queensland. I am talking about South Australia.

The Hon. I. Gilfillan interjecting:

The Hon. K.T. GRIFFIN: Maybe they did. Look at what has happened in Queensland. Do you want to model yourself on Queensland? Lord help us! I do not think that anyone can validly make any comparison with Queensland and regard that as a standard for anything.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: They have nothing to do with the Liberal Party. Let me tell you, the Hon. Ms Pickles, that they are far—

The Hon. Barbara Wiese interjecting:

The Hon. K.T. GRIFFIN: They are not in coalition.

The Hon. Barbara Wiese: You were.

The Hon. K.T. GRIFFIN: A long time ago. You had better have a look at some of the mates that you have now before you start casting too many stones. I do not regard

this clause as the be all and end all of the self insurers debate. Other aspects of the Bill equally impinge upon that. However, I do regard the issue of retrospectivity and the way in which this clause seeks to apply the rest of the Bill retrospectively as being quite unconscionable, unreasonable and unprincipled.

Amendments carried; clause as amended passed.

Clause 3 passed.

Clause 4—'Exempt employers.'

The Hon. I. GILFILLAN: I move:

Page 1, lines 27 and 28—Leave out all words in these lines and insert:

4. Section 60 of the principal Act is amended—
(a) by striking out subsections (3) and (4) and substituting the following subsections.

My amendments to this clause seek to make the wording of this clause more specific and to delete subsections (3) and (4). The original wording talks about 'special circumstances'. I do not accept that the term 'special circumstances' was satisfactory drafting. However, I do believe that the corporation must continue to have ultimate authority as to who shall or shall not be granted exempt status. I believe that the wording in my amendment is satisfactory.

The intention of my amendment fits in with the deletion of paragraph *(h)*, which deals with the specific wording on the effect that the registration of an employer or group would have on the compensation fund. It does, however, allow the corporation the power to consider the effect on the compensation fund as one of the relevant matters if the corporation decides to take that into account. I do not see how it could do otherwise.

It is one of the critical obligations of the corporation to consider the likely effect on the fund of any step on which it decided. I believe that paragraph *(h)* has been deleted as being a pre-eminently identified factor but, with the rewording, I am content that it allows that scope, but without making too much of a point of it. It may sound like semantics, but I think it is important for the board, in its attitude to the granting of exemptions to employers, that the reading of the Bill implies the priorities and the intention of Parliament. It is important to note that, further on, I seek the deletion of lines 24 and 25, where I found the wording, and particularly that in brackets, unacceptable.

The Hon. BARBARA WIESE: I simply indicate that the Government will agree to all the honourable member's amendments, except the amentment after lines 22 and 23.

The Hon. I. Gilfillan: Are you are opposing the deletion of *(h)*?

The Hon. BARBARA WIESE: Yes, that is right. The objective of the Government in this clause is to preserve the commercial flexibility of the corporation and in most instances, in the amendments that the honourable member is moving, his change of wording would not interfere with that commercial flexibility. I believe that the honourable member's amendment to line 7 preserves the commercial flexibility of the corporation to determine, without restriction, the basis on which the grant of exempt status will be determined and therefore it is acceptable to the Government. But the amendment to lines 22 and 23, that is to leave out paragraph *(h)*, is not acceptable because it would not preserve the flexibility that the Government is looking for. What we want to be sure about here is that it will be beyond doubt, that the corporation will be able to include the financial effect on the fund as a specific criterion to be considered for exempt registration. For that reason we prefer the words that the Government has included in its own Bill.

The Hon. K.T. GRIFFIN: Mr Acting Chairman, the Opposition actually wants to oppose the whole clause. We do not believe that any change is necessary and, at the appropriate time, that is the course of action we will follow. But the practice which has been followed in this place for many years is that, if a clause can be improved by amendment, that is the course that ought to be followed and then, having taken it so far, it is still appropriate to oppose a clause as amended. That is the course of action which I propose to follow on this occasion. I will indicate that the Opposition is prepared to support the amendments proposed by the Hon. Mr Gilfillan, because they do improve clause 4. However, having taken the matter that far, we believe that the clause, if amended, does not satisfactorily deal with the issue of exempt status.

The Hon. Mr Gilfillan's amendments, as I say, improve it. We are prepared to support them. The only area about which I would have some concern (and this is something which is presently being attended to by Parliamentary Counsel) is that, if the Hon. Mr Gilfillan's amendments are carried and the clause as amended is carried, I would want to see a further amendment which would require the corporation to give reasons for refusing an application for exempt status.

I believe that it is important for those who deal with Government bureaucracies, whether departmental or statutory corporations, to know the reasons why a decision is being taken. That may create some difficulties for the Government agency or the statutory corporation but I believe that citizens and companies dealing with these bodies have a right to know why they have been denied a particular course of action for which they have applied. So, it may be appropriate for that issue to be considered if we see how the clause is amended and whether or not it passes and I would be asking the Minister, at the end of the Committee stage, to recommit this clause, however it comes out of the Committee, for that purpose of considering a further amendment which is presently being prepared in my name.

The Hon. BARBARA WIESE: The Government would be most reluctant to open up this matter. This is the first we have heard of the point that the honourable member is making and we are concerned that there may be some legal ramifications in the proposition that he is putting, and the Government would want the opportunity of studying the matter before we would be prepared to open it up for further consideration.

The Hon. K.T. GRIFFIN: Is the Minister going to deny me the right to have the matter recommitted at the end of the Committee consideration of this Bill to consider a further amendment? If that is what the Minister is going to do, I will protest quite vigorously. It sounded as though that is what she is going to do. She can discuss the merits of it, but if necessary I will move the recommittal myself and test the feeling of the Council about the recommittal. I know it has come up at reasonably short notice but this Bill has come in at reasonably short notice and I think we are all in a position where we need to do things on the run. Can I have some clarification from the Minister about what she is going to do with my proposition to recommit when we see how this particular clause finally pans out?

The Hon. BARBARA WIESE: We can recommit the whole lot as far as I am concerned and I should be very happy for that to happen but I am indicating that the Government will not be supporting the honourable member, because we certainly do not want to introduce a matter at this stage that we have not had the opportunity to reflect on it in a mature way. We fear that there may be some legal implication involved in it that we cannot foresee at this stage. I shall be happy to waste the time of the Council

by recommitting the matter if that is what the honourable member would like.

The Hon. K.T. GRIFFIN: The Minister is obviously very testy. It is not wasting the time of the Committee to consider amendments. That is our duty.

Members interjecting:

The Hon. K.T. GRIFFIN: Don't get all grumpy with me. I am helping the Committee by considering this Bill at fairly short notice, as everybody else is.

The Hon. Barbara Wiese interjecting:

The Hon. K.T. GRIFFIN: The Minister really is testy today. You can blame some of your other colleagues for that; you can blame the Premier or Mr Sumner and everybody else. We can continue this for a bit longer if you want to.

The Hon. Carolyn Pickles: Just get on with it.

The Hon. I. GILFILLAN: On a point of order, Mr Acting Chair, would you direct that comments be through you and that they be relevant?

The Hon. K.T. GRIFFIN: They are relevant because I asked fairly graciously whether the Minister would allow this opportunity.

The ACTING CHAIRPERSON (Hon. T.G. Roberts): The Hon. Mr Gilfillan has taken a point of order. I am allowing the Hon. Mr Griffin another sentence or two on this point, but then I hope he will get back to the subject of the debate.

The Hon. K.T. GRIFFIN: All that I was suggesting (and I thought in a fairly reasonable way) was that I would like to have the opportunity to recommit the clause. The Minister has indicated that she is happy to recommit the whole Bill if necessary, and I am prepared to accept that commitment and we will do that. I would ask her to do that with this clause, depending on its outcome at the end of the Committee stage just before we report.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 2, lines 2 and 3—Leave out paragraph *(b)* and insert new paragraph as follows:

(b) the Corporation is satisfied—

(i) that the employer or the employers constituting the group have reached a standard that, in the opinion of the Corporation, must be achieved before conferral of exempt status can be considered;

and

(ii) that in all the circumstances it is appropriate to do so,.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 2, line 7—Leave out 'should have regard to' and insert 'will have regard to such matters that the Corporation considers relevant, together with each of'.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 2, lines 22 and 23—Leave out paragraph *(h)*.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 2, lines 24 and 25—Leave out all words in these lines.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 2, after line 25—Insert new word and paragraph as follows:

and

(b) by inserting after subsection (5) the following subsection:

(5a) Where application is made to the corporation for the renewal of the registration of an employer or group of employers under this section, the corporation cannot, in determining whether to grant the renewal, consider the effect that registration of the employer or group as an exempt employer or group of exempt employers has on the compensation fund.

This amendment is a semi-grandfather clause which protects employers who are currently granted exempt status. Therefore, it is in a different category to the previous bracket of amendments. It prevents the corporation from considering the effect on the fund of continuing exempt status for exempt employers. The corporation can assess all exempt employers on the other criteria—their ability to fund it, their compliance with safety requirements, and their accident records. All those criteria remain equally valid as if one were applying for the first initial exempt status, but in fairness to those who already had, prior to WorkCover, and the very few who have been granted exempt status by WorkCover, a continuing exempt status regardless of the effect on the fund, this additional clause gives that protection to the current employers enjoying exempt status.

The Hon. BARBARA WIESE: The Government opposes this amendment, which reduces the commercial flexibility of the board by removing the ability of the board to consider the financial effect on the fund when reviewing existing exempt employers. The commercial flexibility of the board must be maintained and, therefore, we reject the amendment.

The Hon. K.T. GRIFFIN: On the basis I indicated earlier, the Opposition supports the amendment. It seems to us that, in the context of the amendments moved by the Hon. Mr Gilfillan and the clause proposed in the Bill, this is an important consideration and, in those circumstances, at least to protect those who are currently exempt employers making application for renewal, it is a principle that ought to be enshrined in the legislation.

The ACTING CHAIRPERSON (Hon. T.G. Roberts): Would the Hon. Mr Gilfillan temporarily withdraw his amendment so that another amendment can be placed before the Committee and thus allow the transition of amendments in consequential order?

The Hon. I. GILFILLAN: I withdraw my amendment on the understanding that I will be able to move it again later.

The Hon. K.T. GRIFFIN: I move:

Page 2, after line 25—Insert new subsection as follows:

4a. If the corporation decides to refuse an application under subsection (1), the corporation must furnish the applicant with a statement of the reasons for the corporation's decision.

This amendment has caused a few heightened reactions. If there is a decision to refuse an application for exempt status, then it would be appropriate for the corporation to furnish the applicant with a statement of the reasons for the corporation's decision. I believe quite strongly that, whenever a person or company deals with a Government or a Government agency, as in this case a corporation, they are entitled to know the reasons why a particular course of action has or has not been taken. We frequently have bureaucratic refusal to disclose reasons for a particular course of action and I think that, as a matter of principle, we ought to acknowledge that Governments and their agencies and departments are there to serve the people and must not act as though they are a law unto themselves or refuse to disclose information of this nature.

In some of the other States and at Commonwealth level an Administrative Appeals Review Tribunal would otherwise deal with this matter. I suppose that, to a limited extent, the Ombudsman would have jurisdiction here, because the refusal of an application would be an administrative act. However, I think that a lot of difficulty can be avoided if the corporation, in refusing an application, were to furnish reasons for the decision.

The Hon. T. Crothers: Do you think that that could lead to further litigation?

The Hon. K.T. GRIFFIN: Why should it? It is interesting to note that a review officer, as I recollect it, must provide a statement of reasons for a particular decision. I believe that in that context it is important for the corporation to do the same.

The Hon. BARBARA WIESE: The Government opposes this amendment. As I indicated earlier, we have not had an opportunity to look at this. There may be legal implications which we would like to examine and, more particularly, no representations have been made by any employers for such a provision to be included, so there does not seem to be any support for the point of view expressed by the honourable member.

I remind the Committee that the corporation has six representatives of employer groups who are all very responsible people. The corporation is not just any committee which is there to try and screw employers, its members are all important and respected people within our community. They have not suggested that such a provision should be included and there have been no representations from other employers in South Australia that such a provision should be included. Although I do not want to comment on the merits or otherwise of this point at this stage, because we have not had an opportunity to study it, the Government will oppose the amendment.

The Hon. I. GILFILLAN: I indicate that the Democrats will oppose the amendment. If I had the option I would have preferred to abstain, but I think it is worthy of merit and consideration and I urge the Hon. Trevor Griffin to either ask the Government to do so or submit it directly to the corporation as a matter for consideration. I think it is important that the corporation and the Government should have an opportunity to consider the practicalities and implications of this amendment. On the face of it I find that it has some merit, but under the circumstances I will vote against it.

The Hon. BARBARA WIESE: I undertake to refer the matter to the Minister and the corporation for consideration. I repeat: I do not want to comment on the merits or otherwise of the amendment at this stage, but the Government is prepared to look at it.

The Hon. K.T. GRIFFIN: I appreciate what the Minister has indicated, but I intend to persist with the amendment because I think it is an important principle. I regret that it was not made available earlier, but I am dealing with just as many matters on the run as is the Minister, but I do not have officers to assist me.

Amendment negatived.

The Hon. I. GILFILLAN: I move:

After line 25—Insert new word and paragraph as follows:

and

(b) by inserting after subsection (5) the following subsection:

(5a) Where application is made to the corporation for the removal of the registration of an employer or group of employers under this section, the corporation cannot, in determining whether to grant the renewal, consider the effect that registration of the employer or group as an exempt employer or group of exempt employers has on the compensation fund.

I have already addressed remarks in relation to this amendment about the protection of existing exempt employers.

The Hon. BARBARA WIESE: I do not want to go over the matter again. I simply indicate that the Government will oppose this amendment.

The Hon. K.T. GRIFFIN: The Opposition supports the amendment.

Amendment carried.

The Hon. K.T. GRIFFIN: I oppose the whole of clause 4. Although the amendments improve it, in our view it is not necessary to amend the principal Act. In fact, the clause as amended takes away rights rather than giving rights or maintaining the *status quo*. I regard this matter as having some importance and if I lose on the voices I will call for a division.

The Hon. I. GILFILLAN: I indicate quite clearly that the Democrats support the clause as amended. It is arguable whether employers do have a right, as recognised in the usual use of the term 'right', to be accepted as exempt employers in the context of the philosophy of the legislation. I believe that the Liberals have held steadfastly to an opposition and a negative attitude to WorkCover—and I accept that they have been consistent—but I think they are wrong to interpret the legislation as ever intending to apply a right to employers to be exempt from the scheme.

The Hon. K.T. GRIFFIN: I suppose one could describe our attitude towards the whole scheme as a negative one—we do not support it, we do not believe it is a good scheme and we will continue to maintain that point of view. Concerning employers, I refer the honourable member to the original debate on the principal Act, when commitments were given with respect to self-insurers and the principle of self-insuring of employers was enshrined in the legislation. This Bill will alter quite significantly the rights presently granted under the principal Act and limit considerably the opportunity for employers who meet certain standards to become self-insurers.

The Committee divided on the clause as amended:

Ayes (10)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese (teller).

Noes (9)—The Hons J.C. Burdett, M.B. Cameron, Peter Dunn, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, R.I. Lucas, R.J. Ritson, and J.F. Stefani.

Pair—Aye—The Hon. C.J. Sumner. No—The Hon. L.H. Davis.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clause 5—'Preliminary.'

The Hon. K.T. GRIFFIN: I move:

Page 2, line 27—After 'amended' insert:

(a) by striking out from subsection (1) the definition of 'remuneration';

(b) by inserting after subsection (1) the following subsection:

(1a) The regulation may—

(a) provide that payments of a prescribed class made to or for the benefit of a worker are to be included as remuneration for the purposes of this Division;

(b) provide that payments of a prescribed class are not to be included as remuneration for the purposes of this Division.;

and

(c) [The remainder of clause 5 becomes paragraph *(c)*].

This clause deals with section 65 of the principal Act which relates to the imposition of levies. The amendment I move relates to the definition of 'remuneration'. In the principal Act, section 65 (1) defines 'remuneration' to include:

. . . payments made to or for the benefit of a worker which by the determination of the Corporation constitute remuneration but does not include payments determined by the Corporation not to constitute remuneration.

As I said in my second reading contribution, that means that the corporation rules supreme and it alone can make the decision as to what is or what is not to be included within 'remuneration'. That is wrong, in my view. It is something that I did not pick up at the time the principal Act was before us in 1986, and one could say that I should have done that. The fact that we did not pick it up at the time is no reason for arguing against what I think is a quite

proper provision, and that is to allow 'remuneration' to be defined by regulation. The problem is that when the WorkCover Corporation makes a decision about what should be in 'remuneration', that is not subject to review.

In fact, the corporation is legislating. It is legislating by virtue of the power that has been given to it under section 65 but its decisions are not reviewable in any way. As I indicated last night, a number of allowances have been included by the corporation in the definition of 'remuneration'. It is as broad as possible and is designed to collect the levy on as much as possible. There is really no limit to what can be included in the definition of 'remuneration' which is effected only by notice in the *Government Gazette* under the hand of the presiding officer of the corporation.

A number of these allowances—meal allowance, living away from home allowance, telephone allowance, tool allowance and travelling allowance—are paid to employees not as remuneration but to compensate for expenditure necessarily incurred by employees in putting themselves in a position in which they can carry out effectively the responsibilities of their work. They are different from wages and salaries which are directed towards a reward solely under the control of the employee for the work which is done and no part of it is ordinarily expected to be expended by the employee in meeting the costs of undertaking work and responsibilities for the employer. It is quite wrong that a number of these items have been included by the corporation in the definition of 'remuneration'.

My amendment seeks to provide that such definition may be made by regulation rather than merely by declaration of the corporation. Promulgated regulations will be laid on the table of both Houses of Parliament and will be subject to the proper review process of subordinate legislation. I see no difficulty for the corporation. It will at least make the corporation accountable to Parliament a little more than it presently is for the decisions that it takes. This is an important amendment which deserves the support of the committee.

The Hon. BARBARA WIESE: The Government opposes this amendment because it strongly believes that what is or is not included in remuneration for the purpose of this levy base should remain a decision for the board of the corporation. The board is representative of the people who use the scheme and, in the view of the Government, they are best placed to make judgments as to what should be included.

The question of the exclusion of superannuation has been extensively canvassed by the board and, at this stage, it is of the view that it should stay in the levy base. The corporation points out quite logically that, if superannuation is removed, average levy rates will have to rise because the same amounts of money will have to be collected to cover the cost of claims.

Removing superannuation from the levy base simply redistributes the costs between employers and would lead to a redistribution of the cost onto smaller employers. Once again, this highlights the need to preserve the board's autonomy to make business decisions that are in the best interests of the groups it represents.

The Hon. I. GILFILLAN: I applaud the Hon. Trevor Griffin for moving this amendment. He has highlighted examples of anomalies and potential inequities in the way in which premiums are levied. It is important there there be a vigilant re-assessment of the way in which levies are calculated by the board. However, there is a caution in that it is essential that the premiums be as fair as possible. If there is some manoeuvring of remuneration or emolument so that employers artificially reduce the amount they pay as a premium it may be smart for them but not smart or fair for the others.

The board will have to watch closely, and in this early stage it might have cast its net too widely. I believe that it is seriously looking at this and other matters of fine tuning—maybe not so fine, maybe quite substantial—in relation to the levying of premiums. I believe that it is proper for us to signal concern, but not proper at this stage to amend the Act in this regard. We oppose the amendment.

The Hon. K.T. GRIFFIN: The real issue of principle is this: the board is not accountable for these sorts of subordinate legislative decisions. It may be all very well to say that the board has to maintain flexibility. It does not represent all areas of employers. That is a nonsense. It might, figuratively speaking, have representatives of employers and employees on it, but it does not represent all employers or all employees. It is a group of people who make decisions that they are able to negotiate around the table.

Many employers regard their interests as not being represented by the board of WorkCover. Also, the difficulty is that compensation that is paid to an injured worker does not compensate for things like superannuation or school or education expenses for children.

The Hon. I. Gilfillan: I have said that. I realise that.

The Hon. K.T. GRIFFIN: It doesn't. The other real anomaly is that if someone is paid $1 000 a week in their employment they will never be compensated for that loss if they are injured at work, yet WorkCover collects a levy on the salary. There is a gross anomaly there. I am disappointed at the Hon. Mr Gilfillan's indication that he will not support my amendment. I believe it will—

The Hon. I. Gilfillan: I congratulated you.

The Hon. K.T. GRIFFIN: But you will not support the amendment.

The Hon. I. Gilfillan: It is an inappropriate time to do it. What more do you want? You got the credit. The Democrats—

The Hon. K.T. GRIFFIN: I don't worry about credit: I worry about what the cards are when they are finally on the table. What the Hon. Mr Gilfillan does on many occasions is to express his support for something but not carry it through to the final crunch. In this instance I believe that it ought to be carried through and I urge the Committee to support the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin (teller), J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese (teller).

Pair—Aye—The Hon. J.F. Stefani. No—The Hon. C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

New clauses 5a, 5b and 5c.

The Hon. K.T. GRIFFIN: I move:

Page 2, after line 37—Insert new clauses as follows:

Returns by employers

5a. Section 69 of the principal Act is amended by striking out subsection (6) and substituting the following subsection:

(6) The regulations may provide that payments of a prescribed class are to be brought into account or to be excluded from account in the calculation of aggregate remuneration paid by an employer for the purposes of this section.

Recovery on default

5b. Section 70 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) The Corporation may, by assessment under subsection (1) or (2), impose on the employer a fine fixed in accordance with the regulations.

Penalty for late payment

5c. Section 71 of the principal Act is amended by striking out paragraph *(b)* of subsection (1) and substituting the following paragraph:

(b) the Corporation may impose on the employer a fine fixed in accordance with the regulations.

The principle in these new clauses is similar to that in the amendment that has just been defeated. It relates to new clauses that require fines to be introduced by regulation. Whilst I have moved to insert the new clauses, if the division we have just had is any indication, I may not win on the voices, in which event I will not call for further division. The principle is the same. The matter of fines ought to be fixed by regulation so that there is accountability to the Parliament. The exorbitant level of fines imposed by WorkCover on employers who are running late with payment of their levies has prompted this.

As I said yesterday, if that level of fine—300 per cent in some instances—was sought to be charged by the private sector, outrage would be expressed by the Government and there would be a mad rush to Parliament to enact legislation which would prevent it. It is, as I said last night, akin to usury, which is the application of exhorbitant rates of interest on moneys borrowed by hapless citizens, and I can have no sympathy at all for WorkCover when it seeks to make those sorts of outrageous imposts on employers. What never ceases to amaze me with this Government is that it seems to think there is one rule for the Government and another rule for everybody else. The way in which these fines have been imposed and the level of these fines is another indication of that.

The Hon. I. GILFILLAN: There may be some reason to adjust the form in which penalties are imposed on late payment of premiums. Once again, I am sure that, unwittingly (because I do not believe he would do it deliberately), the Hon. Trevor Griffin is really protecting defaulters, the people who are letting down their colleagues in industry. If people do not pay their premiums the other premium payers suffer. The cost impost has to be spread over the others who do comply with it. It all sounds great to put it up as if there is some savage impost. The fact is it is protecting those who are dutifully paying their premiums on time. Bear in mind that prior to WorkCover all premiums had to be paid 12 months ahead with no interest accruing to them. Now this is in fact paid in arrears, and I believe it is a duty on all employers to ensure that they pay their premiums on time. If they do not do so, there should be a penalty, and it is not inflicting a punishment but is there so that others who are paying their premiums do not have to carry that burden.

The amendment may be useful in so far as it could prompt WorkCover to look at the way it is imposed. I believe that other areas, such as the frequency with which premiums are required to be paid, should be looked at. These matters should be considered at another time and possibly with questions directed through the Government or directly to the board. I do not see that amendments on file are the way to deal with it. We oppose the amendment.

The Hon. BARBARA WIESE: The Government also opposes the amendment. As well as the fact that under this new scheme employers are now able to pay monthly in arrears, schemes are in place to assist those companies that have practical difficulties in meeting their payments. The Hon. Mr Griffin continues to mis-state the level of fines that are imposed. The fines are 15 per cent of the levy payable if the payments are made between days 17 and 24 after the end of the month, increasing to 25 per cent if the payment is made between days 25 and 31. Only if an employer who is a first defaulter has not paid by the thirty-first day of the month are fines increased to 100 per cent. The 300 per cent penalty is applied only if the levy has not been paid by the end of the month and the employer has been a defaulting levy payer on four or more occasions over the previous 12 months.

The system of fines is obviously having the desired effect, as fewer than 1.2 per cent of employers in October paid late. The board of the corporation is, however, looking at the system of fines to see if further fine-tuning is required but, once again, that is a matter better kept as a commercial decision for the board to make in its wisdom and based on its detailed knowledge of the system that it is operating. Therefore, the Government opposes the amendment and agrees with the Hon. Mr Gilfillan when he says that the Hon. Mr Griffin, in pursuing this matter in the way that he has, is supporting defaulters.

The Hon. K.T. GRIFFIN: We have a fight on our hands about that because it is patently false and a direct misrepresentation of the position that I have put. I can understand the Government being sensitive on this issue because it says that it is in favour of liberty, freedom and rights being protected on the one hand, but on the other it is doing exactly the opposite. Payments should be made on time. I agree with the Hon. Mr Gilfillan on that. However, if it applies there, that principle should also apply equally to the Government in the payment of its own debts and obligations to the taxpayers for refunds of duty and other similar payments. What is good for one should be good for the other.

Remedies are available for WorkCover to recover the outstanding levies, and they will eventually be recovered with interest. That will not impinge on other employers because, ultimately, it will be recovered. That is the point. The rate the Government has approved through WorkCover is exorbitantly high. I am trying to draw attention to the fact that the Government preaches one thing, it does another, and it will not apply the standards it requires of everybody else in the community to its own agencies.

New clauses negatived.

Clause 6—'Application for review.'

The Hon. K.T. GRIFFIN: I oppose this clause. It seeks to amend section 95 of the principal Act. Section 95 deals with reviews. The section provides:

(1) A person who is directly affected by a decision that is reviewable under subsection (2) may apply to the corporation for a review of the decision.

(2) The following decisions are reviewable—

(a) a decision made on a claim for compensation;

(b) a decision in relation to the nature of rehabilitation services provided, or to be provided, for a worker;

(c) a decision to vary, suspend or discontinue weekly payments;

(d) a decision refusing registration or cancelling registration of an employer or group of employers as an exempt employer or group of exempt employers;

(e) a decision by the corporation not to allow an extension of time under subsection (4).

The relevant decision which is currently reviewable, but which is no longer to be reviewable under this clause, is the decision relating to the application by an employer, or group of employers, to be exempted. It seems to me that it is quite a proper decision to review. Why should not an employer, as with Santos, have a right to have a decision refusing registration, or cancelling registration, of an employer or group of employers as an exempt employer or group of exempt employers?

This is a matter of principle. The decision should be reviewable and to remove it, as the Government wishes to do, will mean that the WorkCover legislation is, yet again,

not accountable in one area. It will be a law unto itself. I do not believe that any statutory corporation ought to be in that position. I feel very strongly that clause 6 ought to be opposed, because it does take away an existing right and, more importantly, it means that in yet another respect a statutory body is not subject to review. I therefore indicate my very strong opposition to clause 6.

The Hon. BARBARA WIESE: The Government believes that the board must have this right. The board has been most responsive to a range of issues and its ability to finetune the system should not be hampered by a lack of control over the granting of exempt status. That is why the Government believes it is necessary to remove the right of appeal from review officers. As a result of the Supreme Court decision, if this right of appeal is not removed, the board of the corporation will have no control whatsoever over the granting of exempt status. The application to the board will be seen as a mere formality that has to be gone through before it gets to the real decision-making level at review. Such a situation is untenable and, accordingly, it is the Government's view that the right of appeal to review officers must be removed.

The Hon. I. GILFILLAN: It seems that the Hon. Trevor Griffin is too smart even for his own Party—because I take it that the other Liberal members did not pick up this matter. However, that does not diminish the fact that this is a significant issue. In the normal course of justice I think there are very good grounds for allowing for reviews and appeals. I have certainly not had an opportunity to discuss or consider the amendment, and I feel that it is important that I be influenced at least by hearing the opinion of those speaking for the board and the Government. Accordingly, I am unable to support the amendment at this stage. However, I recognise that the Government's provision denies a basic principle or is making it remarkably difficult for someone who is refused the granting of exempt status.

On the matter of a person seeking reconsideration of an application, I must repeat again the argument I have consistently put up throughout the debate that I do believe that the board must ultimately have control of who is granted exempt status. I have no objection to the board's considering the financial consequences as a criterion for the granting of an exemption. It may be that the board is concerned that, in review, there will be no obligation on the reviewing officer to be conscious of that to the same degree, because the reviewing officer will not have a global responsibility for the financial management of the fund. However, I think this issue deserves more consideration than it is getting at this stage. Certainly, if the Bill is to be dealt with this afternoon—as is obviously the case—I indicate the Democrats' opposition to the amendment. I think it is unfortunate that the Liberal Party as a whole did not consider this matter and put forward its view.

The Hon. K.T. GRIFFIN: I am disappointed at that. At present there is a right to have the decision reviewed. I point out that ordinarily one does not have to indicate in amendments that are circulated that one is going to oppose a certain clause. That happens periodically but it does not happen all the time. I have, on many occasions, opposed a clause without indicating that on the circulated amendments.

An honourable member interjecting:

The Hon. K.T. GRIFFIN: The clause in the Bill is there, and it is quite obvious what it does; it is either in or out. It is not a question of amending a particular clause of a Bill to change its emphasis. It is a matter of tossing out the right of review or leaving it in.

May I suggest to the Hon. Mr Gilfillan, notwithstanding the comments he has just made, that the right of review is there already, and we ought to retain that right of review. If, in the next two months (and that is all it is), there is a problem where the Government believes that this still ought to be taken out, it can introduce a Bill on 14 February and deal with it again. The problem with supporting the clause rather than opposing it is that, once the right of review has gone, it has gone forever, because the Government (unless it agrees with the right of review) will never reinsert it in the House of Assembly.

On the other hand, the Hon. Mr Gilfillan could be persuaded by the Government over the next two months that it ought to be taken out of the principal Act. That is a position which I believe is a more appropriate course of action to follow than merely supporting the Bill as it is: taking the review right out and saying 'Well, it is good in principle; it has got some important issues but we will have to consider the question later,' because that then burns the bridges. I suggest that that is not an appropriate way to deal with this very important question.

As I say, it is two months before this session resumes. Nothing serious will happen in that time which would create a problem, I suggest, for WorkCover or the Government if we left the right of review in. After all, some other substantial amendments are being made which presumably will then affect the rights of self-insurers and those who wish to be self-insurers. In that way we preserve the *status quo* without making hasty decisions.

The Hon. BARBARA WIESE: I simply want to reinforce the point that I made earlier about the system with the review officers and to restate the point that it is very important that the corporation have control in this matter. At the moment, with the capacity for people to go to a review officer to have their exempt status application heard, the employer has the right to put a completely fresh case to the review officer. The review officer does not even have to take into consideration the corporation's view on the matter if it has, for its own reasons, decided that exempt status should not be granted, and that is an intolerable situation. The Government believes very strongly that the corporation must be the body that has the authority in this matter.

The Hon. K.T. GRIFFIN: That is not correct, with respect to the Minister. The Review Officer does have to take it into account; otherwise, the officer is ignoring the rules of natural justice.

The Hon. I. GILFILLAN: I am not prepared to accept the situation that could apply if the amendment was passed. There are implications for which I am not confident I can accept the responsibility. There may well be, if there is to be a continuing review process, certain requirements on that review hearing which take into account the effects on the fund. Without having had a further chance to discuss its ramifications, I am not willing to support the amendment. There may be ways in which an amendment can be drafted to allow an appeal in the course of justice but does not expose the corporation to unforeseen economic consequences for which it is properly responsible and from which it should protect WorkCover funding.

The Hon. K.T. Griffin: Are you supporting the clause as it is? I am opposing the clause.

The Hon. I. GILFILLAN: I see that. That step would leave the appeal structure as it is. I am signalling that I am not willing to take the risk of supporting it, because I do not know what the ramifications of it are. I do not use this as a defence. However, it is not fair to say that it is reasonable to bring up an amendment like this without our having been forewarned and then expect us to debate it with knowl-

edge and confidence. If I intend to oppose a clause, I signal that and, to be honest, the Hon. Mr Griffin must admit that in most cases he, too, does so. This has been bounced off us a little peremptorily, and I do not have confidence in supporting it. Although I am concerned about it, I would be willing to continue discussions with the Government and WorkCover on it.

The Hon. K.T. GRIFFIN: There are many occasions when we have to do these things on the run, and this is one of them. I am disappointed at the position the Hon. Mr Gilfillan takes, because that really abdicates from the present position and means that there will be no review in the future. In the light of what he has indicated, and in view of the hour, I indicate that if I lose on the voices I will not divide on the clause.

Clause passed.

Clause 7 passed.

Clause 8—'Mining and Quarrying Industries Fund.'

The Hon. K.T. GRIFFIN: I move:

Page 8—

Line 5—Leave out 'seven' and insert 'four'.

Line 8—Leave out paragraph *(b)*.

Lines 10 to 14—Leave out paragraphs *(d)* and *(e)* and insert new word and paragraph as follows:

and

(d) two will be persons nominated by the South Australian Chamber of Mines and Energy.

Line 23—Leave out 'Four' and insert 'Three'.

Line 26—Leave out 'four' and insert 'three'.

This series of amendments relate to membership of the Mining and Quarrying Occupational Health and Safety Committee. The intention is to reduce the membership from seven to four and to provide that one member will be an officer of the corporation working in the field of occupational health and safety nominated by the corporation; one will be the Chief Inspector of Mines; and two will be persons nominated by the Chamber of Mines and Energy. It seems to me that that is the proper means by which the old Silicosis Fund should be operated, and it leaves to the industry, which has contributed to the fund, together with two Government officers, the management of that fund. That will be an appropriate way to deal with it.

The Hon. BARBARA WIESE: The Government opposes these amendments. In rebuttal of the suggestion that the old committee did not operate similarly to the way in which it is proposed that the new one shall operate, may I say that in fact the old committee had equal numbers of employer and union representatives and the new committee preserves the previous arrangement.

Regarding the disbursement of the surplus in the Silicosis Fund, workers clearly have a material interest in how the fund shall be disbursed since that is a matter that relates to occupational health and safety in the mining industry. It is a matter concerning which the Chamber of Mines and Energy has no problem, and it seems that it is an issue on which the Hon. Mr Griffin and his Party have some sort of ideological fixation, which certainly is not warranted. The Government opposes the amendments.

The Hon. I. GILFILLAN: The Democrats oppose the amendments.

Amendments negatived; clause passed.

Clause 9—'Transitional provision.'

The Hon. I. GILFILLAN: I oppose the clause as a consequential amendment to other amendments of mine that have been carried.

Clause negatived.

Remaining clauses (10 to 12) and title passed.

Bill read a third time and passed.

BOATING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STATUTES AMENDMENT (COMPANIES, SECURITIES INDUSTRY AND FUTURES INDUSTRY—PENALTY NOTICES) BILL

Received from the House of Assembly and read a first time.

The Hon. BARBARA WIESE (Minister of Tourism): 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.

Explanation of Bill

This Bill seeks to make amendments to the Companies (Application of Laws) Act 1982; the Companies (Acquisition of Shares) (Application of Laws) Act 1981; the Futures Industry (Application of Laws) Act 1986 and the Securities Industry (Application of Laws) Act 1981, all of which deal with the regulation of companies and securities and capital markets.

Honourable members are no doubt aware that the responsibility for enacting laws regulating these matters and the administration of those laws is shared between the States, the Northern Territory and the Commonwealth. Under the terms of the Formal Agreement entered into by the States and the Commonwealth in 1978, the Co-operative Scheme was established. The purpose of the Co-operative Scheme is to implement and oversee the making and administration of uniform laws regulating companies and securities, thereby resulting in greater commercial certainty, a reduction of business costs, and greater efficiency and integrity in the capital markets. To date, the Co-operative Scheme has been extraordinarily successful in achieving this object and has the respect and support of the business community particularly in South Australia.

The need for shared responsibility between the States and the Commonwealth arose due to doubts concerning the extent of the Commonwealth's constitutional power to legislate in respect of companies and securities. Consequently, under the formal agreement, provision was made for the establishment of the Ministerial Council for Companies and Securities comprised of the Attorneys-General of each State, the Northern Territory and the Commonwealth. The functions of the council are to consider and review legislation, the manner in which the legislation operates and to provide a general oversight of the scheme.

The formal agreement also provides the procedure to be adopted in making legislation concerning companies and securities. In accordance with this procedure, legislation approved of by the ministerial council is submitted to and passed by the Commonwealth Parliament. The Companies Act 1981, the Companies (Acquisition of Shares) Act 1981, the Futures Industry Act 1986 and the Securities Industry Act 1980 have all been enacted by the Commonwealth in this manner.

These Acts are applied in each State and the Northern Territory by virtue of the various Application of Laws Acts, which were enacted by the States and the Northern Territory in accordance with the terms of the Formal Agreement. The Commonwealth's Companies Act 1982 therefore applies in

South Australia because of the provisions of the South Australian Companies (Application of Laws) Act 1982. The effect of the Application of Laws Acts is to ensure that the laws relating to companies and securities throughout Australia are predominantly uniform throughout Australia.

There are minor differences in the application of the Commonwealth Acts in each of the States and the Northern Territory. These differences occur due to textual anomalies that would otherwise apply in the State or Territory if the Commonwealth Act were to directly apply in the State or Territory, or because different State Acts are applicable to certain provisions of the Commonwealth Acts or because certain areas were regarded by the participants of the Co-operative Scheme as being matters within the purview of the State or Territory.

In the event that any State or Territory should wish to alter the application of the Commonwealth Acts in its jurisdiction, it may do so either by amendment to the relevant Application of Laws Act or by way of regulation under the relevant Application of Laws Act. However, the formal agreement requires that the State or Territory first receive the consent of the ministerial council to the proposed amendment.

In July 1986 by unanimous agreement the ministerial council decided that the administration of the enforcement of companies and securities legislation in each State or Territory was a matter for each State and Territory to determine. As a result, Victoria enacted amendments to its various Application of Laws Acts to extend the penalty notice system already present in the Commonwealth legislation. The amendments before the Council in respect of the various South Australian Application of Laws Acts are in substantially identical terms to the Victorian amendments.

The purpose of these amendments is to extend the present penalty notice systems under the Commonwealth Acts to include more summary infringements of the various South Australian Codes. The offences presently prescribed by the Commonwealth Regulations are restrictive in that the penalties payable in respect of the prescribed offences are limited to one quarter of the amount provided for those penalties in the companies and securities legislation. As there is no provision in the Commonwealth Companies (Acquisition of Shares) Act 1981, for the issuing of penalty notices, the amendments will insert the necessary provision for the purposes of the Companies (Acquisition of Shares) (South Australia) Code.

An extension of the offences for which penalty notices may be issued would make it possible to further ensure that the Commissioner for Corporate Affairs has the maximum number of options available to him in dealing with summary infringements of the companies and securities legislation. To date, very little use has been made of the penalty notice system as the offences presently prescribed are of a relatively minor character. The extended penalty notice system would enable the Corporate Affairs Commission to deal with these offences in a quick and efficient way and would also enable some investigating and legal resources to be directed towards more serious offences. As the use of a more extensive penalty notice system would no longer involve the present amounts of court time and costs of dealing with such offences, it is expected that the adoption of the extended penalty notice system will alleviate certain pressures on the Magistrate Court system.

It is anticipated that the use of the extended penalty notice system will generate $250 000 in revenue in the first full year of operation. The additional costs to the Corporate Affairs Commission are estimated to be $50 000 for salaries and goods and services being mainly postage.

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Part II (comprising clauses 3 to 5) contains amendments to the Companies (Application of Laws) Act 1982.

Clause 3 is formal.

Clause 4 inserts in the Companies (Application of Laws) Act a new section 16a empowering the Governor to make regulations relating to penalty notices for the expiation of offences against the Companies (South Australia) Code and the Companies (South Australia) Regulations. The new section provides that the offences in respect of which penalty notices may be issued are to be prescribed by regulation but may not be offences punishable by a term of imprisonment exceeding six months or a pecuniary penalty exceeding $2 500. The amount of the penalty payable to expiate any such offence is under the new section to be prescribed by regulation but may not exceed half of the amount of the penalty fixed in respect of the offence under the provisions of the Code. The new section provides that regulations made under it override any prior inconsistent regulations and are to be read as one with the Companies (South Australia) Regulations. That is, without the need for amendments, new regulations made under the section will replace all earlier regulations relating to penalty notices. This new section should be read in conjunction with section 570A of the Companies (South Australia) Code which provides the power to issue penalty notices and contains the detailed provisions relating to payment of the expiation amounts and the consequences of such payment.

Clause 5 amends schedule 1 of the Companies (Application of Laws) Act which contains the amendments to the text of the Companies Act 1981 of the Commonwealth necessary to apply it in South Australia as the Companies (South Australia) Code pursuant to the Companies (Application of Laws) Act. The clause inserts a new provision substituting for subsection (8) of section 570A of the Commonwealth Act (and hence section 570A of the South Australian Code) a new subsection containing an additional definition required for the purposes of the penalty notice scheme. Part III (comprising clauses 6 to 8) contains amendments to the Companies (Acquisition of Shares) (Application of Laws) Act 1981.

With one exception, the clause makes amendments to that Act which correspond to those explained above relating to the Companies (Application of Laws) Act. The exception referred to is that the Commonwealth Companies (Acquisition of Shares) Act has as yet not included any provision for penalty notices. Hence, clause 8 provides for a new section 53A of the Companies (Acquisition of Shares) (South Australia) Code that corresponds to section 570A of the Companies (South Australia) Code and the respective versions of that section contained in the Securities Industry (South Australia) Code and the Futures Industry (South Australia) Code.

Parts IV and V make amendments to the Securities Industries (Application of Laws) Act 1981 and the Futures Industry (Application of Laws) Act 1986 that correspond exactly to the amendments explained above relating to the Companies (Application of Laws) Act.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

HIDE, SKIN AND WOOL DEALERS ACT REPEAL BILL

Received from the House of Assembly and read a first time.

The Hon. BARBARA WIESE (Minister of Tourism): 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.

Explanation of Bill

This legislation was introduced in 1915 with the aim of reducing the illegal disposal of hides, skins and wool, by increasing the detection of stock theft. The Act has provided for the licensing of all persons operating as dealers under the Act and the necessity of those persons to maintain accurate records of all purchases and sales. The Chief Inspector of Stock under the Stock Diseases Act 1934 has been responsible only for registrations and renewals.

The department has had no further active involvement under the legislation in the investigation of suspected thefts, apart from providing registrant information. Monitoring of compliance and investigations into possible thefts under the Act has mainly been carried out by the police Stock Squad, which has now been disbanded. Thefts of stock and their by-products can be investigated through powers under other legislation.

The commercial organisations concerned with sales of hides, skins and wool have been consulted and have raised no objections to the repeal of the Act. The police and the United Farmers and Stockowners Association of South Australia Inc., when consulted showed no or minimal interest. The Government Adviser on Deregulation supports the repeal of the Act.

Clause 1 is formal.

Clause 2 repeals the Hide, Skin and Wool Dealers Act 1915.

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this Bill.

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

DANGEROUS SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 1752.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill. It seeks to make the Dangerous Substances Act consistent with the Occupational Health, Safety and Welfare Act through the introduction of improvement and prohibition notices. Members will remember the significant debate on improvement and prohibition notices when the Occupational Health, Safety and Welfare Bill was before us in the last session or the session before. Penalties have been upgraded and converted to the new style by referring to divisions of fines and imprisonment as part of the process of making all descriptions of penalties uniform in all statutes.

The Bill requires storage licences for dangerous substances to be issued by the Director in certain circumstances even if premises do not comply with the regulations, provided there is no danger to person or property. The Bill confers special powers on inspectors in the context of dealing with dangerous situations.

The Minister responsible for the Bill in the Lower House clarified one aspect of concern to the Opposition which was whether farmers, in particular, will hereafter be required to have a licence for the storage of small quantities of diesel, petrol and kerosene. In his reply the Minister indicated that the relevant clause (clause 6) does not change the current requirements with respect to the storage of flammable liquids on farms.

We argued about this matter in 1979 when the Dangerous Substances Act was first before us as a result of requests made by me at that time that there needed to be special provisions to deal with flammable liquids on rural properties. The Minister at that time, the Hon. Don Banfield, gave an assurance that the position which previously applied under the old Inflammable Liquids Act would continue to apply and the regulations subsequently enacted under the Dangerous Substances Act honoured that undertaking.

My only area of concern, which is the subject of an amendment, is that the Bill does not reflect accurately the provisions of the Occupational Health, Safety and Welfare Act in so far as the appeal process is concerned where a decision affecting an improvement or prohibition notice is disputed.

Under the Bill the review is to be undertaken by the Minister. I challenge that, because that is in effect a review of Caesar by Caesar. What I prefer to do, and in my amendment have endeavoured to reflect, is to pick up the provisions of the Occupational Health, Safety and Welfare Act and to require the President of the Industrial Court to have a notice reviewed by a review committee constituted under the Occupational Health, Safety and Welfare Act, then all the procedures governing review committees under that Act will apply to this. It seems to me that that is perfectly proper.

It brings the Dangerous Substances Act into line with the more recently debated Occupational Health, Safety and Welfare Act and puts the right of review or appeal, if that is the way one wishes to describe it, into the same framework under both pieces of legislation, both of which deal with dangerous substances. Subject only to that matter, and acknowledging the undertaking given by the Minister in the other place, the Opposition supports the second reading of this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Offence to keep dangerous substances without a licence.'

The Hon. K.T. GRIFFIN: I do not now intend to oppose clause 6 because of the commitment given by the Minister in the other place that the regulations with respect to on-farm fuel, diesel, petrol and kerosene will be maintained under these amendments. If the Minister has different advice, I would like to hear it, but I understand that that is the position. In view of that, I do not oppose the clause.

The Hon. BARBARA WIESE: I confirm that the honourable member's understanding of the situation is correct.

Clause passed.

Clauses 7 to 9 passed.

Clause 10—'Insertion of new Part IIIA.'

The Hon. K.T. GRIFFIN: I move:

Page 4, lines 9 to 25—Leave out proposed section 23c and insert new section as follows:

23c. (1) A person to whom an improvement notice or prohibition notice is issued may apply to the President of the

Industrial Court to have the notice reviewed by a review committee constituted under the Occupational Health, Safety and Welfare Act 1986.

(2) An application for review must be made within 14 days of the receipt of the notice.

(3) Pending the determination of an application for review under this section, the operation of the notice to which the application relates—

(a) in the case of an improvement notice—is suspended;

(b) in the case of a prohibition notice—continues.

(4) A review committee may, if it thinks fit, make an interim order suspending the operation of a prohibition notice until the matter is resolved.

(5) An order under subsection (4) must be made subject to such conditions as may be necessary to protect the health or safety of any person, or the safety of any property.

(6) Where a prohibition notice has been issued, proceedings under this section must be carried out as a matter of urgency.

(7) The provisions of the Occupational Health, Safety and Welfare Act 1986, relating to the procedures and powers of a review committee under that Act extend, with necessary modifications, to proceedings on a review under this section.

This amendment places responsibility for apppointing a review committee with the President of the Industrial Court, who is an entirely independent person, as opposed to giving that responsibility to the Minister. My amendment brings this provision into line with the Occupational Health, Safety and Welfare Act in so far as it relates to improvement and prohibition notices. Because they are essentially the same areas being addressed, it seems to me that consistency, like independence, is an important issue.

The Hon. I. GILFILLAN: The Democrats support the amendment. Having been involved in considerable debate in this place on the Occupational Health, Safety and Welfare Act, and feeling somewhat satisfied at our contribution in the end result, it seems that, where possible, it is best to have consistency and comply with the procedures that are laid down in that legislation. I am not persuaded that there are grounds to deviate from that in these circumstances. Therefore, I indicate support for this amendment and for the Hon. Mr Griffin's consequential amendments.

The Hon. BARBARA WIESE: The Government opposes this amendment because it believes that the proposal is too cumbersome. By contrast, the Government's amendment would allow the speedy convening of a review body and the direct appointment of a person who is an expert to hear the review. I do not have the numbers on this question and it will be for the Minister in another place to decide whether this matter is of such importance that he wants to take it to a conference.

The Hon. I. GILFILLAN: I am convinced that the procedure embodied in this amendment will not result in inordinate delays. The review committee will involve an expert or experts who are competent to give instant advice and it will take no longer for this procedure than for the equally complicated procedures under the Occupational Health, Safety and Welfare Act.

The Hon. K.T. GRIFFIN: I share that view.

Amendment carried.

The Hon. K.T. GRIFFIN: I move the following consequential amendments:

Page 4—

Line 26—Leave out the heading and substitute new heading as follows:

Powers of committee on review.

Line 27—Leave out 'review authority' and insert 'review committee'.

Line 29—Leave out 'review authority' and insert 'review committee'.

Line 32—Leave out 'review authority' and insert 'review committee'.

Line 34—Leave out 'authority' and insert 'committee'.

Line 35—Leave out 'review authority' and insert 'review committee'.

Line 37—Leave out 'review authority' twice occurring and substitute, in each case, 'review comittee'.

Line 40—Leave out 'review authority' and insert 'review committee'.

Amendments carried: clause as amended passed.

Remaining clauses (11 and 12), schedule and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (COMPANIES, SECURITIES INDUSTRY AND FUTURES INDUSTRY—PENALTY NOTICES) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1813.)

The Hon. K.T. GRIFFIN: The Opposition is prepared to indicate support for the Bill which amends the Companies (Application of Laws) Act, the Companies (Acquisition of Shares) (Application of Laws) Act, the Securities Industry (Application of Laws) Act, and the Futures Industry (Application of Laws) Act with respect to penalty notice provisions. It implements a scheme which is, in effect, an expiation notice scheme which will apply to certain offences to be prescribed by regulation.

When a breach of the Act is committed, the Corporate Affairs Commission, under this scheme, may give notice to a company or officer alleging that an offence has occurred and requiring the payment of a penalty and the taking of a particular course of action. If the penalty is not paid and the action not taken then the Corporate Affairs Commission may issue proceedings.

In relation to the lodgment of documents with the Corporate Affairs Commission, there is a penalty system in operation already for the late lodgment of documents and this Bill, in some respects, is an extension of that. In effect, it is a scheme similar to an expiation notice scheme and a scheme which is operating in Victoria and in contemplation in other jurisdictions. I suppose one does have to have some reservations about an expiation notice scheme, particularly one that is as broad as that contemplated by the Bill. It is only the fact that there has been in effect for many years in the area of the administration of companies and securities a form of penalty system for late lodgment of documents that suggests that this scheme ought to be supported or, at the least, not opposed.

I will be interested to see the level of penalties proposed to be imposed by regulation. Also, I will be interested to see the offences that are proposed to be covered when regulations are available. I wondered whether, in that context, the Minister might be able to give a commitment that when the regulations are drafted they will be circulated for comment to professional bodies before being promulgated and, if that is the case, whether I can be added to the list. I am prepared to indicate cautious support for the second reading of this Bill.

The Hon. BARBARA WIESE (Minister of Tourism): I thank the honourable member for his contribution and cooperation in agreeing to consider this Bill without undue delay.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: During the second reading debate I asked the Minister whether she would be able to give a commitment that the draft regulation, which implements this scheme, could be circulated to relevant profes-

sional groups prior to promulgation on the basis that it is implementing a scheme which has significant consequences for administrators of companies and professionals involved with their administration. I circulated the Bill widely to various professional and other groups, but because of the time I suspect that most did not have adequate opportunity to get back to me on it. It would be helpful, as happens with most other company and security legislation, if it could be circulated for comment prior to promulgation.

The Hon. BARBARA WIESE: I have not consulted my colleague on this matter, but I am sure that I can give an undertaking that the draft regulations will be circulated to appropriate bodies prior to their finalisation. That is the practice in most instances with regulations drafted by this Government. I am sure that I am safe in giving such an undertaking.

The Hon. K.T. Griffin: Can I be included?

The Hon. BARBARA WIESE: Certainly the Hon. Mr Griffin can be included in that circulation.

Clause passed.

Remaining clauses (3 to 14) and title passed.

Bill read a third time and passed.

The Hon. M.B. CAMERON: Ms President, I draw your attention to the state of the Council.

A quorum having been formed:

APPROPRIATION BILL REPLIES

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to have incorporated in *Hansard* without my reading them some of the replies to questions asked by the Hon. Mr Cameron during the course of the Appropriation Bill debate. In doing so, I indicate that the remaining answers are in the process of being prepared and they will be forwarded at a later time.

Leave granted.

Q3 When I say the major hospitals, I mean the Adelaide Children's Hospital as well. What is the total number of beds actually available for patient use at each of the major public hospitals as of 1 November 1988?

A3 Note that available bed is defined as the number of beds, occupied or not, which are immediately available for use. They are immediately available for use if located in a suitable place for patient care, funds have been provided, and there are nursing and other auxiliary staff available to service patients who might occupy them.

The average number of available beds for October in the seven major metropolitan hospitals were:

	beds
Adelaide Children's Hospital	188
Flinders Medical Centre	502
Royal Adelaide Hospital	940
Modbury Hospital	228
Lyell McEwin Hospital	161
The Queen Victoria Hospital	157
The Queen Elizabeth Hospital	556

Q4 What was the position on 1 November 1987?

A4 The average number of available beds for October 1987 in the seven major metropolitan hospitals were:

	beds
Adelaide Children's Hospital	171
Flinders Medical Centre	499
Royal Adelaide Hospital	948
Modbury Hospital	225
Lyell McEwin Hospital	173
The Queen Victoria Hospital	156
The Queen Elizabeth Hospital	589

Q5 Excluding the Children's Hospital, how many beds have been available for patients for each month during the past year, at each of the major public hospitals?

A5

	FMC	RAH	MOD	LYELL	TQVH	TQEH
1987						
Jul.	502	946	225	168	159	584
Aug.	498	940	225	178	156	584
Sep.	499	948	225	178	156	587
Oct.	499	948	225	173	156	589
Nov.	499	945	225	166	156	590
Dec.	455	897	210	159	148	562
1988						
Jan.	446	890	195	151	154	546
Feb.	497	948	211	167	157	593
Mar.	501	948	225	161	157	592
Apr.	500	948	224	163	155	577
May	503	920	225	169	156	588
Jun.	505	946	225	161	156	586
Jul.	503	927	228	179	156	585
Aug.	505	907	228	169	157	585
Sep.	505	941	228	157	157	571
Oct.	502	940	228	160	156	555

Q98 What proportion of patients treated at casualty sections of these hospitals were considered emergencies and what proportion were outpatient type cases?

A98 Breakdown of patients to this level is not available from the casualty departments at the hospitals.

Q13 I now refer to metropolitan hospital budgets. Will the Minister detail what total savings in dollar terms the Health Commission has sought from each of Adelaide's seven major hospitals this financial year; in other words, how their allocations vary markedly from that contained in the Estimates contained in the Blue Book, where it appears cuts of almost $13 million are being sought?

A13 The South Australian Health Commission has required major metropolitan hospitals to achieve productivity savings of .45 per cent of their total funding allocation as follows:

	Savings Required $
Royal Adelaide Hospital	609 750
The Queen Elizabeth Hospital	394 900
Flinders Medical Centre	384 950
Modbury Hospital	129 650
Lyell McEwin Health Service	95 100
Queen Victoria Hospital	95 900

No productivity savings were applied to the Adelaide Children's Hospital in 1988-89, although the hospital was required to reduce expenditure by $797 000, the extent of its budget over-run in 1987-88.

In addition, The Queen Elizabeth Hospital was required to achieve $300 000 carryover savings from 1987-88 and the Royal Adelaide Hospital $300 000 savings in 1988-89 by the closure of permanent or long-stay nursing home beds at Hampstead Centre.

Preliminary allocations for the seven major hospitals in the Blue Book did not include provisions for workers compensation and terminal leave payments which will be provided during the year as costs are incurred. No provision has been made for a 27th pay which occurred in 1987-88, but will not occur in 1988-89.

Actual expenditure in 1987-88 on these items was as follows:

	Workers Compensation $	Terminal Leave $	27th Pay $
ACH	998 000	412 000	390 000
RAH	5 891 000	854 000	2 125 000
TQEH	2 841 000	676 000	1 497 000
FMC	2 569 000	376 000	1 476 000
MODBURY	777 000	125 000	464 000
LMHS	916 000	156 000	275 000
QVH	294 000	78 000	248 000
	$14 286 000	$2 677 000	$6 475 000

Funds for these purposes will be allocated to the hospitals to meet actual expenditure in 1988-89.

Q14 As I understand it, some additional amounts are contained in the budget which are not disclosed in the Blue Book, and I would like to know what those amounts are for each hospital and the identity of each additional amount.

A14 All amounts allocated to the South Australian Health Commission are contained in the Blue Book. As the level of expenditure by health units on Workers Compensation, Terminal Leave, etc., are not known at the time of preparation of the Blue Book, these amounts are held by the commission and reallocated to meet actual expenditure during the year.

HAMPSTEAD CENTRE

Q10 On the Hampstead Centre, during the health estimates in another place questions related to budget cutbacks to the Hampstead Centre and plans by the Health Commission to close another ward there. Although the Minister and a commission officer provided some answers, several questions remained unanswered. Will the Minister confirm that the Hampstead Centre has had a cut of at least $300 000 in its budget this year; $722 000 in real terms; this was the main factor influencing the decision to close a further 25 nursing home beds from the centre?

A10 Royal Adelaide Hospital received a funding reduction of $300 000 in 1988-89 as a consequence of the decision to reduce the number of permanent or long-stay nursing home beds at Hampstead Centre.

Q11 Will the Minister explain how the transfer of patients out of these beds will be, to use his and his adviser's words 'voluntary' when patients knew nothing of the plans until told of them recently, and it has been assumed the ward closure will be completed by 1 November?

A11 If there are any transfers of patients from Hampstead Centre to alternative accommodation these will be on a voluntary basis.

Q12 Is the Minister confident that a 50-bed nursing home facility at Hampstead will be sufficient for demand when the existing 75-bed nursing home there has an average capacity of about 90 per cent and there is a shortage of nursing home beds in the district?

A12 According to Commonwealth Government criteria, the eastern suburbs of Adelaide are significantly oversupplied with nursing home beds. The South Australian Health Commission considers that 137 beds at Hampstead Centre will be adequate to provide comprehensive rehabilitation and geriatric services, including respite care.

METROPOLITAN HOSPITAL—STAFFING AND BUDGETS (PART ONLY)

Q107 What was the cost, both for the balance of the last financial year and for a full 12 month period, of the second tier wage increases awarded to public hospital employees working at Adelaide's seven major hosptials?

A107

	1987-88	1988-89
	$	$
Adelaide Children's Hospital	593 000	1 066 000
Flinders Medical Centre	1 127 000	1 958 000
Modbury Hospital	399 000	706 000
Lyell McEwin Health Service	311 000	533 000
Royal Adelaide Hospital	1 831 000	3 180 000
The Queen Elizabeth Hospital	1 230 000	2 073 000
Queen Victoria Hospital	341 000	605 000
	$5 832 000	$10 121 000

The figures exclude the 4 per cent Second Tier Wage Award for medical officers which will be paid in 1988-89. Amounts are still being determined.

Q109 When were hospitals granted additional funds to cover the additional costs involved in paying these second tier wage increases?

A109 27 May 1988.

Q110 How much has been allowed in the major public hospitals' budget for 1988-89 to cover extra costs associated with these rises?

A110 The amounts listed in answer to Question 107 have been allocated to hospitals, less the productivity contributions detailed in answer to Question 13.

Q111 Does this figure show up in the Blue Book (and, if so, where) and in the Program Estimates and Information for 1988-89?

A111 Award carryovers are included in the preliminary allocation to individual hospitals. Amounts for medical officers were not included in the preliminary allocation but will be paid when necessary.

Q112 What additional funding for South Australian hospitals has been provided or budgeted for to allow payment of the two-stage 5.5 per cent wage increases which are likely to be claimed following the recent Arbitration Commission wage ruling?

A112 No additional funding has been provided to the Health Commission. Funds will be claimed from Treasury at the appropriate time.

Q113 As to hospital budgets, is the Minister now in a position to say whether he will provide me with copies of all specific relevant budget correspondence sent to all hospitals and health units under the control of the Health Commission which details their allocations for 1988-89, specific cuts and/or special grants, and a breakdown of wages and salaries and goods and services funding, which was provided by the former Minister of Health last year on a per page basis?

A113 No, the amount of work involved in providing the copies is too much given the other pressures on the commission. The honourable member is welcome to personally view the budget correspondence at the Health Commission at a mutually convenient time.

Q114 Will the Minister also provide copies of all directives to hospitals and health units from the commission in the 12 months to 30 June 1988, relating to funding and financial reporting.

A114 Budget correspondence between the commission and health units includes a variety of items such as advice on budgets, budget variations on salary and wages increases, information on workers compensation and leave payments. Such correspondence will vary from a few pages for small health units to over 50 pages for some large units with which there are regular budget discussions. The total amount of correspondence is likely to exceed 4 000 pages. The honourable member is welcome to personally view this correspondence at the commission at a mutually convenient time.

Q115 What other public hospitals and health units recorded budget overruns for the 1987-88 fiscal year and what was the total value of those overruns for 1987-88?

A115 Statement 8 in the Blue Book contains details of the 1987-88 financial position of hospitals and health units.

COMMUNITY HEALTH CENTRES

Q121 How many client contacts were recorded for each of the above community health centres in the year ended 30 June 1988?

A121 The South Australian Health Commission and representatives of community health centres have been working together to produce a set of uniform definitions of community health activities encompassing individual client contacts, group work, community development, and health promotion and prevention. The new system is being installed progressively in major centres throughout 1988-89. When installation is complete, data will become available which can be used for comparative purposes. The first full year of data will be 1989-90.

At present centres collect their own statistics which give an indication of activity levels but cannot be used to compare workloads as definitions differ.

Q122 What were the client contacts for each of the above professions, at each of the community health centres?

A122 This information is not available.

Q123 What were the corresponding figures for the financial year ended 30 June 1982 through to 1987?

A123 This information is not available.

Q124 What auditing procedures for these community health centres are carried out and what auditing is done with respect to client contacts and the reasons for those contacts at each health centre?

A124 The Auditor-General conducts annual audits in all community health centres in accordance with standard auditing procedures.

Activity 'audits' are carried out internally by individual centres in line with accepted management practice. Boards of Directors, Chief Executives, and professional heads all play a part in activity audit. It is also an integral part of quality assurance Programs. From time to time community health units have their work evaluated by an external body and this information is used to determine priorities for service delivery.

Under the Community Health Services Accreditation Standards Project (CHASP) the role and performance of centres is reviewed according to stipulated standards and criteria in a manner similar to the hospitals accreditation program.

Q125 What were the results of that auditing?

A125 Further information on community health centre activities and audit processes is available in the annual reports which are available from each community health centre.

Q126 Has the commission obtained data on the time each employee at those 32 health centres spends on various activities during a typical working day?

A126 No. Responsibility for the effective management of incorporated health units such as community health centres lies with their Boards of Directors and Chief Executive Officers.

The commission is aware that from time to time individual centres or groups of centres maintain staff diaries or conduct time and motion studies.

Q127 If so, what is the breakdown of daily activities for the various categories of employees at the centres?

A127 Not applicable.

Q128 For example, a 1985 pilot study into four southern suburban health centres found 27 per cent of the time of all staff was spent on administration, another 15 per cent was spent on staff or professional development, 20 per cent on planning and preparation, with only 17 per cent spent on nursing clients' ailments and 4 per cent on illness prevention

A128 The 1985 pilot study was conducted in order to develop the measurement procedures. The data was not representative because it was collected over only five days, during school vacation when staff take leave and client attendance drops, and when two of the centres were reorganising or moving locations.

A better indication can be found in the reports from the diary exercise conducted over a one month period in 1985-86 and again in 1987. These reports show that direct client/community contact including preparation and follow-up accounted for 50.7 per cent in 1985-86, increasing to 51.2 per cent in 1987. While it is often difficult to distinguish between the two, it is estimated that approximately half this time is spent on treatment, and half on prevention.

Leave accounted for 7.2 per cent in 1985-86 and 8 per cent in 1987. The other two categories in the diary study (Teaching and Learning, Administration and Management), include significant aspects of service delivery such as: recording case notes, liaising with other agencies, arranging appointments with clients, supervising and training volunteers, supervising and training staff in relation to direct client contact and determining the needs of groups of clients.

Q129 How many motor vehicles were available to staff at each health centre as at 30 June 1988?

A129 Motor vehicles assigned to metropolitan community health centres at the 1st July 1988, were as follows:

Adelaide Women's Community Health Centre	2
Clovelly Park Community Health Centre	5
Dale Street Women's Community Health Centre	1
Eastern Community Health Service	11
Elizabeth Women's Community Health Centre	2
Gilles Plains Community Health Service	1
Ingle Farm Community Health Centre	9
Munno Para Community Health Centre	3
Lyell McEwin Community Health Service	7
Noarlunga Health Services Inc.	1
Parks Community Health Service	6
Port Adelaide Community Health Service	4
Southern Women's Community Health Centre	2
Tea Tree Gully Community Health Centre	4
The Second Story	—

Q130 What was the total mileage for all these vehicles for the past financial year?

A130 It is the responsibility of the Boards of Directors and Chief Executive Officers of health units to ensure the proper and efficient use of vehicles. Detailed information on motor vehicle useage by incorporated health units is therefore not collected nor maintained by the South Australian Health Commission.

Q131 How many motor vehicles were available to health centre staff at 30 June for each year 1982 to 1987?

A131 This information is not collected or maintained by the South Australian Health Commission.

Q132 What were the annual mileages recorded by those vehicles for each financial year from 1982-83 to 1986-87?

A132 This information is not collected or maintained by the South Australian Health Commission.

Q133 How many vehicles as of 30 June 1988 were available on a take home basis to staff employed at health centres?

A133 Community health centres' vehicles are shared by the staff of the centre to satisfy work associated travel requirements. Where centres do not have a secure area for garaging vehicles on site, to ensure that Government motor vehicles are safe from vandalism, it is SAHC policy that Board of Management may authorise that vehicles be driven home for safe-keeping at an employee's place of residence.

Q134 What auditing is done of the kilometres travelled by vehicles outside of usual health centre working hours?

A134 See Question 130. Health unit administrations are responsible for overseeing the use of their vehicles.

Q135 Are log books kept and are they available for scrutiny?

A135 Yes. Log books are kept and available for the Auditor-General.

Q136 What auditing of log books is undertaken by the Health Commission?

A136 There is no regular auditing of log books by the SAHC. It would not be appropriate unless anomalies or improper practices were identified by the Auditor-General or some other reliable source.

Q137 As to mental health, has the Glenside hospital budget for 1988-89 been reduced by almost $2 million, more than 6 per cent compared to last year as detailed in the Blue Book?

A137 No. Glenside Hospital is required to achieve productivity savings of $118 100, representing 0.45 per cent of total budget. Workers compensation funding and Terminal Leave Payments for 1988-89 estimated at $1 545 000 and $246 000 respectively will be allocated during the year. A 27th pay of $365 000 which occurred in 1987-88 will not re-occur in 1988-89.

Q138 If not, what is the new allocation?

A138 $26 117 400.

Q139 What were the reasons for this major reduction in funding?

A139 There was no major reduction in funding to Glenside Hospital.

Q140 What effects will this cut have on services and patient care at this mental institution?

A140 None.

Q158 What was the total number of Central Office employees as of 1 July 1986, and what were their various positions?

A158 543 FTE's in an establishment of 560.8 positions—details on the various positions are no longer available.

Q159 What are the corresponding figures for 1 July in 1983 to 1985, and 1987?

A159

1983	423
1984	428
1985	492
1987	501

The figures tabulated are not comparable over time due to restructuring that has occurred.

Q160 What was the position as at 1 July 1988?

A160 472.

Q161 How many staff have been, or will be, attached or newly employed in the Health Commission's Information Branch?

A161 Information Branch was formed on 14 July 1987, from the rationalisation of the former Systems Division and Data Services Division. It had an initial establishment of 54.6 which was reduced to 50 for 30 June 1988, and is further targetted for reduction to 48 by 30 June 1989.

On 30 June 1988, 44 persons were employed, with four externally funded. Persons are newly employed as positions fall vacant within the above establishment figures.

Q162 What is the Branch's budget allocation for 1988-89?

A162 $2 554 000

Q163 What will its chief functions be?

A163
- Provide a clear focus for the overall co-ordination of information activities within the commission.
- Plan, develop, operate, maintain and review systems required to meet the commission's information needs.
- Support the commission's policy development, planning and decision-making processes by providing objective and timely information relating to:
  - health service utilisation and supply
  - health status of the South Australian community and specified groups
  - management of human and financial resources.
- Provide a statistical information service to the Health sector.
- Develop and review operational policy and standards relating to information and computer systems development within the health sector.
- Liaise with external agencies in relation to information and computing matters.

Q178 What information is required by the Commission on a daily, weekly, monthly or annual basis from each hospital or health unit (that is, financial, medical, statistical, staffing, property and equipment, capital replacement information)?

A178 The major information collection processes of the Commission operate on a monthly basis. The Monthly Management Summary System collects financial, activity and workforce data. Annually, additional financial information is collected as well as new collection of asset holdings has been commenced. The booking list system collects socio-demographic and clinical data for each person on the booking list each month at each of six metropolitan hospitals. The main clinical data processes relate to the collection of discharge abstracts. Although many work on a monthly cycle the additional processes of quality control and follow-up for these type of records mean that complete data for a month are collected progressively. The systems in this

category include the Inpatient Separations Information System, Mental Health Information System, Central Cancer Registry and Perinatal Statistics Collection.

The Commission publishes an inventory of data collections which includes a description of the scope and coverage of the abovementioned collections. This was first published in June 1986 and is currently under revision to take account of the changes that have occurred to those collections since that date. I am prepared to make a copy of this available to the honourable member.

Q179 What have been the results for each unit of this information?

A179 The Monthly Management Summary System has been designed so that the information requested from small units can be directly used in the management of the health care unit. For larger units, information provided to the Commission is an aggregation of information used in the management of the unit. The published Blue Book information can be used by units for comparative purposes.

Booking list data provided to the commission is a direct extract from operational booking list systems operating in the six participating hospitals.

Data from the Inpatient Separations Information System is provided back to units through a series of standard and ad hoc reports. This information is used for clinical research, internal funding allocation, resource planning, role and function studies and quality assurance. A similar arrangment applies to the mental health data collection system.

Data from the Central Cancer Registry and Perinatal Statistics Collection are provided to the hospitals for performance monitoring.

Q180 Can we be provided with that information in a collated form for each health unit covering the 12 months to 30 June 1988?

A180 I am prepared to make copies of the formats for each data collection available to the honourable member. He can then ascertain what information he requires and the possibility of providing that data can then be discussed.

ADJOURNMENT

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That the Council at its rising do adjourn until Tuesday 14 February 1989 at 2.15 p.m.

I take this opportunity to wish all members and staff of the Council the compliments of the season. This has in one way or another been an eventful year for the Legislative Council. Quite apart from the legislation and other matters with which we have dealt, we have seen quite a change in personnel. We saw the retirement earlier this year of the Hon. Murray Hill, who was the longest serving member of this Council, and in his stead we welcomed the Hon. Mr Stefani into this place.

The Hon. John Cornwall stepped down from the Ministry during the course of this year, and that was a source of great disappointment, particularly to people on this side of the Chamber. There is no doubt whatsover that the Hon. Dr Cornwall was a very valued member of the Cabinet and that he has been the best and most competent Minister of Health that this State has ever seen. We certainly regret that he is no longer a member of the Cabinet. I also understand that the Hon. Dr Cornwall has indicated he will retire from the Parliament within a few months, and I am sure that everyone here would join with me in wishing him well in his new career.

For many of us, the past few weeks has been in many ways probably a difficult time with the absence of the Hon. Mr Sumner because of ill-health. I am sure that everyone joins with me in welcoming the news we received yesterday that he is now resuming his official duties. We all wish him a restful period during this coming season and will welcome him back to this place next year.

I thank members for their cooperation during the time of the Hon. Mr Sumner's absence and my period as Acting Leader of this Council. It certainly could have been a very difficult time had the cooperation not been forthcoming from all members of the Council. I would like to express my deep gratitude for the support that has been given in that respect.

Ms President, I would like to thank you for presiding over us in a good humoured and competent way during the course of the session. I would also like to thank the Clerks, the messengers, the *Hansard* staff, the secretarial staff, the catering staff, the telephonists, the cleaners and all those people who make the job of members of the Council that much easier to perform. I hope that everyone has a very happy Christmas, and a restful recess from Parliament and that they return refreshed and ready to go early in the New Year.

The Hon. M.B. CAMERON (Leader of the Opposition): I second that motion and, in so doing, I wish all members of the Council a very happy Christmas and a prosperous New Year. This year, as the Minister has said, has been eventful. I would like to take this small opportunity to thank members who have assisted me through a very difficult time during the year.

The Hon. Dr Cornwall has indicated that he is leaving. John has been an opposite number to me for a long time and I must say that I miss him. Question Time does not seem the same without him. It is a most unusual feeling to stand up and ask questions in this place, John, without knowing that I am going to get a bath immediately after the question is asked.

The Hon. L.H. Davis: You are suffering withdrawal symptoms.

The Hon. M.B. CAMERON: Yes. I miss the honourable member a lot. John, my colleagues on this side and I wish you well in whatever path you do choose to follow in the future. It is always a pity when people with extensive experience in this Chamber leave, because it is a different House of Parliament, and it takes a little time to train people in the different ways of this Chamber.

The Hon. Dr Cornwall is one of those people who has assisted in making people understand that the Council is different. I have known the honourable member for a long time as a very competent veterinary surgeon whom my family used for many years. I know my father considered him to be a very good veterinary surgeon and a very good friend. So, it is, more than usual, a feeling of loss in your going. Not many people would know of my past association with the Hon. Dr Cornwall, but we have known one another for a long time. It is with all sincerity that I wish you well, and trust that you will be successful in whatever path you choose to follow.

There is no doubt that every Minister of Health, in spite of the criticism from the Opposition, performs some parts of his portfolio in a very good and positive way and there is no doubt that you have done that. While we might not have always agreed, you certainly carried out your duties in a very sincere and forceful fashion.

It is, of course, the time when we thank those poor people who are even now taking down the words that we are speaking. *Hansard* does an absolutely marvellous job and, on behalf of the Opposition, and I am sure every member, I thank *Hansard* very sincerely. The table staff, the Clerk and the Black Rod do an excellent job during the year, suffering all our foibles and all the things we should not do in relation to Standing Orders. So I thank the table staff very sincerely.

On behalf of the Opposition I thank you, Madam President, for your work in presiding over this Chamber. We

recognise that from time to time we are difficult and that you show great patience. I am not sure whether this is the last day that we will see you in the Chair—I suppose that is a situation that will unfold in the future. Whether or not that is so, we thank you, and look forward to your continuing to preside over this Chamber. The messengers in this place do an excellent job and we thank them all for the work they have done, and we also thank the staff in the refreshment area. We wish all of you a very happy Christmas and a very prosperous new year.

The Hon. I. GILFILLAN: On behalf of the Democrats, I would like to speak in support of the motion, and I will mention those who I believe have made the Legislative Council a pleasant and productive place since we last went through this particular experience: Clive and Jan at the table, Trevor as second clerk assistant, Chris, the parliamentary officer, Margaret with her machinery, as well as the library and research staff. They have all been most efficient. They have done a lot for us and we have used them frequently. I would also like to thank the people in the refreshment room who have courteously and pleasantly provided us with refreshment and food. I just wish that there was automatic filtering of the water for coffee.

I thank the messengers—Arthur and his two lieutenants, Ron and John. In particular I would like to mention Paul Stratford who has been a very pleasant and helpful young man to have in the building but, as is usual, 12 months and then they go on to other tasks. I am sure that I speak on behalf of all members in wishing him well in his future career.

I join with the Hon. Martin Cameron in acknowledging the excellent, patient work that *Hansard* does for us—with some mild and helpful editing from time to time. Although they are not here, I would also like to comment on the media and their attention to us. I think that, by and large, they have taken a constructive and lively interest in our activities. They have reported the goings on—or indeed at times the constructive and deliberative legislative decisions—accurately and fairly. It must be Christmas, because we have spent the rest of the year complaining about them, but we are approaching the season of goodwill.

I would like to make special comment about the significant changes that have been made by some people here. I think the character and the style of the Legislative Council has changed dramatically since John Cornwall moved up what must be approximately 30 or 40 centimetres in height, but in some quite dramatic way from one role to another. We wish him well. I have been accused of becoming somewhat emotional, even sentimental, on these occasions, but I do not make any apology for that. I think it is one of the charms of this particular Chamber that we enjoy quite close and warm human relationships, which really is a very valuable and constructive part of the way we work. I want to express to John in this public way that Mike and I both hold him in affection and respect, and we regret his movement from the role he has been playing as one of the principal politicians in this State. We wish him well.

I turn now to my respected friend, Chris Sumner. Mike and I look forward to his return to this place. We regret the circumstances surrounding his absence and their effect on him as an individual. We indicate our strong support for him and our wish that he returns to us in full strength and vigour. It probably means that we will suffer the abrasiveness of his tongue yet again, but after all I think that that helps to create the climate of the place when it is working at full steam.

I also indicate publicly Mike's and my deep care, concern and sympathy for Martin Cameron at the time of his tragic loss. It is not just a short-term pain which he has had to endure. I believe that it is important for him to realise how much we have all felt for him and will continue to feel for him. If any benefit can flow from it, I pray that we will all make as much endeavour as we can to ensure that our roads are safer.

Finally, it has been a pleasure—and I will not say a surprise—and something of significance to have seen how well the Acting Leader of the Government in this place (Hon. Barbara Wiese) has managed her responsibilities under quite exhausting and trying circumstances. Her performance has been to her credit and I believe it augurs well for her contribution to politics in this State.

To you, Ms President, thank you for maintaining good humour and control of this Chamber. I apologise for any misdemeanours for which the Democrats may have been responsible. I do not know how the score-sheet works out on a pro rata basis. I do not particularly want you to divulge that, but you do seem to point this way when calling 'Order!' more often than towards anyone else. However, I rather suspect that the call hits its target before it gets to me.

With those few remarks, on behalf of the Democrats I wish all our colleagues in this place and those who work to support its structure a happy and refreshing holiday period. We look forward to seeing most of you in this place next year.

The Hon. J.R. CORNWALL: If I may take this opportunity to say my last words in this place, some time ago I announced that I would resign during the period between mid December and late March. Because of the way in which one has to resign from this place, you, Ms President, and I have to make personal contact, so to speak, and once I hand in my resignation I understand that it is effective immediately. I do not think that I should name the precise day or time, but I am able to say that I do not intend to be a member of this place after 31 January 1989, so I take this opportunity to wish everybody a Merry Christmas.

I take this opportunity also to thank everyone, particularly my wife, family, members of my loyal personal staff over the years, members of the staff of this place, my colleagues, and my contemporaries (and that includes the Hon. Martin Cameron) for the support, encouragement, or perhaps just stimulation that they have given to me over the years. I am acutely aware that the rooster can very quickly become tomorrow's feather duster. I learnt this lesson very early: all of us, in a sense, can be brought back to the field quickly.

I think that I have told this story on numerous occasions and it concerns campaigning, as I did so often in Mount Gambier—nearly always unsuccessfully once I left the area and was no longer sensitively in touch. I think that it involved one of those ill-fated trips when we tried to get Jim Hennessy elected in 1977. At that stage Don Dunstan was arguably one of the three best known politicians in the country and certainly would have had something like a 99 per cent recognition factor in South Australia.

He decided to do one of those rather risky street walks. We walked in an easterly direction along Commercial Street, Mount Gambier, on a Saturday morning and quickly moved out of the busy shopping area, which was a bit dangerous. A car with a Victorian number plate came cruising down the street and pulled up. A woman wound down the window and put out her head and said, 'Excuse me mate'. Don, of course, bounded immediately over, pen in hand, ready to give an autograph or anything else. She said, 'Could you

tell me where Coles New World is, mate?' Quite clearly she did not recognise him at all. Suddenly something dawned: the face became vaguely familiar and she said, 'Didn't you play footy for Collingwood in the 1950s?' It is all relative, although I think it is all relevant.

Let me say on a more serious note, I commend to all of you a number of virtues which I think were clearly present in the 1970s and which, in some areas at least, are conspicuously absent in the late 1980s. One thing I seriously regret is the passing of the spirit of generosity which was clearly evident in the 1970s, particularly the first half. I recognise and acknowledge the economic realities of life, but I sometimes think that the spirit of generosity can go well beyond fiscal and financial matters. I for one lament its passing and the fact that it has been replaced, regrettably, in the late 1980s by something of a meanness of spirit.

I commend to all of you—particularly my colleagues—the twin virtues of courage and loyalty; they have certainly made my Party great and I think without them we would be on a very slippery slope indeed. I am leaving heart attack country and, although I am not able to comment on the case which precipitated my present situation, I can tell the Council that it is listed for appeal next week. I may well come to thank some of the principal players in that matter for causing me to leave heart attack country and I am increasingly grateful for that as I distance myself from the events of early August.

I am resigning, not retiring: I want to make that clear. I am currently involved in job search, but there is no hurry. I am absolutely fixed in my view that whatever I take up must be satisfying for me and satisfactory for whoever might employ me. Consequently, I will take my time and certainly not grab the first thing that comes along.

There is only one other thing that I would like to say before I depart from my friends on both sides of the Chamber. If I may do so without sounding gratuitous, I regret the inceasingly adversarial system in this Parliament and in Australian Parliaments generally. I know that I have handed out plenty in my time and tapped a lot of kneecaps but, by the same token, I am not sure that having to perform in that way or being put under pressure by the media to perform in that way—and we all slip into it from time to time—is terribly productive. I think we have to be very careful to guard the better elements of the Westminister system, but not to fall into the trap of becoming adversarial to the point of daily performances from the media.

Finally, I would like to say that I do not regret very much of what has happened to me in the past 13½ years or, more importantly, what I have been able to achieve. I have been a very lucky politician indeed. I have spent six years as a member of Cabinet and three years on the front bench in opposition, so that two-thirds or more of my life in this Parliament has been on the front bench.

Not many of us who enter this place are able to say that they spent two-thirds of their time on the front bench and, more particularly, in portfolios which are not only very important but by their nature administratively important and fertile for reform.

I have enjoyed it enormously and I would not have much of it changed at all. I thank those on both sides of the Chamber who have contributed to the richness of life during that period. I wish you all a very merry Christmas and a prosperous and productive New Year and beyond.

The PRESIDENT: I thank everyone very much for what has been a productive and hardworking year and I thank all members for their cooperation. I am sorry if, at times, I seem a bit terse. It seems to me that I call vainly for order, but I do appreciate the cooperation of all members and, in general, we manage to survive pretty adequately as a House of Parliament.

I particularly thank the table staff. I am sure that many people do not realise how much the work of the Legislative Council depends on the Clerk and the other table staff. I am very grateful to them for the considerable help that they always provide to me both in the Chamber and outside it. I extend special thanks to the messengers, who provide such invaluable service to all of us, and to all the other members of the staff in Parliament House although they are not formally staff of the Legislative Council. I refer to the catering staff, the *Hansard* staff, the telephonists, the caretakers and everyone else who works so hard to see that this place operates smoothly.

I also extend special thanks to *Hansard*. The *Hansard* staff and I are not visible to each other and, after many years in the body of the Chamber, it is odd not to be able to see the *Hansard* staff. Of course, they cannot see me, either. I certainly hope that it has not affected our relationship.

I also add a few words in recognition of the great contribution that John Cornwall has made to this place. I am almost emotional that this is John's last day because we entered Parliament on the same day. I well recall our early experiences as new members learning the ropes, learning about the dreadful Liberals and, later, the dreadful Democrats. The six of us who came into this Chamber together as new members have had many experiences. I do not know that there has ever been such an influx of new members at the one time. Of the six members, only two are left in this Chamber and one sits in the other Chamber. Our little band of six is dwindling at an alarming rate.

I have certainly enjoyed my association with John Cornwall over the many years that we have been here. I wish him all the very best for his future, which I am sure will be a great and glorious one. John is not the sort of person who does not survive but comes up bouncing and smiling every time. Despite your absence from this Chamber, John, in the future, I am sure your presence will be felt and remembered by many of us and the great Cornwall days will be quoted for a long time to come. We thank you for your friendship and for what you have contributed. I am sure everyone here will wish you well for your future.

Finally, I wish everyone the compliments of the season and indicate that most of us will be meeting again in about an hour's time for what I hope will be a less solemn occasion.

Motion carried.

STATUTES AMENDMENT (WORKERS REHABILITATION AND COMPENSATION) BILL

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

DANGEROUS SUBSTANCES ACT AMENDMENT BILL

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

At 6.12 p.m. the Council adjourned until Tuesday 14 February 1989 at 2.15 p.m.