HOUSE OF ASSEMBLY

Tuesday 20 November 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Landlord and Tenant Act Amendment (No. 2),
Technical and Further Education Act Amendment.

PETITION: BLOOD ALCOHOL LIMIT

A petition signed by 169 residents of South Australia requesting that the House urge the Government to set the blood alcohol concentration limit for fully licensed drivers at .05 per cent was presented by Mr Gunn.

Petition received.

PETITION: MOUNT LOFTY RANGES

A petition signed by 51 residents of South Australia requesting that the House urge the Government to limit the prohibitions on development in the Mount Lofty Ranges as ordered by the supplementary development plan was presented by the Hon. D.C. Wotton.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 192, 210, 220, 222, 226, 251, 281, 283 to 285, 296, 300, 301, 321, 322 and 330; and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

STATE SUPERANNUATION SCHEME

In reply to **Mr S.J. BAKER (Deputy Leader of the Opposition)** 24 October.

The Hon. FRANK BLEVINS: Rather than expand the Treasury system section it was decided to let a contract to supply and implement a new system to administer the State Superannuation Scheme. The completion date for the contract was 1 July 1989. Upon completion of that contract it was the intention to commence work on the system for administering the Productivity Superannuation Scheme. Parts of the system for the State scheme, notably the pension payment subsystem, were delivered on time and pensioners, therefore, have experienced no inconvenience. The rest of the work, however, was not completed until about 12 months after the completion date of the contract. Since the contract was for a fixed price no additional costs were incurred as a result of the delay except the opportunity cost represented by the salaries of Treasury officers who have assisted with the project.

As a result of the delays experienced with the State Superannuation Scheme it was decided to develop in-house the system to administer the Productivity Superannuation Scheme. This has now proceeded to the point where the issuing of statements of entitlement for the period 1 January 1988 to 30 June 1989 commenced in October 1990. As data from agencies is verified, statements covering this period will be issued on a phased basis over the next few months. It is planned that all members will have received a statement by the end of February 1991 subject to accurate employee data having been received from agencies by 31 December 1990. Work will then commence on statements for the financial year 1989-90.

The payment of benefits is a separate task from the preparation of statements of entitlement and has received priority from the outset. From time to time delays have occurred. These were due initially to the fact that the final details of the scheme were not agreed until November 1988. In the normal course every effort is made to ensure that payment of benefits occurs promptly. This process is not dependant on the implementation of the computer system.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Health (Hon. D.J. Hopgood)—
- Committee Appointed to Examine and Report on Abortions Notified in South Australia—Report, 1989-90.
- Denists Act, 1984—Regulations—Hygienists and Specialists.
- Drugs Act 1908—Regulations—Attendance Fees.

By the Minister of Agriculture (Hon. Lynn Arnold)—
- South Australian Meat Corporation—Report, 1989-90.

By the Minister of Fisheries (Hon. Lynn Arnold)—
- Gulf St. Vincent Prawn Fishery—Second Report, 1990.

By the Minister of Finance (Hon. Frank Blevins)—
- Police Superannuation Board—Report, 1989-90.

By the Minister for Environment and Planning (Hon. S.M. Lenehan)—
- National Parks and Wildlife Act 1972—Regulations—Kangaroo Tags.

By the Minister of Water Resources (Hon. S.M. Lenehan)—
- South-Eastern Drainage Board—Report, 1989-90.
- Waterworks Act 1932—Regulations—Fire Service Fees.

By the Minister of Lands (Hon. S.M. Lenehan)—
- Real Property Act 1886—Regulations—Surveyor Certificates.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—
- Industrial and Commercial Training Commission—Report, 1989-90.
- Industrial and Commercial Training Act 1982—Regulations—Customer Servicing.

MINISTERIAL STATEMENT: INTENSIVE NEIGHBOURHOOD CARE

The Hon. D.J. HOPGOOD (Deputy Premier): I seek leave to make a statement.

Leave granted.

The Hon. D.J. HOPGOOD: On 14 November 1990, the member for Fisher raised certain matters in relation to a female juvenile offender who was living in an Intensive Neighbourhood Care (INC) placement. In particular, he alleged that the girl disappeared for five days from 11 to 15 October 1990 and that the parents were not notified about her absence until Sunday 14 October 1990. In fact, the girl was reported missing from the INC placement late

at night on Thursday 11 October. On Saturday 13 October the INC mother advised the girl's mother that she was missing. Nobody knew she had gone to Sydney.

He also alleged that the girl, on returning from interstate, was not met at the bus station despite assurances this would occur. This happened simply because the bus, which was running some seven hours late, made up time and arrived earlier than the advised time of arrival. Its amended scheduled time of arrival was 12 midnight and it actually arrived at 11.45 p.m. By 11.55 p.m. when a crisis care worker arrived, the girl had left the bus station. He further alleged the girl was, on 29 October, interrogated by police for about five hours concerning matters without the parents' knowledge or permission and presence of her lawyer, even though it had been well understood by the authorities that it was the parents' wish that the lawyer should be present in such circumstances.

In relation to that allegation I advise that, following information that the girl gave to Darlington police, she was placed in SAYRAC on 17 October. On 29 October two CIB officers interviewed the girl for approximately three hours. The police standard procedures require a member of the residential care staff to be present and this was arranged. No admissions were made by the girl at that interview.

Later that evening, the girl decided she wanted to confess to a matter. The police were rung and arranged to return to SAYRAC. The girl's father was rung by SAYRAC staff and he was asked whether he wanted a lawyer present. He approved the interview proceeding without a lawyer and was satisfied that a staff member would be present at the interview. The girl had an opportunity to speak to her father by phone for about five minutes. In relation to this last allegation, I would suggest to the honourable member that he should get his facts straight if I am to take such allegations seriously. The young girl mentioned by the honourable member is now 17 years old. She has a history of offending, starting in March 1990, and some of her offences have been serious. The girl has a lot of emotional problems upon which counselling to date has not had a major impact. Her behaviour is not unusual under these circumstances.

In relation to the INC program—and the honourable member asked for some revisions of it—since its inception in 1979 INC has assisted many young people placed with the families in the scheme. In fact, 438 placements occurred in INC in the 1989-90 financial year. It is a program which seeks to help young people often with severe problems to manage and cope within the community. Some of these young people do not settle easily and are quite difficult to work with due to their previous life experiences and lifestyles, and resultant mistrust of adults.

INC families are specifically recruited to work with the children eligible for INC, and are approved on merit, their presenting skills and knowledge, and their attitude to children, not on whether they were first in line with their application. Each applicant is interviewed at least twice and checks, including police checks, are undertaken before they are invited to an orientation program. This orientation program seeks to give applicants considerable information to encourage them to assess their own potential involvement in INC. At the same time INC supervisors, who manage the individual schemes in each region, further assess the applicant's abilities, skills and interests. A final interview is conducted at the end of the course before they are contracted for a year. This contract is renewed yearly if the INC parent's performance is satisfactory.

Families may have to deal with young people who are very confused, aggressive, angry or depressed, and this may result in their own homes and persons being placed at some risk. It is stressed to families that their work will require considerable strength, stamina and persistence, and expectations of them are high because of the importance of their work with the young people placed in their care. Their job is to effect changes in and for the young people to encourage them to develop positive and healthy social behaviours. Wherever possible INC parents are prepared for the arrival of the child and participate in planning goals for the placement.

Young people in INC are reviewed at minimum every three months, with set aims and goals developed for every young person requiring longer placements. These reviews involve INC parents, INC supervisor, social worker, natural parents, therapists, school and work personnel, the young person and others directly involved. INC parents are paid for their costs, damages, and personal efforts. This reimbursement is small compared with the costs of institutional care for these young people. Numerous interstate organisations have visited and sought information about INC and have reported positively back to their respective organisations, and some States have set up similar schemes.

I believe that the honourable member's approach to this matter has only served to give the general public an unfortunate impression of the INC parents—a highly motivated and caring group of people. How many other members would be prepared to undertake the role that people perform in helping very disturbed and confused young people? Their love for the unlovely—as judged by the behaviour of these young people—is to be commended.

My criticism must also extend to one T. Andrews who gained some publicity last week as an ex-employee of the department. Mr Andrews had very limited contact with the INC scheme. Mr Andrews now runs a dry cleaning business.

GULF ST VINCENT PRAWN FISHERY

The Hon. LYNN ARNOLD (Minister of Fisheries): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: The State Cabinet yesterday made several decisions to ensure the future of the Gulf St Vincent prawn fishery. The Government will appoint an independent auditor to resolve the problems relating to debt levels incurred in the Gulf St Vincent prawn fishery. Hence it has rejected calls by the Gulf St Vincent Prawn Boat Owners Association that the Government should pick up the $3.6 million debt owed to the South Australian Financing Authority following the establishment of a buy-back scheme in 1987.

Cabinet has decided that the prawn boat owners wishing to leave the industry should be able to sell their licences and, along with that, a share of the buy-back debt. This will require legislation. Cabinet approved that the licence holders will be required to repay their debt in accordance with the original arrangements of the 1987 buy-back scheme. However, prawn boat owners who believe they are in financial hardship should make an application to the independent auditor who will assess their individual circumstances and make recommendations to the Government. The recommendations will be based on the independent auditor's assessment of identified capacity to pay with no Government contribution.

At present there are 11 licence holders who as a group are required to repay the debt owed to SAFA. The appointment of an auditor is a fair and just decision that should be welcomed by the industry. I can advise the House that I have asked the former Auditor-General, Mr Tom Sheri-

dan, to undertake this position, and he has promised to advise me in the next few days as to his availability.

The Government also rejects suggestions that the existing prawn licences do not have a residual value. The Government's decision has also taken into account the Copes 1990 review of the prawn fishery. In late August this year, fisheries management consultant Professor Parzival Copes completed his second inquiry of the prawn fishery of Gulf St Vincent. This inquiry was agreed to after a request from the Gulf St Vincent Prawn Boat Owners Association to bring back Professor Copes to review the Gulf St Vincent prawn fishery. Professor Copes conducted a study into the fishery in 1985 which recommended the subsequent reduction in vessels removed by the buy-back scheme.

The 1990 Copes report, which I now table, recommends that the Government should recover principal and interest from levies on the industry imposed on the basis of capacity to pay. I reject suggestions in the Copes report that the Government should assume a major share of the burden of the restructuring of the industry. The Government is already guarantor for the debt. Any further assumption of the debt would be a misuse of taxpayers' funds in very tight economic circumstances. The Copes report also found a high level of competence in the management of the fishery; in particular the professor noted the role of the Department of Fisheries. It also says that the rebuilding of the prawn stock in Gulf St Vincent has been slower than hoped for and anticipated, and outlined further management strategies to improve harvests.

However, had the Government not introduced the buy-back scheme in 1987, it is clear the prawn industry would not have been able to continue to operate even at reduced effort levels. The Government had earlier this year decided to implement a modification of the buy-back scheme proposed by an accounting firm. But at the time this was not satisfactory to the Prawn Boat Owners Association, which wanted Professor Copes to conduct another study. In his report Professor Copes is critical of the modified scheme and recommends that it not be continued. The decision to rationalise surcharge arrangements followed the implementation of a $2.96 million State Government buy-back scheme in 1987. At that time five licences were removed leaving 11 prawn fishers to work the Gulf St Vincent.

The South Australian Financing Authority provided the loan and the repayment of the borrowings was made via a surcharge on the remaining licences. In April 1989 the industry was granted a deferment of principal and interest payment which has seen the debt capitalise to $3.6 million. I expect the prawn industry to recover and I urge the industry to work with the Department of Fisheries so that the industry can have a successful future.

PUBLIC WORKS COMMITTEE REPORT

The SPEAKER laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

RN68600 Robinson Road, Seaford, Commercial Road to Main South Road, upgrading and realignment.

Ordered that report be printed.

QUESTION TIME

The SPEAKER: Before calling for questions, I advise the House that any questions directed to the Minister of Housing and Construction will be taken by the Deputy Premier.

NATIONAL CRIME AUTHORITY

Mr D.S. BAKER (Leader of the Opposition): My question is directed to the Minister of Emergency Services. In the period since 23 October, when the Minister told the House that he had not read the Operation Ark report prepared by Mr Justice Stewart, may I ask whether he has now done so and is he concerned about findings in that report relating to very serious deficiencies in the investigation of a further allegation of corruption involving former Drug Squad chief Moyse?

The Government has had the Stewart report since 30 January, but up to 23 October the Minister ultimately responsible for a series of police allegations seriously questioned and criticised in that report had not read it. Information subsequently available about the Stewart report now shows that it dealt in depth with a further allegation of corruption against Moyse made during the 1989 Operation Noah. This allegation related to a woman who had been involved in prostitution, who had drug offences and who was said to have been associated with Moyse in a 'money making scheme'. The Stewart report reveals that the informant for this allegation was not contacted. Instead, the woman alleged to have been involved with Moyse was contacted—action which the Stewart NCA stated had 'substantially prejudiced' further investigations because it had alerted her 'to the nature of the inquiry and the fact that investigations were under way'. The Stewart report concluded:

> Perhaps more than any other of the investigations recorded against police during the course of Operation Noah on 7 February 1989, the investigation of this allegation relating to the activities of Barry Moyse had prejudiced NCA operations within South Australia.

The Stewart report found that the senior sergeant who handled this matter had 'demonstrated quite unprofessional investigative standards'. The report also reveals that during his evidence to the NCA, Commissioner Hunt admitted that the police approach to this particular investigation had been 'very poor'.

The Hon. J.H.C. KLUNDER: The answer to the honourable member's question is no, I have not read the Stewart report.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. J.H.C. KLUNDER: When they have stopped yapping over the other side, I will tell the House why. The Stewart document is an internal document of an organisation that does not report to me. It is an internal document of an organisation that did not think that it was an appropriate document to forward to Government. I have read the business end of it, namely, the recommendations, and, indeed, I indicated to the House—

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: There are times, Mr Speaker, when I wonder whether they want an answer or a chance to yell a little.

The SPEAKER: Order! The Minister will answer the question.

The Hon. J.H.C. KLUNDER: I am trying, Sir, but I am being interrupted.

The Hon. E.R. Goldsworthy interjecting:

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

The Hon. J.H.C. KLUNDER: I have read the business end of the report. The police have investigated the recommendations that have been made. They have looked at and given replies to those recommendations which I have tabled in this Parliament. The other allegations that are likely to

come out of that report, together with allegations which members raise, or which the *Advertiser* raises in serial form over the months, will all be looked at. I certainly do not see the need to read an internal—

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: I have read the recommendations of the internal document—

Members interjecting:

The SPEAKER: Order! Interjections are out of order, and responding to them is out of order. The Minister will answer the question and address the Chair.

The Hon. J.H.C. KLUNDER: Thank you, Mr Speaker; I will respond to you, but there are times when my voice is drowned out and I cannot hear myself. The official—

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

TEACHERS' SALARIES

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Education explain how parents and students can find out the facts about the Government's action to pay for the teachers' pay rise and the effect it will have on schools? I have received a copy of a notice sent out to parents by the teachers union. The document lists some alleged effects of the changed staffing arrangements.

The Hon. G.J. CRAFTER: I thank the honourable member for his question, because it is concerning to read articles such as the one appearing in this morning's *Advertiser* which quoted a number of alleged statements from persons in school communities and which chose not to seek comment from the Education Department in response to those allegations. I can only implore people concerned about the continued provision of high quality education in our schools to discuss their concerns with their school principals or area officers of the Education Department and to obtain factual information. It is very disturbing indeed to see that the teachers union has sent out a directive to its members to refuse to distribute information from the Government explaining the reasons behind this decision and its effects with respect to the payment of teachers salaries. One can only ask the basic question why it is that the union would fear that information going out to parents and to the broader community. What is it that causes the union not to want to see that information distributed, whereas the same directive that those members of the union have received has instructed them to distribute information on behalf of the union to those very same parents and students?

So, really, this raises a very fundamental question about the rights and, indeed, the obligation of a duly elected Government to disseminate information to taxpayers and electors. To see that hindered in this way is a matter that I think should be of great concern to us all. In effect, it is a huge insult to the intelligence of parents and students in our schools and to the taxpayers of this State but, at the same time, the information that the union is sending out is misleading, to put it mildly, and in many cases it is blatantly untrue. In fact, some information was provided to me last week, almost within hours of the funding decisions being taken; information which had been distributed outside a school by teachers to those students to take home to their parents and which indicated that there would be substantial changes to the curriculum. When we contacted the school, the principal had not yet made any decision about those issues and was in fact wanting further information about funding and staffing issues for next year.

So, regardless of the facts, the union is disseminating that information. It can only do great damage to the standing of our schools and, indeed, the professionalism of our teachers who in the main, as I have said, work very hard for students and for our schools. It is indeed of great concern to notice that the teachers union directive that went out to teachers said that the strategy being adopted by the union was to focus public debate on the negative effects on the quality of education being provided in our schools. So, here we are having this direct attack on our schools and the work of our teachers which I would have thought is destroying what is fundamental to the practices of good trade unionism. It is a reality, as I explained to the House last week, that a guarantee cannot be given that every aspect of the curriculum can be maintained, not solely as a result of this decision, as I explained to the House: there is still a very substantial decline in enrolments, particularly in secondary schools throughout the State, and that has an impact on staffing.

There is also a change in dimension to the provision of curriculum, particularly in senior secondary years. That will also affect the subjects offered next year and in future years. Also, there is the growing use (and thankfully so) of distance education techniques which provide new and improved opportunities for students to embrace many new elements in the curriculum that would otherwise not be available to them. Parents and members of the community who are concerned about these issues should contact their school principal or district office of the Education Department to ascertain the real facts in this matter.

OPERATION ARK

Mr S.J. BAKER (Deputy Leader of the Opposition): Has the Minister of Emergency Services discussed with Commissioner Hunt and Assistant Commissioner Watkins the alarming conflict in the evidence they gave to the NCA in the Operation Ark Investigation; if so, can the Minister now account fully to the House for the conflict; if not, why not?

The Hon. J.H.C. KLUNDER: I assume that the honourable member is referring to a report at page two in the *Advertiser* of Monday 19 November where, under the headline 'Top police in conflict' a small paragraph in the entire article states:

> But it was the NCA's view that the 'more likely explanation' was that one of the men had been 'mistaken' about the chain of events . . .

GREENHOUSE GASES

Mr HOLLOWAY (Mitchell): Will the Minister for Environment and Planning advise what action will be taken by the Government to reduce South Australia's greenhouse gas emissions, and what contribution will these moves make towards reducing global warming?

The Hon. S.M. LENEHAN: I thank the honourable member for his question. I am delighted to inform the House that the South Australian Government has adopted the Commonwealth Government's targets for reducing greenhouse gases. I remind members exactly what that means. Interim planning targets are to stabilise emissions of the gases to the 1988 figures by the year 2000 and to reduce that amount by 20 per cent by the year 2005. The target will be reviewed by the end of 1991. Now that the target has been agreed, it is important that work starts in earnest to determine the most effective and efficient means of achieving it. I am delighted to inform the House that areas

under the control of both the Minister of Transport and the Minister of Mines and Energy, namely, the Office of Energy Planning and the Office of Transport Policy and Planning, have been charged with the tasks of looking at ways to achieve these targets.

Some of the areas that will be looked at include the greater use of solar and wind power, insulation and low energy fluorescent lighting to reduce South Australia's level of greenhouse gas emissions. Indeed, Cabinet will be receiving a report on the work of these two areas in the very near future. It is important that I clearly outline for the House the position in South Australia and it is important that we recognise that the major sources of emissions are electricity generation, transport and manufacturing. South Australia's carbon dioxide emission level is about 20 million tonnes per annum, which is about 7 per cent of the amount produced in Australia.

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: I am about to tell the House that, and I thank the honourable member for her support—I recognise that she is most supportive. I can inform the House that Australia, according to statistics, whilst having a low amount compared with other countries, in per capita terms is the fifth largest contributor in the world. Stabilising and reducing emissions can be achieved at the moment with voluntary rather than compulsory measures.

I would also explain to the House that, if we do nothing but continue to increase the production of greenhouse gases with the same pattern that has applied in the past, by the year 2005 we will have increased our production of such gases by 50 per cent and will have reached an annual target of 30 million tonnes of carbon dioxide per year. That indicates that we must do something. This Government is not only prepared to agree with the interim planning targets that the Federal Government has established but we are also determined—

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: Notwithstanding the interjection of the member for Murray-Mallee, the Government is determined right across the various portfolio areas to ensure that we meet those targets in the most efficient and effective way possible.

STEWART REPORT

Mr INGERSON (Bragg): My question is directed to the Minister of Emergency Services. Did the committee formed by the Commissioner of Police on 23 February to review the findings of the Stewart report on Operation Ark investigate a statement made on oath to the NCA by a senior sergeant attached to the Police Internal Investigation Branch that all the Operation Noah allegations against police had been treated as rubbish; if so, what conclusion did the committee come to about the approach to the investigation of these allegations as suggested by this comment, and how can it be reconciled with the evidence given to the NCA by Commissioner Hunt that, in respect of all the Operation Noah allegations, 'There is not one there that I would not regard as being serious'?

The Hon. J.H.C. KLUNDER: I cannot answer that question immediately, so I will seek a response from the Commissioner, subject to the usual—

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: —addendum that such an answer should not in any way deal with NCA matters for which another Minister is responsible.

HOUSING TRUST RENTS

Mr De LAINE (Price): Will the Deputy Premier, in the absence of the Minister of Housing and Construction, investigate the possibility of enabling Housing Trust tenants to pay their rent at banks and other agencies? I use as an example a problem at Port Adelaide where the trust's office was recently relocated. Many elderly or disabled tenants have great difficulty in getting to the new office, as it is not serviced by public transport and is a considerable distance from the main business area of the port. Alternative rent paying facilities would be of great benefit.

The Hon. D.J. HOPGOOD: I should be happy to take that up with my colleague and I am sure that he will bring back a considered reply for the honourable member. It is certainly true that the trust's methods of rent collection have become more sophisticated over the years. In my very early years in this place it was drawn to my attention that what used to happen around the Christie Downs area was that a trust officer used to actually turn up at a street corner at a particular time and everyone would come running. I must say that I regarded that, as the local member, as being a little demeaning towards those people. However, I checked with them and they thought it was great because it was just so convenient for them. Obviously, we should explore all possibilities in this respect, and I will take up the matter for the honourable member.

NATIONAL CRIME AUTHORITY

Mrs KOTZ (Newland): My question is directed to the Minister of Emergency Services. Following the revelation in the Stewart Operation Ark report that, of 56 persons identified by the NCA to the South Australian Government on 24 November 1988 for further investigation of alleged involvement in criminal activities including bribery and corruption, 25 were serving police officers, can the Minister reveal how many of those officers are still under investigation and whether any of them have been transferred to other duties pending completion of these investigations?

Members interjecting:

The SPEAKER: Order! The member for Morphett is out of order and the member for Alexandra is out of order. The Minister.

The Hon. J.H.C. KLUNDER: Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. J.H.C. KLUNDER: In so far as the NCA reports to the State Government at all on its operations, it reports to the Attorney-General.

Members interjecting:

An honourable member: You are the Minister responsible.

The SPEAKER: Order!

Members interjecting:

An honourable member: Who is the Minister of police?

The Hon. J.H.C. Klunder: There isn't one.

The SPEAKER: Order! I warn the Deputy Leader.

WATER MONITORING

Mrs HUTCHISON (Stuart): Can the Minister of Water Resources advise the House of any steps to be taken this summer to monitor the State's water supplies as a precaution against amoebic meningitis? This issue is of particular relevance to my electorate, which in the past has had problems with amoebic meningitis.

Members interjecting:

The SPEAKER: Order! There is far too much background noise. I had trouble hearing that question. All members will resume their seat and keep the noise level down.

The Hon. S.M. LENEHAN: I thank the honourable member for her continuing interest in this whole question of ensuring that we have a safe water supply, particularly with respect to amoebic meningitis. I think it is appropriate that she ask the question, because I know that over the years there has been a problem in her area as, indeed, there has been in the electorate of my colleague the Minister of Transport. I can inform the House that an amoeba monitoring program commenced on 5 November and will continue until at least 31 March next year.

So far, samples have been collected from some 133 locations and an additional 42 locations will have their chlorine levels monitored weekly. If the residual level of chlorine falls below 1 milligram per litre, a sample will be collected and examined for *Naegleria fowleri*, which, I am sure members are aware, causes amoebic meningitis. We have been largely successful with chloramination in terms of those water supplies where *Naegleria fowleri* has been identified and, therefore, I can assure the honourable member that we are monitoring the situation very closely.

However, it is important that we continue our educational campaigns, where we say to the community, on a Statewide basis, that people must be encouraged to swim in clean water. Anyone who swims in water that is in any way clearly contaminated will expose themselves and their children to a risk. That is a risk not only of amoebic meningitis but, indeed, from other forms of bacteria or algae. As a department, we will be continuing our publicity and we will be incorporating specific information on the prevention of amoebic meningitis in appropriate areas of South Australia. However, I can assure the community of this State that a monitoring program is under way and that it will continue.

NATIONAL CRIME AUTHORITY

Mr SUCH (Fisher): Has the Minister of Correctional Services been made aware of concerns held by the NCA about procedures for recording visitors to inmates of Yatala and the Adelaide Remand Centre and have those procedures been reviewed in the light of the NCA's concerns? References in the Stewart Operation Ark report to the investigation of further alleged corruption involving former Drug Squad chief Moyse reveal that the police officer who undertook the investigation made contact with Yatala prison to determine whether a woman, alleged to have been involved with Moyse in criminal activity, had visited him.

The Stewart report is critical of the fact that 'a telephone check only was done with a "senior officer" at Yatala prison to see if the woman had visited Moyse under her right name'. It called this check 'inadequate'. There had been no request for a list of persons who had visited Moyse. The officer acknowledged to the NCA that Yatala and the Remand Centre 'have very "slack" procedures in respect of recording visitors'.

The Hon. FRANK BLEVINS: The Attorney-General speaks on behalf of this Government on issues relating to the NCA. I will take up that matter with him and see whether there are any comments he wishes to make to the member for Fisher.

TOILET CISTERNS

The Hon. J.P. TRAINER (Walsh): Will the Minister for Environment and Planning, who is also the Minister of Water Resources, inquire further into the cistern conversion part which is manufactured by Caroma Industries and about which I asked a question in this House on 20 March. Over a three year period, from August 1987 to January 1990, following the installation of water conserving dual flush toilets being made mandatory, thousands of householders had 11 litre full-flush, 5.5 litre half-flush, toilet cisterns installed that saved, on average, 32 000 litres per family of four. Since January 1990 the mandatory standard for new cisterns has been nine litre full-flush, 4.5 litre half-flush, making possible a saving in water of a further 8 000 litres per annum for a family of four above that saving achievable with the 1987-90 units.

The more conscientious of the abovementioned householders who purchased cisterns in that time would like to convert their units from 11/5.5 litres to 9/4.5 litres to achieve increased water savings. However, because Caroma Industries refuses to sell a part valued at approximately $2 that would convert these units, the householders can do so only at a cost of $70 to $140 for a complete new cistern, plus installation costs of a further $30 to $50. Furthermore, a neighbourhood plumber, whose expertise in the area I respect, advises me that similar great expense is involved with the newer 9/4.5 litre cisterns if this $2 part is lost or broken as no replacements are available. He advises me that this is the only cistern part that Caroma will not sell, and again drew my attention to the statement from Caroma which I quoted on 20 March regarding the 'significant business opportunites' the company saw in 'strongly promoting' the 9/4.5 litre cistern.

Members interjecting:

The Hon. S.M. LENEHAN: Although the question was asked without forewarning, I am delighted to answer it. I investigated the question that the honourable member asked me some time ago. I was informed by Caroma that it was looking into the whole matter and would, in fact, take up the point that the honourable member raised. While I think that every member of this House and the community would applaud the fact that we are reducing the amount of water that is used in our cisterns, I also believe that to ask people to pay somewhere between $70 and $140, and on top of that $30 to $50 for installation, when the part is worth $2 is an unacceptable impost.

I would be delighted, on behalf of the member for Walsh, to take up this matter directly with Caroma and to investigate the situation, because I think it is important that we encourage all South Australians to minimise the amount of water that they use but ensuring that they can do so at a financially viable cost as opposed to what, for many households, would be a totally prohibitive cost. I hope that the company will look with some degree of concern and compassion at this request by the member for Walsh, and I will certainly be taking it up on his behalf.

AUSTRALIAN NATIONAL

The Hon. H. ALLISON (Mount Gambier): I direct my question to the Premier. Given that the Minister of Transport told the House last Thursday, in answer to a question that I put to him, that the Minister's prior approval on the closure of the Australian National rail lines in South Australia was not sought, does the Government agree with a former Premier of South Australia, the Hon. Don Dunstan, who, on the following day, said that the Commonwealth's unilateral closure of the lines constituted an actionable breach of section 9 of the Railways Transfer Agreement 1975 with South Australia, and will the Government be pursuing legal redress?

The Hon. FRANK BLEVINS: I agree with what the Hon. Don Dunstan said on AN on, I think, Friday morning. We are taking steps to do that. We can take certain steps. First, we can refuse to agree with the closure of the Blue Lake service. We are doing that; we are asking for an arbitrator, and I will be sending that letter to Bob Brown either today or tomorrow. It is as simple as that. Our advice from Crown Law is that—

Members interjecting:

The SPEAKER: Order! The member for Bragg is out of order. The Minister will address the Chair.

The Hon. FRANK BLEVINS: I am sorry, Mr Speaker. That is the advice that we have from Crown Law. As regards the Iron Triangle and Silver City services. Crown Law advice is that we have no redress whatsoever. Of course, we can, and I will, express the Government's disappointment with that decision, but there is no action that we can take. As the Hon. Don Dunstan said, there is action that we can take as regards the Blue Lake service, and we will be taking that action either today or tomorrow.

COMMERCIAL PROPERTY SALES

Mr FERGUSON (Henley Beach): Will the Minister of Lands inform the House why the recent sales of central business district properties have been below the Valuer-General's valuations for those properties? There are currently many vacant commercial holdings in the city and suburbs, many for sale or lease, and commercial and industrial real estate generally is not selling on the open market. Recently a limited number of properties have been either in the hands of liquidators or sold privately at figures below the Valuer-General's valuation. I believe that the Valuer-General's valuation for the 1990-91 financial year is generally higher than it was in the previous financial year. Will the Minister please explain this?

The Hon. S.M. LENEHAN: I know that a number of members are interested in this point and I am pleased to explain to the House and to remind the member for Henley Beach that we are dealing with section 12 of the Valuation of Lands Act, which clearly states that valuations are based on a date which the Valuation of Lands Act defines as the date of completion of the general valuation. I will remind the House that each year the Valuer-General values every property within the State. That means that 660 000 valuations are carried out in South Australia on an annual basis. Of course, these cannot all be completed at the same time of the year, and in fact it takes quite a considerable period throughout the year to ensure that these are completed.

In June this year the Valuer-General conducted a survey of all commercial and industrial properties or valuations, comparing both site and capital values to recent sales. Some valuations had been reduced prior to this from the predetermined levels. This check found that the valuations as issued were a reflection of the market value at the time. Differences in valuations for specific property are caused by the changing market influences from the time the valuation was previously carried out until the time the one in question is made. I remind members that the real estate market is not able to be gauged as reliably and accurately as, for example, the stock market, as it cannot be charted because owners are reluctant—

Members interjecting:

The Hon. S.M. LENEHAN: If you listen to the actual answer, I think you will agree that owners are reluctant to sell at a price below the value which the property has attained. The commercial real estate market—

Members interjecting:

The Hon. S.M. LENEHAN: Mr Speaker, it is interesting that members think that they know more about this than the Valuer-General and, indeed, than I do. It is very interesting that they do not, because I am about to enlighten members opposite. The commercial real estate market is receding, as they are no doubt aware, after a prolonged boom period, and the results of this decline, which at this time are still uncertain, will be reflected in the valuations released for the 1991-92 financial year. In other words, there is a year's lag time because, under the Act, there must be a final set cut-off date at which the completion of valuations by the Valuer-General is undertaken. Therefore, in response to those people interested in why there appears to be a discrepancy, it is in a sense a 12-month catch-up period. However, if we consider that 660 000 properties need to be valued annually, I remind members that this is a preferable system to the old system when valuations took place only once every several years. I would think that members would welcome the current system and understand why there is a short lag period.

TEACHER NUMBERS

Mr BRINDAL (Hayward): How does the Minister of Education justify his and the Premier's continuing claim that the quality of education will not be affected by cuts in teacher numbers? Since the announcement of the Government's decision to axe 795 teachers from our schools, parents and staff from dozens of schools have provided facts that directly conflict with claims being made by the Government about the impact of this decision. For example, Bordertown High School parents are angry that year 12 subjects such as typing, Australian history, art/craft and music will not be taught.

Campbelltown High School has told its parents that it may have to abandon dance, drama, languages—particularly French and German—the extended learning unit and English as a second language. Renmark High School parents are angry that subjects such as metal engineering, agriculture, business maths, geography and Asian history will not be taught. At Plympton High School and Underdale High School, special programs for 'non-academic students' or 'slow learners' have been axed. These are only the high school examples; because of the time, I will not go on with the many examples the Liberal Party has been given involving primary schools.

The Hon. G.J. CRAFTER: The honourable member talks in terms indicating that schools 'may' have to abandon these subjects. In fact, the examples he gave are those that have been quoted by the union to parents through information on which I have commented in answer to an earlier question advanced to me. With respect to one of those schools—Renmark—there will be a very substantial decline in enrolments at that school next year, and it suits the purposes of those who oppose this decision to bundle up a number of decisions together and blame them all upon the decision associated with the increase in teacher salaries. The honourable member is perpetuating that myth and, in fact, doing a great disservice to our schools and to their achievements. The reality is that we do have a very good education system in this State, and all the evidence shows that, given the class sizes that we have in South Australia compared with other States, an increase in one or two students per class across our system will not affect the quality of education in this State.

The issue of subject choice, as I have explained now a number of times, is a matter that is changing from year to

year in our schools, but I can assure the honourable member that the core curriculum—the fundamental essence of the curriculum guarantee, that is, the basic right of every student to access those subjects that are fundamental to our education system and, indeed, to any adequate education system—is to be provided in each school. I have also said that it is necessary for us to use distance education techniques to an increased extent—and these are proving to be very successful and popular in schools—in order to provide educational opportunities to the standard expected of us. So, for those reasons, we are able to say that the quality of education will not be diminished by the decisions we have taken. In fact, I believe they will bring about a greater efficiency and, in the long term, a much stronger system that has versatility built into it to provide for the great challenges that face eduation as we move toward the twenty-first century.

ABORIGINAL REMAINS

The Hon. T.H. HEMMINGS (Napier): Will the Minister of
Aboriginal Affairs please advise the House on the State Government's policies on the return of Aboriginal cultural material and human remains held by collecting institutions? A recent announcement from the Federal Minister for Aboriginal Affairs indicates that the Commonwealth Government has taken steps to expedite the return of Aboriginal remains and has written to all States urging that skeletal remains be returned to the Aboriginal people.

The Hon. M.D. RANN: This matter is a very sensitive one and one that has been under a particular focus in recent months because of the interest by Aboriginal people in human remains that were taken overseas in the last century. A number of visits have been made, with some success, I might add, to countries such as Britain, Ireland and parts of Europe by people seeking the repatriation of remains to Australia. This is an issue that causes considerable distress to Aboriginal people, and I am sure that all members of this House would agree that it is shameful that human remains are kept as curiosities and that it is vital that Australian Governments, both State and Federal, support Aboriginal people in generally seeking the return of this material.

I am pleased to advise that the South Australian Museum—the major collecting institution in this State—has an excellent record in this regard. For some years it has had a policy of returning human remains to known descendants who want them returned. It has built up considerable expertise in this field, which requires a high level of culturally sensitive negotiation skills to determine not only custodianship (which is important) but also to see that remains are returned to a keeping place approved by the known descendants. Because of this excellent record, I am confident that South Australia will be able to take a leading role in the Commonwealth/State task force which is preparing a national position on the matter.

The member for Napier is quite right in saying that the Federal Government is seeking the cooperation of the States on the return of human remains to Aboriginal custodians. The task force was set up by unanimous resolution of the last Australian Aboriginal Affairs Ministers meeting. Mr Bob Ware from the Department of Environment and Planning's Aboriginal Heritage Branch is South Australia's nominee.

SAMCOR

Mr MEIER (Goyder): Will the Minister of Agriculture explain the further blow out in SAMCOR's losses this financial year, and what assurances can he give that the industrial action, which contributed to these losses, is being effectively dealt with? In a press release on 18 July this year the Minister said that he was concerned to learn that SAMCOR's losses for 1989-90 would be close to $1 million. In fact, the corporation's total losses for last financial year, as disclosed in the report tabled this afternoon, were more than $1.7 million. The report also includes comment from the Acting General Manager, Mr Sausse, that industrial problems associated with a delay in commissioning the new mutton line, which cost almost $1 million to install 'had disastrous results on SAMCOR achieving their budgeted figures'.

The Hon. LYNN ARNOLD: I do not have the annual report with me as I have just tabled it. My recollection is that the annual report does indicate special circumstances that were taken into account in the building up of the $1.7 million figure; and, if I recall, the actual trading loss figure is about $1.2 million. I will check that figure. A more pertinent point is the report I have received from the Chairman of SAMCOR, Ken Dingwall, on how trading is going this financial year compared with the situation for the same time last financial year. There has been a considerable turnaround in SAMCOR's trading operations. Indeed, I will obtain the exact figures for the honourable member at a later time.

Members interjecting:

The Hon. LYNN ARNOLD: I notice some mirth opposite, and I wonder at its genesis. Do members opposite believe that the works should simply be closed up? I suspect that that is what they want to see, but they do not have the guts to say so. The figures show considerable improvement in the trading operation. All the lines are operational. Throughput is heavy on those lines at the works and they are roughly on budget as set by the board for this year. The Chairman, Ken Dingwall, and the General Manager of the corporation are doing a great job to get SAMCOR back on the right track. They have a charter to meet and have been told that, if they do not meet it, the works will be closed down or transferred out of Government ownership. They have to be given the chance to meet that charter.

PUBLIC TRANSPORT

Mr QUIRKE (Playford): Will the Minister of Transport assure the House that, if any railway station should close as a result of any metropolitan rationalisation, appropriate bus timetables will come into place to ensure adequate and alternative public transport? I have been approached by constituents, particularly some in Dry Creek, who are dependent on train travel and who seek an assurance that they will not be disadvantaged in any future move.

The Hon. FRANK BLEVINS: I thank the member for Playford for his question. I can give the assurance that he seeks. I also point out that there is no immediate plan to close any stations—

Members interjecting:

The Hon. FRANK BLEVINS: Yes. There are no immediate plans to close any. There is no doubt that there is a real problem in wasting our rail corridors. Where there are frequent stops, the corridors are not used to their best advantage. Members can imagine how the O-Bahn would go if it stopped every 800 metres or the like, as I believe

some trains do. It would be disastrous and it would not be used. The fact is that the buses serve those intermediate areas on the O-Bahn line and we do not attempt to make the O-Bahn service do everything for everyone in the suburbs in which the line is laid. The same ought to be the position with rail.

I know that for some people it would be a great pity if their local train station happened to close, but we are talking about stations that get little use. One of the main reasons—but, of course, it is not the only reason—why they get little use is that passengers prefer alternative transport to the train, for example, buses. It amazes me how the Ovingham station—not in the member for Playford's electorate but in the electorate of the member for Spence—has managed to survive for so long—

Mr Ingerson interjecting:

The Hon. FRANK BLEVINS: May be it survived for historic reasons, but it is not for transport reasons, because the buses running down Torrens Road and Churchill Road virtually stop at the end of the station platform. To have the competition in the way that we have in some areas really is not good. There is no question that, in areas like Dry Creek, if the station was closed, we would have to put in alternative bus services for the people there, and we would be happy to do so. It is not a question of leaving people without transport at all—it is a question of trying to benefit the majority, and the majority of people who use the train at the moment would be advantaged by having fewer stops and a faster service. That is the strength of the rail network and, if rail is to survive over the next 10 years in the metropolitan area, those decisions will have to be taken. I would just point out once more that almost half the STA deficit goes on the metropolitan rail services, but they in turn carry only about 18 per cent of the passengers. There is a real financial problem there. I can assure the member for Playford that no-one will be left without transport.

MINES AND ENERGY DEPARTMENT

The Hon. B.C. EASTICK (Light): Can the Premier confirm that a report making serious allegations of nepotism and patronage in the Department of Mines and Energy was sent to the Premier's Department; and can he say when his department received that report and what action was taken to investigate the allegations?

The Hon. J.C. BANNON: Since that report appeared, inquiries have been made about this matter which, I remind the House, dates back many years. In fact, the original incident occurred under the previous Liberal Government, under members opposite—

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: It is interesting that the member for Kavel interjects at this point because, indeed, he was the Minister of the department in which this was alleged to have occurred. Perhaps, rather than asking me, if the member for Light just turned to the member sitting to his left, he might be able to get some more information.

The only thing we have been able to find is a submission to the review of Public Service management, which was presented in August 1983 by staff of the department concerned. The submission talks about 'the result of the trend of recent years to devolve Public Service Board powers and responsibilities to departments.' The submission goes on to say that 'the abuse of these powers by departmental management is possible where no accountability to an independent Public Service Board exists'. That submission, which talks about those Public Service arrangements, was signed by a number of people in the department. The submission was duly acknowledged and, obviously, it was submissions of that kind that were taken into account and resulted in the Government Management and Employment Act, which this Government brought down.

In relation to the particular allegations contained in the Public Service review, I inform the House that the Commissioner for Public Employment has advised me that he has had discussions with the Public Service Association (which published the article), has found out which department was involved—and I have already made reference to the fact that the department made a submission—and has ascertained that the allegations do not, as is said, refer to senior officers. Apart from one of the alleged participants, none was a senior officer, but ranged from CO-5 to Acting AO-2. However, in view of the serious nature of the allegations, the Commissioner for Public Employment has advised the Chief Executive Officer of the department that, pursuant to section 31 of the Government Management and Employment Act—which was brought in subsequent to the alleged incidents—he will conduct a review to determine whether or not there is any substance to the allegations, and that review will commence some time during the next week.

PEA WEEVIL CONTROL

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Agriculture inform the House whether there has been any decline in the density of pea weevil in the pea-growing districts of South Australia? The Minister will be well aware that I have substantial pea growing areas in my electorate and growers are greatly concerned that the threat of pea weevil will affect their income.

The Hon. LYNN ARNOLD: I thank the honourable member for his question and I can advise that in 1989 we did notice an encouraging development with a marked decline in the density of pea weevil in all pea-growing districts of South Australia. I am not sure what is the situation this year. I did hear the honourable member for Goyder interjecting during the question; he may have been referring to some evidence of pea weevil in his electorate.

It is important that pea weevil be controlled if we are to maintain the export quality of grain from South Australia. There is a nil tolerance to live insects in any grain exported from this country. Therefore, the incidence of pea weevil is of concern to any potential exporters and, therefore, to anyone in this State who wishes to see agriculture thrive. Fumigation is the only practical method of killing pea weevil in grain. A major extension program aimed at controlling both volunteer peas growing in cereal crops and controlling pea weevil in field pea crops was successfully conducted during 1987, 1988 and 1989. The program was developed by the Pea Weevil Control Extension Working Party and was evaluated and determined as successful, with significantly fewer belt stoppages and rejected loads in 1987, 1988 and 1989 than took place in 1986.

A comprehensive extension program based on the latest research findings was completed in 1989. Provision of the pea weevil early-warning service through the rural media again assisted farmers, crop monitors and spray agents in effectively controlling pea weevil. Subsequent media releases emphasised the advantages gained by the early harvest of pea crops infested with pea weevil. I noticed the encouraging decline in 1989. Trust-funded research to screen for plant resistance to pea weevil attack is currently being undertaken.

LAND SURVEY FEES

The Hon. P.B. ARNOLD (Chaffey): Will the Minister of Lands consider a moratorium on very significant increases in Government fees for land surveys in the Riverland until the region has more capacity to pay these imposts? I have received many representations from constituents about the impact of new fees for seeking approval to subdivide land in the Riverland.

The increases, which result from new regulations under the Real Property Act, mean that the cost for a fully certified survey to allow a standard rural half hectare subdivision will increase from $85 to about $2 500. I understand that the Riverland is the only designated area other than the square mile of the City of Adelaide in which these increases currently apply. My constituents are seeking the Minister's sympathetic consideration of a moratorium on these increases in light of the financial crisis many of them now face arising out of other factors beyond their control.

The Hon. S.M. LENEHAN: This is in fact the third question the honourable member has asked me in the past week about his electorate, and I commend him for that. I remind members that the first question was about the provision of water filtration plants for Riverland towns, and I have indicated that I would like to proceed with that but that the economic cost at this time is certainly too great. However, I am continuing to monitor that situation.

The second question concerned the deferment of payment for excess water; I believe that the accounts are due on 31 December this year. The honourable member asked me to consider whether we could defer the payment of that excess water until growers had received their cheques for their fruit, and I am happy to advise that I have raised this matter with the Chief Executive Officer of the Engineering and Water Supply Department and I asked that I be able to give the honourable member a response this week about that.

Before I come to this question, I have to say that I am disappointed that the honourable member chose not to vote with the Government on the revision of the Valuation of Land Act with which we dealt last Thursday and which quite actively discriminated against his constituents. However, I am a very reasonable person and I can give the honourable member an assurance that I will investigate the claim that he has made, that the charges have gone from $85 to $2 500. I am quite happy to look at this matter. The honourable member knows that, for a long time, I have been very supportive of the actions of my colleagues the Minister of Agriculture and the Premier and Treasurer with respect to Riverland residents.

However, I remind the honourable member that people in a number of other rural areas are also suffering at this time, not the least of which are some of the people in the Far North and on Yorke Peninsula and Eyre Peninsula, and we have to look in total at the packages of assistance we can give to the rural industry. I think it is important, as the Government has indicated and as my colleague the Minister of Agriculture is doing almost daily in consultation with the UF&S and other grower and rural organisations. However, I will investigate the matter the honourable member has raised and get back to him.

MEALS ON WHEELS

Mr De LAINE (Price): Will the Minister of Family and Community Services consider providing increased funding to enable additional kitchens to be built for Meals on Wheels? This wonderful service is providing more and more needy people with meals, and Meals on Wheels estimates that the number of recipients will double by the year 2000.

The Hon. D.J. HOPGOOD: This is a question about capital funding for Meals on Wheels. The honourable member would be aware that Meals on Wheels has received an indexation of last year's grant to enable it to provide this continuing very valuable service this year. We are also looking very closely at the growth that Meals on Wheels can expect in its target population over the next few years and that, in turn, I hope will be reflected in what we are able to do with the grant.

As to the outlets, the honourable member would be aware that for some years there has been an attempt, where possible, to provide outlets through existing kitchens, for example, in country areas for the most part through the kitchens of country hospitals, although that is not always the case. I can recall opening a kitchen at Yankalilla, and that is certainly a country area. However, where possible there is an attempt to use existing facilities rather than to use capital funds to provide new facilities.

The Home and Community Care officials are busy discussing this matter with the officials of Meals on Wheels to see whether we can get to some sort of plan for the expansion of facilities in future years. However, I want to make the distinction between the number of meals that are provided, which obviously will have to increase in future years with the ageing of the population, and the mechanism whereby those meals are provided. If it is possible to do it by using existing facilities, we will do so; where that is not possible, we will endeavour to meet the capital account which will thereby be generated.

PERSONAL EXPLANATION: PREMIER'S REMARKS

The Hon. B.C. EASTICK (Light): I seek leave to make an explanation.

Leave granted.

The Hon. B.C. EASTICK: Earlier this afternoon the Premier, in answering a question I asked him, sought to lay the blame upon another Government. I draw to the Premier's attention that the document to which I referred clearly related to a number of actions during the course of the Bannon Government.

Members interjecting:

The SPEAKER: Order! The honourable member for Hayward.

Members interjecting:

The SPEAKER: Order! I have not been able to hear the member for Hayward yet.

PERSONAL EXPLANATION: DEPUTY PREMIER'S REMARKS

Mr BRINDAL (Hayward): I seek leave to make an explanation.

Leave granted.

Mr BRINDAL: On 14 November (last Wednesday) in Question Time the Deputy Premier accused me of disorderly behaviour. He did so by inferring that I had interjected on his answer to a question from the member for Fisher. Sir, I did not interject at that time and I resent any implication that I did.

SITTINGS AND BUSINESS

Members interjecting:

The SPEAKER: Order! The honourable Deputy Premier.

The Hon. D.J. HOPGOOD (Deputy Premier): I accept the member for Hanson's explanation.

Members interjecting:

The Hon. D.J. HOPGOOD: I mean that quite deliberately, Sir. I was taking far more notice of the member for Hanson's interjection than of the effusion of the honourable member.

The SPEAKER: Order! The honourable Deputy Premier will come to the point.

The Hon. D.J. HOPGOOD: I move:

That the time allotted for—

(a) completion of the following Bills:

Renmark Irrigation Trust Act Amendment,
Administration and Probate Act Amendment,
Occupational Health, Safety and Welfare Act Amendment,
Senior Secondary Assessment Board of South Australia Act Amendment,
Pipelines Authority Act Amendment,
Landlord and Tenant Act Amendment,
Motor Vehicles Act Amendment Bill (No. 3),
Fences Act Amendments and

(b) consideration of the:

Amendments of the Legislative Council in the Wilpena Tourist Facility Bill, and
Aboriginal Lands Trust—Lands Out of Hundreds, Town of Oodnadatta—Resolution—

be until 6 p.m. on Thursday 22 November.

Motion carried.

WILPENA STATION TOURIST FACILITY BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 28 (clause 3)—Leave out 'The Minister, or a' and insert 'A'.

No. 2. Page 2 (clause 3)—After line 38 insert subclause as follows:

(1a) The Minister may authorise the lessee or any other person to undertake the acts and activities referred to in subsection (1).

No. 3. Page 3, line 23 (clause 3)—Leave out 'in the following forms of accommodation', and insert 'in the forms of accommodation determined by the Minister and specified in the notice'.

No. 4. Page 3, lines 24 to 29 (clause 3)—Leave out these lines and insert subclause as follows:

(4a) The notice must not specify a form of accommodation that does not appear in the fourth schedule to the lease.

No. 5. Page 4 (clause 3)—After line 21 insert paragraph as follows:

'*(a)* three persons for a cabin;.

No. 6. Page 6 (clause 7)—After line 3 insert subclause as follows:

(2a) The council, or the person nominated by the council, must, when preparing a draft environmental impact assessment, address those social and environmental impacts of the acts and activities referred to in section 5 or 6 that should, in the opinion of the council or the nominee, be included in the environmental impact assessment.

No. 7. Page 6, lines 32 to 36 (clause 8)—Leave out subclause (1) and insert the following subclause:

(1) The Minister must, by notice served on the council, impose on the council or the person authorised by the council, the conditions (if any) recommended by an officially recognised environmental impact assessment in relation to the airport works or the power lines.

No. 8. Page 6, lines 42 to 44 (clause 9)—Leave out 'and those acts and activities may be undertaken in accordance with this Act notwithstanding any other Act or law to the contrary'.

No. 9. Page 7, lines 13 to 20 (clause 12)—Leave out clause 12 and insert new clause as follows:

Preservation of rights under lease.

12. (1) Subject to subsection (2), nothing in this Act varies the lease or in any way restricts the exercise by the lessee of the lessee's rights under the lease or the exercise by the Minister for Environment and Planning or the Director of National Parks and Wildlife of a discretion or power under the lease.

(2) The capacity of the tourist facility may exceed the capacity specified in section 3 (2) only if—

(a) in relation to an increase in the capacity of the facility referred to in section 3 (4) the provisions of section 3 (5) have been complied with;

and

(b) in relation to an increase in the capacity of the facility referred to in section 3 (6) the Minister has increased the capacity under that subsection and the provisions of section 3 (7) have been complied with.

(3) Section 9 (1) does not apply to, or in relation to, the exercise by the lessee of a right under the lease if the exercise of the right is not in conformity with this Act.

No. 10. Page 7—After line 20 insert new clause as follows:

Payment by Crown of court costs.

13. The Crown must meet the legal costs of the Australian Conservation Foundation Inc. and the Conservation Council of South Australia Inc. in relation to action No. 2946 of 1988 in the Supreme Court and actions Nos A7 and A23 both of 1990 in the High Court of Australia taxed as between solicitor and client.'

The Hon. S.M. LENEHAN: I move:

That the Legislative Council's amendments be disagreed to.

I will be very brief in my explanation, because I believe it is not appropriate to debate in full each of these amendments. However, I wish to state clearly the intention of the original Bill. In fact, it had a number of clear objectives. It was an enabling piece of legislation to facilitate the lease which had been legally and properly entered into by the Government under my predecessor, the former Minister for Environment and Planning, with the developer to ensure that we reached a number of objectives.

They were that the current level of damage about which the Government was and remains concerned and which has been caused to a sensitive and vital part of South Australia, namely, the Flinders Ranges National Park, would be rectified; that the facility would cope with the number of people wanting to visit this outstanding location; that it would replace existing tourism facilities and enable the regeneration and revegetation of this sensitive area at the mouth of Wilpena Pound; and that it would provide accommodation, interpretive, educational and other services to meet the varying needs of a range of people who wish to enjoy the Pound and other attractions.

I do not intend to go through my second reading speech again and all the relevant points. I will restrict my remarks to a number of the amendments which were moved and passed by the Upper House and inform members why the Government is not prepared to accept those amendments.

The first amendment which gives the Government some cause for great concern is No. 7, which changes the existing way of dealing with the environmental impact assessment from the Minister's imposing conditions to the conditions being imposed by the assessment itself.

The Government is not prepared to accept amendment No. 8, which deletes that part of the original Bill that provides:

. . . and those acts and activities may be undertaken in accordance with this Act notwithstanding any other Act or law to the contrary.

We believe that if we are truly to have an enabling Bill, that is exactly what it must be. Therefore, we are not prepared to accept that amendment.

The next amendment is No. 9. This is the amendment about which the Government feels most strongly, because it seeks to tear up a legal lease which has been entered into in good faith by both the proponent of the development and the Government. That lease enabled the developer to proceed to a maximum of 3 600 total visitors per night, but only on the condition that a whole range of environmental considerations were met. In the Committee stage of the Bill

I clearly and carefully delineated those environmental considerations. There had to be adequate and ongoing water supplies, the whole environmental management program had to be brought back to the Parliament to be looked at, and, indeed, the Government was very much concerned to ensure that all the impacts on the environment were met. After all, the reason for this facility and Bill is to ensure the ongoing preservation and protection of the Flinders Ranges National Park.

Therefore, the Government will ensure not only that every environmental consideration is met but that environmental degradation is restored and the environment of the Flinders Ranges is enhanced. Proposed new clause 12 (2) *(b)* would completely cut across the lease which enabled the proponent of the development to proceed beyond 2 900 plus to 3 600 visitors only without the protection of this enabling Bill, but it did not take away from the existing lease.

The Government strongly believes that if we are to have any credibility with any section of the community we cannot be seen to be tearing up legal leases which have been entered into in good faith, from which the original Bill did not derogate but ensured the environmental protection, and did not prevent the lessees from carrying out their rights under the lease. We said that after 2 900 visitors, the lessees had two choices: first, the lessees could come back to the Parliament and, through a motion of both Houses, seek the protection of this Bill; or, secondly, the lessees could proceed under the rights of the lease without the protection of the enabling Bill. The Government firmly and strongly believes that that is absolutely essential. It is inappropriate for any Government to start tearing up agreement which have been made with the business or development community in terms of the long-term future of investment in this State. If Opposition members speak to the business community, to investors or to the broad range of people who make investment decisions in this State, they will know that what I am saying is absolutely accurate.

The final amendment that the Government is not prepared to accept is No. 10. That amendment seeks to add a further clause 13. We believe that it is not appropriate for the Government and, indeed, the people of South Australia to pay for the costs of the actions that were taken by the Australian Conservation Foundation and by the Conservation Council of South Australia. We believe this would create an incredibly dangerous precedent with which no Government of whatever political colour would wish to live. I will remind the Committee of the points involved, and there are a number. When the ACF and the Conservation Council of South Australia took the Government to the Supreme Court, the Government was successful by a unanimous decision. The Government did not seek to recover costs from the ACF or the Conservation Council at that point, and neither did the ACF nor the Conservation Council seek any costs from the Government at that point. However, having won the case, the Government is now being told that it has to pay for the privilege of having that decision in terms of this lease upheld by the Supreme Court. The same happens in respect of the High Court.

The Government does not believe that this is appropriate in terms of the signals that this would send to any investor, developer or person who wishes to see sustainable development take place in South Australia. Therefore, on the grounds and the issues that I have clearly delineated, if the Opposition chooses—and it is its democratic right so to choose—to reject and stop this environmentally and economically sustainable development, let us have it clearly on the record that that is its decision; it will have to make that decision in full light of the facts and it will have to be responsible for that decision.

The Government has been prepared to go through the full democratic process of bringing an enabling Bill before this Parliament to ensure that a lease that was properly and legally entered into in good faith by two parties can be carried out without the continuing threat of continuous litigation, which was put clearly in the public record in April this year by a letter which I received saying that there would be continuous litigation under a number of Acts of this Parliament. The Government strongly believes that we must keep faith with our word, that we must be able to stand up in a climate of perhaps financial decline and ensure that there are proper jobs for the community and that we have sustainable development.

This Government has taken very hard decisions about such things as the Sellicks marina, the Mount Lofty cable car and a number of other matters. We have said that this is what we mean by environmentally sustainable development and that we will stand here and defend environmentally sustainable development to our last breath. However, we are not prepared to stand by and watch the economy of South Australia be destroyed because there is not the proper carrying out of our responsibilities and our word. If we give our word to somebody, then our word is our bond, and we believe that is important.

The Hon. D.C. WOTTON: We are very disappointed that the Minister has not accepted the amendments of the Upper House. I find it incredible, because half those amendments that were moved in that place were accepted by the Minister's colleague, the Minister of Tourism. So, is the Minister now saying that she is not prepared to accept even those amendments that were accepted in the other place without any question? Let me just clarify again what the Opposition has sought with its amendments to this legislation. We determined that overnight accommodation should be increased to 2 924, on the grounds that the Minister was satisfied that an adequate and permanent supply of water was available for this facility. We believe that that is essential. We believe that all reference to the form of accommodation to cater for 2 924 overnight visitors should be removed, leaving in the Minister's hands the decision as to what form the accommodation should take. It would be only reasonable to expect that the Minister would determine the mix with the lessee and that there should be discussion on those matters.

Where previously the Minister had the power to increase the number of overnight visitors to 3 631 by notice in the *Government Gazette*, our amendment would mean that it would be necessary for a resolution approving the increase to be passed by both Houses of Parliament—a very sensible request on the Opposition's part to ensure that the Parliament and the people of South Australia were able to be kept informed on the progress being made with this development. We determined that it would be necessary for both the public education plan and the environment maintenance plan—which are prepared, after all, by the lessee according to the lease—to be tabled in State Parliament for public scrutiny. The Minister would also be required to table an annual report in relation to the lessee's compliance with both these plans.

We intended that requirements under the environmental impact assessment procedures associated with the power lines and the airport should significantly tightened—a request that I believe would be supported by the majority of South Australians. We believed that it was essential that the Crown must meet the legal costs of the Australian Conservation Foundation and the Conservation Council of South Aus-

tralia in relation to the Supreme Court and High Court action.

It is not my intention to go into a lot of detail in regard to the measures before the House at present, but I want to refer at least to the issues that the Minister brought forward a few moments ago. I want to refer to amendment No. 7 that has been proposed by the Upper House. This is where the Minister must, by notice served on the council, impose on the council, or the person authorised by the council, the conditions (if any) recommended by an officially recognised environmental impact assessment in relation to the airport work or the power lines. As I said earlier, we believe that that is essential in tightening up the environmental impact assessment procedures. The amendment is a simple one that seeks to clarify the conditions in subclause (1). The previous provision stated:

> The Minister, after considering the environmental impact assessment in relation to the airport works and the power lines, must, by notice served on the council, impose on the council, or the person authorised by the council, such conditions as the Minister thinks are necessary or desirable in relation to the establishment of the airport works or the power lines.

We believe that that is not tight enough and that the provision needs to be strengthened. In effect, the amendments remove the phrase 'as the Minister thinks necessary or desirable' and seek to clarify or tighten up the imposition of conditions in relation to the environmental impact assessment.

I refer to amendment No. 8, to clause 9. The purpose of this provision is to exempt certain parts of the Bill from provisions under the Planning Act and the Native Vegetation and Management Act. However, as drafted, it would also potentially exempt the development from a whole series of other legislation. I could refer to a number of those; one that comes to mind immediately is the Aboriginal Heritage Act. I expressed concern in a question I asked of the Minister some time ago about the impact of this development on that legislation. I have not received a reply to that question, but I would hope that the Minister is considering it. However, as it stands, without the amendments moved by the Upper House, the Bill is not good enough. As I said, without going through a comprehensive list of the Acts from which the development may be exempt—and there are many of them—it is the Opposition's view that it is possible that clause 9 will create extreme problems. Laws of the land, such as the Aboriginal Heritage Act, the Occupational Health, Safety and Welfare Act and many others, ought to apply to this development, along with every other development in this State, and the amendments moved by the Opposition in another place sought to clarify this and ensure that that indeed was the position.

Let us look at amendment No. 9, which is the one that the Minister has indicated has caused particular concern to the Government. The Minister has referred in a very emotive fashion to the Opposition's attempting to introduce legislation whereby we would encourage the tearing up of a lease. That is absolute rubbish, and the Minister knows it. The Minister sat in this place and accepted the amendments that the Opposition put before her in regard to the opportunities—and I have referred to them earlier—to bring the number of overnight visitors to 2 924 but, before it was increased to 3 961, to bring the measure back to the House to tighten up the environmental impact assessment and many other areas. The Minister sat here and agreed to all the amendments at that time, knowing full well the implications of those amendments to clause 12.

When it was recognised that there were significant problems with that clause, it was only then that we discussed that the Minister was not really behind the amendments that we wished to move and was not supportive of the measures that we wanted to introduce to make this whole development more accountable to the people of South Australia so that everyone, not just the Parliament, could also have a say in what was going on with this development. There is tremendous strength of feeling in the community, I might say on both sides, but certainly a lot of representation has been made to the Opposition about the need to tighten up the legislation on environmental grounds and to make the development more accountable so that people of South Australia know exactly what is going on.

I believe that the emotive argument used by the Minister today regarding clause 12 does not carry water; it is full of holes; and, if the Minister and the Government were really supportive of the amendments moved by the Opposition in this place, it would not see any need to oppose the amendment to clause 12 put forward in another place. As to the final amendment in relation to the payment of costs, the truth of the matter is that the Government has set about denying access to the courts. That really is what this Bill is all about. I found it laughable when the Minister responsible for the legislation in another place said:

> This Bill has in no way interfered with the legal processes that were pursued with the Supreme Court action.

It is not appropriate for me to continue to quote, I realise, but what an absolute farce! We have the Minister in another place saying that this legislation was never intended to get in the way of the legal process. That is absolute rubbish and we all know it. This legislation effectively denies access to the courts, if not in legal then in practical terms. People can still continue their High Court challenge—it can still go forward—but it is to no effect. Since the High Court challenge is taking the matter in the Supreme Court further, such costs as have been incurred should be picked up by the Government. There is no argument as far as the Opposition is concerned in this respect.

I reiterate my disappointment and concern that the Minister has not been prepared to support the amendments moved in another place. I regret that that is the case because those amendments would have considerably improved very poor legislation that has been introduced in this place by the Government to facilitate the Wilpena development.

The Hon. E.R. GOLDSWORTHY: I rise to speak in this debate only because the Minister's arguments are so patently phoney. If she got up and said that she did not like the amendments and opposed them without all the other claptrap, maybe I would not have spoken. For the Minister to accuse the Opposition of seeking to tear up an agreement is nonsense. It is her legislation, she brought it into this forum and she will have to accept whatever Parliament decides.

To suggest that we are somehow interfering with this project is nonsense. She brought the legislation here for public discussion and for parliamentary debate, and her argument is completely phoney. What is more, we get this shrill statement, 'Our word is our bond. What will investors think about us if we operate in this way?' The Minister has a short memory. I well remember the gas contracts in this State of which the Labor Party made a howling mess.

Mr Ferguson: What about Roxby Downs?

The Hon. E.R. GOLDSWORTHY: You made hypocrites of yourselves because you did not want to lose an election.

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: The Labor Party made a howling mess. In fact, the clever Mr Hudson made the mess of the gas contracts for the Cooper Basin arrangements between New South Wales and South Australia, to the

disadvantage of South Australia. Legislation was brought into this House to tear up the contracts, and that is a totally different situation from this. Their word is their bond, she says. What a joke! Some bond! The Minister said, 'We stick by our word.' The contracts were there in black and white, and the company asked what faith it could have in a Government that comes into this place and tears up contracts. The Government, through sheer weight of numbers, put the legislation through this place. I speak now only because of the absolute hypocrisy of what the Minister is trying to foist on us at the moment.

Mr GUNN: I support the stance taken by the Minister. The Parliament has overwhelmingly endorsed the principle of this legislation. The Parliament now has a responsibility to ensure that the conditions and terms of the legislation are laid down in such a manner that will allow the project to proceed in a sensible and orderly fashion, free from any further litigation, intrigue or activity by groups opposed to the legislation and to the project.

There has been a long and ongoing debate over this matter. The Parliament now has to decide whether it wants the project or does not want it. The nonsense, in my judgment, has gone far enough. There is a recognition within the Parliament that a need exists for this sort of development in this State. Therefore, if we insert in the legislation unreasonable conditions, that will be a clear signal that we are putting unnecessary hurdles in the way of the project. Since the amendments were inserted in the legislation in the Upper House, I have received a copy of a letter addressed to the Leader stating:

Dear Sir,

We wish to advise you that the Aboriginal people of the Flinders Ranges strongly support the present proposal of the Wilpena resort development and, further, please do not alter or interfere with the present legislation, because the wish of the Aboriginals is to see the project proceed immediately with no further delays.

The letter is signed by Gordon Coulthard and Angelina Stuart. I received a copy of that letter on Friday. The Minister has adequately explained the matters in question. The House should be very clear on what these amendments do. With regard to the powerlines and the airport, no-one in their right mind would permit to be erected in this State powerlines which did not comply with the normal conditions imposed by ETSA. The people in that part of South Australia have been pleading to get electricity extended to their area, but that has been denied by Governments. I do not see why any further restraints or restrictions should be placed on that section of the community. They have a right, as has every citizen in this State, to have powerlines and the resultant benefits.

The legislation adequately deals with the airport. The only reservations I have there relate to landholders affected by the airport. I understand that proper arrangements are being made for existing operators to be properly compensated for their loss of goodwill, stock, plant and equipment, with the opportunity given for them to proceed with other developments. I understand that those matters are in hand. To put other unnecessary restrictions in the way is not in the best interests of development in this State and certainly not in the best interests of the tourist industry. It certainly is not conducive to giving my constituents the opportunity of employment.

Last Monday week I was in Hawker with another of my colleagues. As is the case when I visit that area, a number of groups and organisations wanted to talk to me. Our first stop involved lunch with people at the kindergarten. They wanted to talk to us as they had received a letter from the Children's Services Office dismissing the two full-time employees because the numbers had fallen. They were almost beside themselves to get more people in the area so that the children could get at least one or two days preschool education. Fortunately, we were able to convince them this development will bring more people.

Since the legislation has been introduced, the NPWS has made a conscious decision to put three houses in Hawker. It will put its northern headquarters there, which will create more opportunity in that part of the State. The next port of call was the school, where we were confronted by the principal and others expressing concern that they would lose schoolteachers because the numbers had dropped. A few years ago student enrolment there was 160, but it is now down to about 90.

The interesting thing is that the person who met us at the door to introduce us to the people who wanted to complain about how they would be treated was one of the leading opponents of this project. However, he is employed on the public payroll. I could hardly contain myself.

Members interjecting:

Mr GUNN: I thought I was most reasonable in the circumstances because, whether any more jobs would be created would not matter to him, because that person would be paid by the taxpayer, and that is what annoyed me so much. In the case of other members of the community who live in outlying areas, their children have to go to Adelaide, Whyalla, Port Augusta or somewhere else to have a chance of finding a job. This project will create jobs. It annoys me that extra conditions are put in the way of the legislation.

As to paying the expenses of the Australian Conservation Foundation and those associated with it, if there had been a demand made before this legislation came to the Parliament, I suppose one could have said that the claim had some validity. However, I understand that there are some community minded lawyers who made statements to the press that they were so concerned and so interested in serving their fellow man that they would donate their services free of charge. What has happened? Have they had a change of heart? Are they now trying to slip their hands into the hip pocket of the taxpayer? I wonder what is the situation. Have they now submitted accounts, even though I understand that they offered their services free of charge? That is certainly an interesting state of affairs.

Further, no claim was made upon the Government. True, I suppose there is a case to be made out for the expenses associated with the preparation of a challenge to the High Court, because that has been denied them. There is a case there and I understand that an amendment was moved in another place that was rejected. That is a bit hypocritical. I am concerned that, if Parliament enacts this provision, every group who wants to challenge the Government in the courts—and it is their right to do so—will have a strong case to go before the Government of the day and say, 'Bad luck, we had a try on and you have to pick up the bill.' No-one can accept that sort of logic. I hope that the Legislative Council has now made its point and has had its fun. It has played the political game, but let us now get on with commonsense. I intend to support the rejection of the amendments and I hope that they do not come back to this place again.

The Hon. JENNIFER CASHMORE: I have opposed the Bill at all stages and will continue to do so. However, I find it quite extraordinary that the Government is not willing to accept amendments that are designed to make an obnoxious piece of legislation slightly less obnoxious. The triple purpose of the amendments is, first, to uphold the laws of this State. That is the foundation of the amendments moved in another place. The second purpose is to ensure accountability of both the Government and the developer to Parlia-

ment in the implementation of the lease and the construction of the resort.

The third purpose of the amendments is to provide compensation to the Australian Conservation Foundation which, if the legislation is passed, will be deprived of its right to appeal to the High Court. In opposing the amendments the Minister said that the Government was bound to oppose the amendments if it was to have any credibility with any section of the community. I suggest that it is too late for the Government to be trying to have any credibility with any section of the community, because I believe that the Government's credibility on this issue has now been totally lost. It has lost all credibility with the conservation movement; it has lost all credibility with the planning profession; it has lost all credibility with the development industry; and certainly it has lost all credibility with anyone who has heard or read the statements of the two Minister's in the debate in this House and in another place.

I have been asked to place on record a refutation of the Minister's claim in the Committee stage that the Nature Conservation Society of South Australia supports this development. I read to the Committee a letter dated 6 November 1990, addressed to MPs and signed on behalf of the society. The letter reads:

> The Nature Conservation Society of South Australia objects to the State Government's attempt to bypass South Australia's legal planning framework by introducing a Bill for an Act to facilitate the development of the Wilpena resort and its associated infrastructure. Retrospective legislation designed to override public involvement in decision making over major developments should not be tolerated in a democratic society. Our concerns stem from the undemocratic nature of retrospective legislation and the potential for future legislation, which may be unacceptable for habitat conservation. In other States such legislation has led to controversial and publicly undesirable developments and degradation of natural habitats. South Australia has publicly endorsed planning legislation and this should be followed by all parties including Governments.

The credibility of the Minister in regard to her allegations about the Nature Conservation Society has now been set to rest. The requirement of the amendments to ensure accountability to Parliament should be upheld by Parliament. The Minister says that she could not possibly do anything that would call into question the Government's commitment to the lease.

If the Minister believes that, why did she not enshrine the lease in statutory form in January 1989 when it was signed, or immediately preceding that at the end of the preceding year? It is not good enough for the Minister to say, 'We have to adhere to the original rules,' when she comes into Parliament asking for the rules to be changed. When she did that, she opened the way for Parliament to exercise its responsibility to ensure the upholding of the laws of the State, and the amendments moved by the Legislative Council are designed to do nothing more than that. As to compensation, the Australian Conservation Foundation and the claim that it is a dangerous precedent, I suggest that what the Minister is doing in attempting to enact this legislation is a precedent so dangerous that it should not be contemplated by this Parliament. Nothing like this has ever been done before by the South Australian Parliament and I certainly pray that nothing like this will ever be done again.

The Hon. S.M. Lenehan: That is nonsense.

The Hon. JENNIFER CASHMORE: 'Nonsense' says the Minister, but let her quote when she responds one single instance of a case where a Government has enacted legislation to deny retrospectively the rights of ordinary citizens to have access to the courts. The Minister cannot name one single case because not one case exists. As my colleague the member for Heysen pointed out, in both this place and another place the Ministers have been willing to accept amendments which would grant some form of minimum compensation in terms of costs associated with the High Court challenge. Is the Minister willing to accept what has been described in another place as a 'cheap precedent', in other words, the word 'precedent' is not relevant, the only relevance being the extent of the expense?

Notwithstanding the fact that lawyers who are concerned about this whole issue have undertaken to give their services on an honorary basis to the litigation, there are substantial costs associated with both the case before the Supreme Court and the appeal to the High Court, as I understand it. Among other things, lawyers had to come from other States—plane fares have been involved—there have been substantial drawing-up costs and these have been borne by the Australian Conservation Foundation which, of course, deprives it of funds that are normally available for its constitutional purposes. So, on the three-fold basis that the amendments uphold the laws of the State, that they are designed to ensure accountability to Parliament and that they are designed to provide compensation to the Australian Conservation Foundation, they should be upheld and supported.

Mr FERGUSON: I will not be long. I have been instructed that I must not be long. I would—

The CHAIRMAN: Order! Under Standing Orders, the honourable member has all the time he wishes. He must not be instructed.

Mr FERGUSON: I was not putting the blame on you, Sir; I was putting it on my Minister. Of course, I always do everything that my Minister tells me to do. I enter this debate to express my disappointment at the amendments that have come from the other place. In saying that, I believe that there is enough goodwill in this Chamber to carry this proposition if the decision were to be made in this place. Our real concern is the amendments that were put together in another place. I believe that the people in another place are very wise and, in fact, I think that we should probably change the name of the other place to 'Solomonville', because, from time to time, members in the other place produce the wisdom of Solomon. They are very clever in the way in which they put their amendments together. In this instance they have excelled themselves because they have put the amendments together in such a way as to ensure that they destroy the proposition that is in front of us. However, at the same time—

Members interjecting:

The CHAIRMAN: Order! I hope that the honourable member for Henley Beach is not reflecting adversely on another place.

Mr FERGUSON: Not at all, Sir; I am just putting to the Committee how clever I think the other place is and I would—

The Hon. Ted Chapman interjecting:

The CHAIRMAN: Order!

Mr FERGUSON: Absolutely complimentary, because it is very rare that one gets a group of people who can put forward a set of amendments that appears to support a Bill but, in actual fact, destroys it. That is the circumstance we face in relation to the amendments before us. I am surprised at the way in which the other place was prepared to make amendments, in particular to clause 12, in the way that is has, because I know from the public speeches that have been made by the Leader of the Opposition that he actually supports development. He has not been shy in telling the public that he supports development. I would have thought that the Opposition members in the other place would get right behind the Leader in this instance where we have the opportunity to establish a project in South Australia which,

initially, will involve expenditure of over $50 million. It is probably one of the only major projects that is available to South Australia after the completion of the Remm development and the entertainment centre.

The Hon. D.C. Wotton: Whose fault is that?

Mr FERGUSON: I understand that passions rise when this matter is put to other people, and I understand that as the Opposition spokesperson in this place, the member for Heysen has to put forward an argument for his side, whether or not he is totally in favour of that argument. However, I agree with the member for Eyre that what the Parliament is doing at this stage is making up its mind whether or not it wants the project. That is the situation we face. If the amendments from the other place are accepted, they will establish unreasonable conditions as far as the original project is concerned—that is, the negotiations between the Government and the promoter—and they will make it so unreasonable that the project will not proceed.

The Hon. Ted Chapman interjecting:

Mr FERGUSON: I accept the words of the member for Alexandra: it may not go on. If we were only—

The Hon. Ted Chapman interjecting:

The CHAIRMAN: Order!

Mr FERGUSON: Thank you for that. I thank the honourable member for his assistance. If we were talking only about this project, perhaps things would not be so bad. However, we are talking about putting future projects in jeopardy because the Parliament of South Australia has not been prepared to accept a reasonable proposition with reasonable care of the environment and that will lead us into a situation where institutions that were prepared to put money into this project will withdraw their support and will not be prepared to put their money into projects in the future.

I agree with the member for Eyre that we are looking at a situation that provides unreasonable restraints. He referred to powerlines, airports and so on, and maybe there is still a spark of hope that, when this matter goes to a conference, the members in another place will be prepared to accept the logic of what is being said in this place at the moment and we might be able to save the project and be able to take away from them the blame for scuttling a major project in South Australia.

The Hon. TED CHAPMAN: I rise in the final stage of this discussion on this subject for the first time. Indeed, I was unable to be present in the House during the second reading debate and in my absence I asked the member for Eyre whether he would simply convey to the House and place on the record but one remark in relation to my position. He did that and, as the record now shows, he expressed disappointment on my behalf that the Flinders Chase development proposed a couple of years ago was not incorporated in that park and as part of this Bill, which seeks to incorporate a major development in the Flinders Ranges region of the State. Other than that, both within the ranks of my Party and quite widely publicly outside of this place, I have indicated my support for the Government's Bill and I do not resile from that position now.

In the meantime, I am informed that on representation of the Bill to the Chamber this afternoon we are to vote on the matters that have come from another place in one motion. Bearing that in mind, I have to decide whether I support the position earlier announced plus a new amendment No. 9 incorporated in the one motion, or whether I am in a position to deal with them separately. I recognise the merits and good sense of putting all amendments forward in one motion and, accordingly, I indicate to the Committee my intention to support the Government's stand in relation to the Bill as it has come from another place. That package includes amendments No. 8 and No. 10 being those on which I voted with the Government in this place previously. However, new amendment No. 9 is tucked in the middle and, of course, is one that we did not pursue in this place previously and has come to us now for the first time.

The member for Eyre has indicated that in the Parliament there is now a clear recognition of support for this project, and I accept that there is. I also accept that there is an anticipation at industry level generally that it will be supported. Despite the fact that out there in the industry there is some growing concern that this subject should have hung around the Houses of Parliament for so long and been in and out like a yoyo so often over the past few weeks, I believe that there is also an expectation by Ophix, the developers, that the matter will be cleaned up, and cleaned up quickly and satisfactorily.

The bottom line is that the Government, some months ago, entered into an agreement with a developer which had indicated its desire to invest in this State. Having got that agreement and having acknowledged subsequently the sorts of attack that were being placed upon that developer through the courts and at the time by distressed third parties, the Government sought to introduce legislation for which it was hoping to get bipartisan support in the Parliament. For reasons of precedent and for reasons best not canvassed at this point, that bipartisan support, whilst it might have been there, was not vocal and was not publicly declared and, as a result, my understanding of the subject is that the Government pursued the matter with its legislation anyway. The Bill was brought into the House and, having read that proposal and having discussed the matter with the developer, and in the general context of supporting development for South Australia, I then declared my position.

So, let there be no question about where I stand on the subject even though, as I indicated earlier, it is the first time I have had a chance to actually address the House in person on this matter. I have absolutely no desire to be a party to supporting retrospective payment or payment incurred by the group which set out in the first instance to fight the project, and I cannot think of any situation that would support such a move. Arguments have been put forward that these people have been cut off at the knees. Let us face facts. The Conservation Council of Australia sought to cut off this State at the knees with respect to the proposed development. It has done it before and no doubt it will do it again. As far as I am concerned, you treat fire with fire. That group is not worthy of the support that has been given to it by certain people in this State. I have no hesitation in supporting the Government in cutting off that avenue for those who have expended their money.

The trouble is that people who go to the courts do not like losing; but some people cannot wear the flak. In this case, they have not been able to wear the expense. In my view, it is not our job as representatives of the taxpayers in this State to spend taxpayers' money in that direction. I have never had it done for me when I have been involved in litigation, and I do not propose to be a subscriber to its happening.

As to amendment No. 8, which would open up the avenues under other Acts, current and/or historical, to enable intervention in this project, that is something I did not support at the time the Bill was before the House and I do not support it now. I appreciate the opportunity to address the Parliament in this instance. It is not for the purpose of embarrassing any individual, Party or whatever, but simply for the purpose of being quite clear in my support for what

is one of the few projects that is not only worthy of support but also has had a rough enough time, indeed for too long a time, around the traps. It is one which in my view deserves full support, and speeded up support at that.

Mr BRINDAL: I support the members for Heysen and Coles and commend to this Committee the amendments of another place. I believe that they are reasonable, and I believe that for the Minister to deny their validity is an indictment of her credibility and not of the integrity of that other place.

The member for Henley Beach said that he believes he has the goodwill of this Chamber. I believe that the record should clearly show that what I believe he meant was that he has the numbers in this Chamber. However, I am quite sure that there are a number of people in this place who feel strongly enough about the issue to object to their stance being described as 'goodwill'.

The Government may well have the numbers to pass what it wants in this Chamber; that does not necessarily mean that it has the goodwill of all members in this Chamber on this matter. The member for Henley Beach likened another place to Solomonville, and I would like to commend him for that observation. I think it is quite accurate. The member for Napier would well remember that one of the great stories of Solomon concerned two women who came for judgment: Solomon had the child laid before him, a sword being presented, and delivered his judgment that the child be cleaved in twain. One mother did not demure and the other objected, and Solomon knew that the rightful mother would rather her child was looked after by another woman than see it murdered. That, Sir, I think is really the kernel of the Legislative Council's amendments: they seek to make a piece of flawed legislation a better piece of legislation, and in doing so they do the legislative process, this Chamber and the other place a service and not a disservice when it comes to the exercise of parliamentary democracy. Again, I commend the member for Henley Beach for his very just and fine allusion when it comes to my colleagues in another place.

The Executive Government in this State must learn that it is here to serve the will of this Parliament; it is not here to have the Parliament subverted to its will. The supreme authority of legislation in South Australia resides in this Chamber and in another place, and, if this Chamber chooses to pass amendments to this legislation, and if another place chooses to pass amendments to this legislation, the Executive Government of this State is bound by the will of the Parliament. For too long the Government has come in here and treated the Parliament as its vassal. The Executive Government and the Ministers who sit at the bench opposite are in fact the servants of the Parliament: the Parliament is not their servant. I believe the sooner they realise that, the better.

I will not detain this Committee long. I realise that the Minister has better things to do. However, I would like to pay tribute to the commendable leadership which I believe has been shown by the Liberal Party in matters concerning the environment in South Australia—increasingly it is the Liberal Party that stands up and is counted for the protection of that which is valuable and that which we wish to leave our children—and, more particularly, to the lighthouse contributions that have been made in this Chamber by my colleagues the member for Heysen and the member for Coles.

I would like to deal now with the provision of compensation for the Conservation Council. When I was young I was taught to deal justly with all people, and I believe that is something the Government would do well to remember. The point at issue is that a group had initiated litigation; by passage of this legislation, it would be denied the right of pursuing that to its conclusion. So, by Act of this Parliament, it would be denied its right to pursue justice in the courts. Had it pursued that litigation, it could well have been awarded costs but, by Act of this Parliament, it is denied that right and it will therefore automatically be denied the right to pursue costs. If this Parliament chooses to deny justice to any of the people of this State, this Parliament should also offer them recompense. I believe that that is a very simple, solid and honourable principle which I would commend to the Committee and which I would urge the Minister to pursue. I totally support my colleagues in this matter.

The Hon. S.M. LENEHAN: I shall be very brief, but there are a couple of points that I need to take up to make sure that the record shows the true position. I am very disappointed that the member for Heysen, whilst he has referred to the lease, has not bothered to read it. I will refer to the section about which he talked regarding the Aboriginal Heritage Act and other Acts applying. I refer the honourable member to sections 14.1 to 14.4 of the lease, which clearly cover the Aboriginal Heritage Act and specify that the lease must conform with it, and also to section 5.3.4, which provides that the lessee must comply with all statutes. I am disappointed that the honourable member, in not being prepared to be reasonable in all of this, has not bothered to read the lease.

The only other area to which I wish to refer is the point made by the member for Coles in bringing into question the Nature Conservation Society. I want to have on the public record my utmost respect and regard for the Nature Conservation Society. If the honourable member had chosen to put the accurate facts on the table, she would have acknowledged that the Nature Conservation Society initially wrote to me and to a number of other people making public that it was supporting the redevelopment of Wilpena.

Members interjecting:

The Hon. S.M. LENEHAN: That it was prepared to do this. Subsequently, as members would know, there was what can only be described as a stacking of a meeting attended by, I think, 60 members and there was a vote of 40 to 20 reversing that decision. Is the honourable member also aware of some of the intimidation to which officers of the Nature Conservation Society were subjected? One of them is a constituent of mine. I had no intention of raising this publicly before the member for Coles chose to misrepresent the position of the Nature Conservation Society. I am very disturbed that she was not prepared honestly to canvass the whole sorry scenario in which members of the Nature Conservation Society were what could only be described as being intimidated by other people. I think that is quite tragic and I feel very angry that people were subjected to some of the things to which, I am aware, the officers of the Nature Conservation Society have been subjected.

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: It is not your worry. I have to say that I believe that the Nature Conservation Society is a very respected and respectable organisation, and I have great respect for it. I think it is outrageous that—

The Hon. Jennifer Cashmore interjecting:

The CHAIRMAN: Order! The member for Coles is out of order.

The Hon. S.M. LENEHAN: —there are 550 or more members, as I understand it, but that a meeting which in anybody's understanding was stacked changed and reversed a position at which the council had arrived initially, and

that the member for Coles should then turn around and try to score some cheap political point from this.

Members interjecting:

The Hon. S.M. LENEHAN: Let the member for Coles do that, and let the record also show that there is not a position from the Nature Conservation Society which could clearly, under any democratic principles, be said to be upheld. It is important that that is put on the public record.

I reiterate that I believe this will be shown to be the most environmentally sustainable development that we have seen in South Australia. It clearly seeks to rectify what cannot be sustained and what I will not sustain as the Minister with responsibility for the Flinders Ranges National Park. I am not prepared to see the continual and continuous degradation of that area with about 52 500 visitors already going into that park. If we do not have this development, I believe there will be serious consequences and ramifications for the ongoing integrity of the Flinders Ranges National Park. Clearly, it is up to the Opposition to decide one way or the other, and I am delighted that the Leader of the Opposition has joined the Parliament, because he is on the public record on a number of occasions as saying that the Opposition will support this legislation. Clearly, it is now up to the Opposition to support the procedure of this development under the lease agreements or to say that it will not have this development. Ultimately, the Opposition must accept the responsibility for its decision.

The Hon. JENNIFER CASHMORE: I do not propose to canvass any of the general arguments put forward by the Minister which are more appropriate to a second reading speech, but I propose to respond to her quite extraordinary remarks about my putting on the record, at the request of a member of the Nature Conservation Society, a letter which was sent to a number of, possibly all, members of Parliament. It was appropriate for that to be done, because the Minister had put a position to the Parliament which was no longer relevant and which had been overturned by a majority of members at a special meeting of the Nature Conservation Society. I was not at that meeting, I am not a member of the society and I do not know what transpired. I only know that the letter was sent and a request was made that the record be put straight. That is what I did. There was no attempt whatsoever to disguise any of the facts or to misrepresent any position.

For the Minister to say, on the one hand, that she has great respect for the society and, on the other hand, to accuse it of intimidating its members, strikes me as being a position which is not sustainable. For the Minister also to say that the Nature Conservation Society's position as expressed in that letter could not be upheld—I believe the record will show that I am quoting the Minister correctly—is to suggest that a legally constituted meeting of the society which passes a motion on a substantial majority is not one that can be upheld. I think that the Minister's remarks about the Nature Conservation Society speak for themselves and damn the Minister, not me.

The Hon. S.M. LENEHAN: As usual, the member for Coles hears what she chooses to hear rather than what is said. I have never made any suggestion—

An honourable member interjecting:

The Hon. S.M. LENEHAN: Yes, I shall be delighted to read *Hansard.* I have never at any point suggested that members of the Nature Conservation Society were intimidating their own staff. I am suggesting that their staff were intimidated. I made no assertion at all that members of the society carried out that intimidation, and I would like the record to show that very clearly. I think it is important. If the member for Coles—

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: Members were intimidated. I will leave that to the member for Coles to work out for herself. She purports to be an intelligent person, and I am sure that she is capable of working that out for herself.

Motion carried.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 October. Page 975.)

Mr LEWIS (Murray-Mallee): This measure proposes to increase the size of the area of land which can be provided with a supply of irrigation water. It is a measure with which the Opposition agrees. It ensures that the capital which would otherwise be wasted in providing a supply of irrigation water to a small block within the town, or around what has become the town, is avoided. The taxpayers of South Australia, goodness knows, have enough of a burden now without continuing to carry something which has its origins in days gone by and which is inappropriate to present circumstances. The Minister's proposal is therefore relevant to the needs of the administration of this Irrigation Trust area.

If we look at the consequences otherwise, we can easily see that the ratable land to which water would have to be supplied would be nothing more than a house block, and that where rates are unrelated to the area's production (the water being used for household purposes) water is more expensive to provide, especially when it does not help provide anything other than a comfortable dwelling for someone to live in. The Renmark Irrigation Trust, of course, must then meet its costs and spread those costs among the legitimate irrigators who are trying to make a living by using the water that is, so far, used by people who should be paying for it as a metered supply. Once more, as a metered supply, the water would be chlorinated and safe for human consumption. Therefore, people who have small holdings and who might otherwise be tempted to demand access and use of the legal provisions in obtaining water from the Renmark Irrigation Trust (other than as a potable supply) will not be able to do so. That temptation is removed from their reach, and that is a good thing—something which was previously overlooked.

With those few remarks, I happily commend the measure to the House and wish it a speedy passage. I remind the House that everybody not only in Renmark but also in other Riverland communities is at this time suffering enormous economic deprivation at the hands of other Government policies emanating from elsewhere, particularly in the Federal arena, and these people do not need any more burdens than they already have. Anything that we can do, such as this, to relieve them of such burdens is a job well done.

The Hon. P.B. ARNOLD (Chaffey): I indicate my support for this Bill currently before the House. Having discussed this matter with the Renmark Irrigation Trust, the Chairman, the board and its executive officers, I am quite sure that, in the board's view, the measure is in the best interests of the ratepayers of the Renmark Irrigation Trust. It should be remembered that the Renmark Irrigation Trust is the oldest irrigation undertaking in Australia and it has been extremely successful. In fact, it can be held up as an example of an efficient irrigation undertaking in this coun-

try. The Government could do well to use the performance and experience of the Renmark Irrigation Trust over a very long period as a benchmark for its own operations and as a guide as to the sort of performance that irrigators can expect from such an undertaking.

One must remember that the Renmark Irrigation Trust rehabilitated its irrigation undertaking some years ago, and that was a very successful exercise. It was undertaken through certain loans and grants from the Government and the loans are repayable which the Renmark Irrigation Trust has very effectively and efficiently accomplished within its rate structure. I raise that matter because of the fact that the Government is still thrashing around trying to determine how and when it will complete the rehabilitation of Government irrigation areas. I refer the Government to the example of the Renmark Irrigation Trust as a private irrigation undertaking and to its very successful performance over virtually a century of providing efficient irrgation water to irrigators in South Australia.

The Hon. S.M. LENEHAN (Minister of Water Resources): I thank the honourable members for Murray-Mallee and Chaffey for their contributions and support. I am sure they are both aware that the Government has introduced this amending Bill to ensure that we meet the requests of the Renmark Irrigation Trust. The trust wrote to me requesting that we take this action, and I was very pleased to accede to that request.

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

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Ajdourned debate on second reading.

(Continued from 4 September. Page 641.)

Mr INGERSON (Bragg): This Bill deals with amendments to the Act and involves commissions, charges and fees levied by the Public Trustee. The Public Trustee charges in three different ways: first, capital commission calculated as a percentage of the amount involved in administering an estate, with the exception that capital commission rates are fixed rates rather than maximum rates; secondly, income commission calculated as a fixed percentage; and, thirdly, fees in respect of the number of services, for example, preparation of tax returns. These fees are generally maximum fees.

At present, the Public Trustee is not able to charge capital commission at a rate less than that specified in the regulations unless court approval is obtained. The Public Trustee now seeks authority to charge capital commission up to a maximum rate as opposed to a fixed rate. This would enable the Public Trustee to reduce capital commission on the grounds of hardship or equity in a particular estate, or to reduce capital commissions for all estates or for all those in a particular class of estate. In addition, reduced capital commission is sought on the share of the proceeds of the sale of a matrimonial home payable to a surviving spouse. At present, the reduction applies only to transfers to a surviving spouse.

In respect of the fees prescribed in the regulation, the maximum rates have not been adjusted to allow for inflation since the last review in 1982. As a consequence, they require revision to reflect more accurately the cost of providing those services and market rates charged by other organisations for similar services. A proposal is currently being considered that would enable the Public Trustee to rely less on commission and more on fees, with the result that a charging system may be developed in which charges more closely relate to the cost of providing those services for which the charge is made. It is with those few comments that I support the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support of this measure. The member for Bragg has outlined the thrust of this Bill, and I commend the measure to the House.

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

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1694.)

Mr INGERSON (Bragg): In principle, and if looked at very casually, this is a well intentioned Bill in terms of occupational health and safety, and it deals with four different areas. It addresses the legal status of codes of practice under the Act; it seeks to clarify various responsibilities for duty of care under the Act; it seeks to improve certain of the administrative procedures and arrangements to facilitate implementation of the Act; and, finally, it provides for certain offences under the Act to be expiated. As I said, it appears on the surface to be a Bill which all members would support.

However, when one looks further into it, especially after having recent discussions with the employer associations, one finds that the consultation process that was supposed to be the hallmark of this Government, and in particular of this Minister, has not been quite up to the standard that one would expect. In addition, one again finds creeping into Government legislation this third party involvement of so-called registered associations, more commonly known in the community as trade unions. It seems a pity that in legislation of this type (which in principle, the Opposition supports, clearly recognising that occupational health and safety is the starting point of an improvement in the incidence of workers compensation payments) there is a gradual intrusion of the union movement interferring with what I believe should be an arrangement between the employee and employer at the specific workplace.

The Opposition strongly objects to this practice, because we do not believe that the trade union movement needs to have its role specifically prescribed in legislation of this type. I have no objection, as I have said many times in this place, to legitimate actions and involvement of trade unions, but in this area which, as I have said, involved a specific arrangement between the employer and employee and the way in which the workplace is managed to protect the employee, I do not believe that the third party, in the form of the trade union movement, has any role at all. I understand and support the Government's argument for giving more status to codes of practice, because codes of practice, as the Minister well knows, are now a very important part of occupational health and safety provisions. They are also very important to the whole workplace community, because it is through these codes of practice that we have definitions of what is in the best interests of employees, in particular, in terms of how they should safely carry out their work practices.

I support the concept of codes of practice; I strongly support, in particular, a national code of practice, because

I believe that this is one area in which the Parliaments of Australia can move to protect not only employees generally, wherever they are located in Australia, but, more importantly, employees of national companies of which we have a significant number based in our State with workplaces in other States. So, I recognise the problem that exists, and the Opposition supports the argument advanced by the Government as to the advisability of admitting a code of practice as evidence before the court.

I refer to the codes of practice and signal to the Minister that it is our intention in another place to move an amendment to protect the concept of a national code of practice. As the Minister would be aware, I currently have before the House a disallowance motion in respect of the manual handling regulations, and it results from the breakdown in communication between the employers and the Occupational Health and Safety Commission over changes to national work practice codes. I signal to the Minister that it is our intention to clarify under this legislation the fact that, if national WorkSafe codes are to be accepted, they be accepted in totality without comment. However, if they are to be changed, the way in which consultation must take place should be set out in legislation.

I recognise that in some instances industry, employer associations and employees may want to change the WorkSafe code of practice to make it more specific to South Australia. However, if we are going to do that, there needs to be rules in which both the employee and employer understand what needs to be done. I signal that that change will be the subject of an amendment in another place. We support very strongly the argument of evidence and the use of the code of practice in totality in evidence before the court.

In terms of the next group of amendments related specifically to duties of care under the legislation, the Opposition supports the concept of induction training. I had the privilege two or three months ago, with the Leader of the Opposition, to inspect the GMH factory at Elizabeth. They pointed out clearly to us that the problem of new workers is a significant one for them. I am sure that that problem is common in many large and small manufacturing industries. We support the concept of making sure that people who go to new workplaces and who begin new methods of work be adequately trained before they begin that new work. That is a commonsense concept which I understand WorkCover supports because it has evidence of a significant number of accidents amongst new employees in the State.

I also support the argument put forward in the Bill that managers and supervisors must receive appropriate training in the occupational health and safety area and that there has been a lack of training in this area in recent times. I know that at the weekend a significant public report was put out by CAI, clearly setting out the need for managers and supervisors to have more training in this area. That comment is brought up not only by the Government in this Bill—it is widespread. As a recent small business operator I know that I have not kept up with the many changes in occupational health and safety. The concept of making sure that managers and supervisors are better trained is supported by the Opposition.

I am fascinated for the need to have eating, sleeping, washing and similar accommodation provisions included in this legislation. I would have thought that in industry generally these areas would be covered under the Health Act, that they would need to be reasonably safe and have general health conditions at a maximum. I am surprised that we need to put in this legislation a provision which I believe should be in the Health Act. If it is not in the Health Act I would be very surprised, so it could be that there is some duplication. It is backward legislation.

The next provision under duties of care refers to companies with five or fewer employees. In his second reading explanation the Minister made clear that he had concerns that every business and industry workplace was not covered by the legislation. That is also a concern of mine. We come to the practical application of having all workplaces in the State covered and how they will generate policy documents for all small businesses in the State. About 90 per cent of all pharmacists in this State are covered by an association. They would be able to get the association to draft up an occupational health and safety policy document, so pharmacy could be easily catered for in respect of this legislative change. However, the burden of this provision on people such as farmers and individual subcontractors in the building industry (for example, bricklayers and carpenters) who do not have a large industry membership will be very costly, and it will be difficult to implement. I question the justification of bringing under the Occupational Health, Safety and Welfare Act all the widespread and diverse small businesses in the State as far as policy documentation is concerned.

I understood that this Government was pro-small business and that it was totally in favour of deregulation. I notice the member for Henley Beach prick up his ears when I talk about deregulation. The Government is going quite the opposite way and placing a massive burden on small business in requiring them to develop an occupational health and safety policy document. The provision does not say that they should not come under the Act, as they are already—it virtually says that there will be more red tape for small businesses as they will now be required to develop new documentation. For what purpose?

If the Minister could demonstrate a clear advantage not only to small business but to employees and to WorkCover in reducing costs by having more red tape, another document for somebody to look at, I could be convinced. However, to simply go through the process of requiring small business to have another document that it must put up on its noticeboard I believe will be quite fruitless. The Opposition clearly opposes this move because it serves no purpose. It simply guarantees that the small business sector will have to increase its costs again. It is over-regulation and abuse of small business people in our State. We believe that this provision could be adequately removed from the Bill.

The next clause talks about the involvement of inspectors and their responsibility in self-employed workplaces. I cannot see any need for inspectors to be given a much wider range of entry into self-employed workplaces, because the only time the self-employed are covered under this legislation is when they are subcontracting and working on someone else's property. They are not covered under this legislation on their own property. As I said, it is only when they work on someone else's place, which would be covered under this legislation in any case, that they are covered at all.

Yet we have this ridiculous clause that demands that inspectors be able to look at and enter a self-employed person's workplace. If we go one step further and look at the Workers Rehabilitation and Compensation Act, we find that the self-employed also are not covered under that Act, and one has to ask what this is all about. What is the Minister trying to do in this clause? In Committee we will explore that. As with the previous clause, it seems to be of no value whatever in the principal aim of improving occu-

pational health and safety in the workplace, a principle that the Opposition supports strongly.

We then come to a very intriguing group of clauses. In discussions with the Chamber of Commerce and Industry, the Employers' Federation, the plumbers association and the MBA and EEA—in fact, every single association with which we consulted—no one could understand why, in legislation dealing with occupational health and safety, there is a clause dealing with the designing of plant and a requirement on owners to ensure that plant is safe, because all of these provisions are adequately covered under the Building Act.

All the requirements included here are common requirements under any new building or design code, yet suddenly they are slipped into this legislation. Why is that? The regulation of the building industry in relation to design and safety is more adequately catered for under the Building Act. As I said, it is covered under the Building Act in terms of general codes of practice. Again, we have this mystery.

Is the Minister trying to put his tentacles into every industry in this State to control them under the Occupational Health, Safety and Welfare Act, even though these controls can be adequately covered in other areas? If they are not, the Minister should ensure that they are covered in the relevant Act and not in this legislation. Has the inspectorate of the Occupational Health and Safety Division not enough to do, or is the Government looking for extra ways to create employment? There does not seem to be any other explanation in the Minister's second reading explanation. The architects association at this point also cannot see any reason to oppose the clause but has clearly said that such provisions ought to be in the Building Act.

The next area of workplace health and safety arrangements deals with the change of definition as it relates to design or designated work groups. The Opposition supports the change of definition. We accept and understand that the Minister and those attempting to administer the Act had difficulty with the previous definition.

The Hon. T.H. Hemmings: What don't you like?

Mr INGERSON: If the honourable member listened earlier, he would have found out. The member for Napier likes to put in a bit of a gibe. I have it all down here. I understand it all. It is a practical change, but it will be interesting to see how it develops and how the union movement—and, more importantly, the rivalry between unions in the workplace—reacts to this new work group concept. It will be interesting to see how this improved concept, put forward with the agreement of both employers' groups and the employees' representation through the unions, works.

I understand that both groups have expressed concerns about the cross-relationship or potential demarcation problems with this new concept, and we will see how it works. The Opposition supports this change. We also note that there is a change in tenure for the safety representative in the workplace, and we support the extension from two to three years. We understand the argument put forward by the Government that, if someone is trained for a period of two years, it is a bit short and it makes more sense to have a longer period of responsibility as safety officer. We also know how important it is—and the Government has recognised how important it is—that the work force has the opportunity to replace safety officers who are not working in the best interests of the work group. In other words, if there is a conflict between the safety officer and the work group for whatever reason, there needs to be a democratic approach for change.

However, we do not support the concept of requiring two-thirds of a majority of the votes in a work group to make the change. In the Committee stage I will move an amendment to reduce that requirement to a simple majority. It seems fundamental that, if more than half the work force is uptight or concerned about a safety officer, they should not have to get a two-thirds majority in order to make that change. We will be moving an amendment accordingly.

Unfortunately, we note that there is a new clause that enables employee registered associations to lodge an appeal on behalf of a person. As I mentioned in my preliminary comments on the Bill, it concerns me that we have a third party gradually putting its tentacles through all legislation in the industrial arena. We are concerned about this. I do not believe that there is any justification for the trade union movement to be involved in health and safety matters. This is a matter in which the employee and the employer in the workplace set down their own rules and work within them. There is no necessity for an outside party to become involved in that area. The community generally supports that movement against union involvement but people argue strongly that there should be safe practices and safe workplaces. I support this direction, and so does my Party support it strongly.

The opportunity for a third party from outside to make an industrial dispute out of a health and safety matter is just not on. We do not support that and we will be moving an amendment to remove that clause from the Bill. We do support the argument that the health and safety representative should be part of health and safety committees. It is unbelievable that that is not already the case. I find it surprising that the safety officer in the workplace is not already part of health and safety committees because, in the discussions that I have had with large manufacturing groups, in all cases the safety officer is part of those committees. The Government must have had good reason for including this provision and must have found occasions where this has not occurred. We support that move.

The next area of concern to the Opposition relates to the presence of an employee's representative at interviews with employers and inspectors; the present situation is to be reversed. The Bill proposes that the safety representative will automatically attend all interviews and will be excluded only if the employee requests that exclusion. That seems to be simple on the surface but, as many employers have put to me, what is an interview? Is not an interview a meeting that relates to every single incident in a workplace, whether it be disciplinary, a health and safety issue or related to straight industrial issues? Does that mean that the safety officer has to attend at every single interview? If he or she is not there, does that mean that the company is in breach of the Occupational Health, Safety and Welfare Act? If that is the case, this amendment is absolutely absurd.

It is the Opposition's intention to oppose this clause in Committee, because the current position in which an individual employee has the right to ask for his or her representative to be present at a meeting is much more practical and is a better solution. The reverse, that is, making it compulsory unless the employee does not want that person present, is quite ludicrous. It seems to me that all it will do is to create the potential for industrial strife in the workplace. I would have thought that any move to jeopardise harmony between employer and employee is not in the best interests of harmony in the workplace. The Liberal Party is concerned about this area and will oppose the clause in Committee.

In relation to the provision of information by employers to employees in the workplace, the Liberal Party supports this argument but has some concern about the point at

which an employer is expected to have all of the information available. The Bill refers to anything that is reasonably available, but what is 'reasonably available'? The legislation provides for a penalty for breach of this provision; people could end up in the court or paying some sort of penalty, so the legislation should be more specific. However, in principle we support the provision: it is a matter of how it will work in the workplace and we need the Minister to give guarantees in that area.

Mr Hamilton interjecting:

Mr INGERSON: I am fascinated at the comment of the member for Albert Park about my having two bob each way. That is not the case. Our argument in relation to all legislation is that it should be practical. As I said, we support this provision but, obviously, we will point out the concerns of the real world; some members in this place have only ever been in cuckoo land. They have never had to employ or be a part of the employment system. I am not referring to the Minister, because I know his background. I am just talking about some people who have never put any dollars on the line and who have never had to make any employment decisions or decisions that involve the relationship between employer and employee. When we have to legislate for commonsense issues, we have to start to question the motive. Having been, and still being, an employer, I know the importance of the management/employee relationship. Some of these issues go beyond the realm of commonsense, to the point where it is very difficult for the employer/employee relationship to work properly.

The Liberal Party is concerned about the expiation of some of the offences that will be prescribed by regulation. I hope that in Committee the Minister will be able to give us a clearer idea of what will be involved in the schedule of expiation fees. I personally do not have a great deal of concern about expiation fees because I know that they reduce significantly the legal costs to small business when there is a breach of the law. I am concerned, as is the Liberal Party, about the possibility of expiations for offences being extended beyond the proposed schedule. Therefore, we would like the Minister in Committee to tell us what is likely to be covered by these expiation fees.

The Bill also deals with the size and composition of the commission. As I said earlier, I am fascinated by the lack of consultation by the Government in relation to this Bill, in this area particularly. I rang the Chamber of Mines and Energy yesterday to ask about the formal approaches that it had received in relation to this clause. I was fascinated to find out from the Executive Officer that absolutely no consultation had taken place—none at all! Yet, for the first time in any legislation involving employers and employees and, I understand, in relation to any tripartite body in this State, we now have a specific association mentioned as part of a committee. I wonder what is the purpose of this. Is it because the Minister and the Government want to get their hands on the whole legislation as it relates to the Department of Mines and Energy and to the formulation of rules and regulations in the mines area? What is the purpose of it? The Chamber of Commerce and Industry was not aware of it; and the Employers Federation was not aware of it, and it happens to have members on the Occupational Health and Safety Commission. The very organisation that has members nominated under this clause has not been invited to be a part of it.

What is going on? Where has this consultation stage gone to? Why could not an organisation like the Chamber of Mines and Energy have been approached to be involved in this commission and be given the reasons why its members should be involved? I would have thought that that was pretty simple and fundamental. Does this also mean that the whole constitution of the Occupational Health and Safety Commission is now about to be changed and that specific groups will be represented on the commission? Does it mean that no longer will the five members of the UTLC be chosen by that organisation and that we will suddenly be specific and name five unions? Are we now going to refer specifically to the Chamber of Commerce and Industry, the MBA, the AFCC or any other organisation being on this commission? It is a total change in direction and it has taken place with almost no consultation at all.

An increase in the size of the commission is proposed. What justification is there for that when the Government is talking about smaller government? Now suddenly, instead of 13 people being on the commission, there will be 15, and there is no justification for that. The employer organisations believes that this is a sinister and unnecessary move; in its view, the commission is working adequately in terms of representations at the commission level. Yet, suddenly we have this slipped in. I believe that the Minister needs to explain in detail why this has occurred and when he intends to ask the Chamber of Mines and Energy whether it wants to have a representative on this committee. At least give it the opportunity to say 'Yes' or 'No'. It seems to me that there has been a total breach of communication between the Government and industry on this very important issue.

The next clause of importance in the Bill concerns offences by bodies corporate, and under this clause all board members of a corporation are liable if the corporation fails to appoint a responsible safety officer. That is absolutely ridiculous. Board members are never responsible for daily actions in terms of occupational health and safety: it is always management. However, under this clause board members will be responsible because a specific person has not been appointed. The management of a corporation makes those decisions, and it is ridiculous that the whole board should be responsible for a fine of up to $5 000 for a breach of this provision. It is total overkill.

There is no doubt that a board makes policy decisions, but it does not make daily management decisions. The Minister would know that in his own role as Minister. In this place he has often said, when answering questions that are too hard, that, say, the WorkCover board or management answers those questions because it is too far away from him. He knows that he makes policy, and in this area it goes past that point: it should be simple administrative decision. To hold all members of the board responsible for a management decision is quite ridiculous. All employer associations are concerned about this clause; they believe it is overkill, because a section of the existing Act adequately covers, in their view, the situation that the Government is attempting to overcome.

It is our intention to move amendments that will remove the trade union movement as a specific third party in the administration of occupational health and safety, the election of officers and the ability to refer matters to the commission—in areas in which the trade union movement does not need to and should not be involved. However, we do not object to the trade union movement discussing and setting up what it believes to be reasonable practice in the workplace. But, it is unreasonable that a member of the trade union movement be able to come in, object and be part of the election of safety officers or of referring disputes at a specific workplace to the Industrial Commission. It is not on.

There are two other issues which are not covered in this Bill but to which I will take this opportunity to refer. The first concerns the use of WorkSafe codes of practice, which

I briefly talked about earlier in relation to the acceptance of codes of practice. At the moment industry is concerned that there is not sufficient consultation when national codes are amended. I have received a request that the Government look at setting in legislation a consultation process where these national standards are changed. I believe that the community would be better off if we adopted national standards, because they have been through the process of consideration by the tripartite system of employers, employees and management on a national basis and, in my opinion, we should not need to amend standards at State level. But, if we do have to, there should be a process of consultation, and that does not seem to have taken place in recent times.

The second area of concern that was raised by several organisations is the lack of strength of representation by those involved in the national Occupational Health and Safety Commission. It is felt that the State arguments in developing the national WorkSafe codes of practice have not been put as strongly as they should have been. It has been put to me by several organisations that we need a stronger and more positive voice in developing these national codes of practice.

An honourable member interjecting:

Mr INGERSON: It was put to me by at least two of the leading organisations. In this area the industry generally is saying that, if we are to accept these national codes of practice, we need to have a very strong South Australian input so that we do not have to amend them at State level. The Opposition is concerned about the general thrust of this legislation in many areas and, as a consequence, we will move amendments in Committee.

Mr FERGUSON (Henley Beach): We have just heard a typical speech from the member for Bragg. He said that he supported the legislation but then went to great lengths to say why the legislation was wrong, and as I understand it, he intends to amend it severely. I want to reply to the honourable member's allegations that there is no need for a third party to enter into the occupational health, safety and welfare field. I understand that he has put forward this agreement not only in this debate but also in the debate in this House last Thursday when he made the very strong suggestions that this was something new so far as the trade union movement was concerned and that it should not be involved in this sort of exercise. My own union, the Printing and Kindred Industries Union, had its birth in Australia in 1830.

People who know their history will know that at that time the gold rush was on and it had a very strong influence until about 1850. There was no need for unions to bargain for wages, because individuals in the workplace were very well off in regard to bargaining power for the simple reason that there was a tremendous lack of employees. The vast majority had gone off to the diggings in Victoria. Therefore, the trade unions in those early years, right up to about 1890, were concerned mainly with the eight hour day, which in itself is a safety feature within the industry.

Safety, health and welfare issues have been part of the trade union movement since it was formed in this country. In about 1870, when the main mass unions were starting to organise, they came mainly from the coal industry. The coal miners were organising themselves into unions because they worked in very dangerous conditions. Most of their efforts in those early days revolved around safety, health and welfare issues. Ever since the early days of the colony, right up to the present time, the trade unions have been involved and interested in safety, health and welfare issues. Indeed, if it were not for the trade union movement, we would not have this legislation before us. It was initiated and has been improved over the years by the trade union movement which, as I say, can be held responsible for the fact that this issue is before us now.

The member for Bragg suggested that safety is a matter between the employer and employee. I could accept that statement if we were talking about negotiations on a level playing field, but we know that we are not. The employer has the right to hire and fire, to promote and demote, to set wages and over-award payments, to give or not to give bonuses, and to say how long a person can work, because employers can demand overtime and, indeed, their right to do so is enshrined in those awards. In effect, employers can determine the take-home wage of their employee merely by exercising management prerogatives. Therefore, when an employee goes into the employer's office and complains about safety, no matter what that issue might be, that employee is at a definite disadvantage as regards bargaining power. Employees have the ability to bring in a union official for their own protection, and by the same token this legislation gives employers the right to be represented by an employer organisation so that, if they think he is being intimidated, they can take steps to do something about it.

Mr Ingerson interjecting:

Mr FERGUSON: The member for Bragg says that this is something that the employers do not want to do. Of course they do not want to do it. They have a natural advantage in retaining the *status quo*. They have a natural advantage in being able to tell the employee that, if he does not get back to work, in due course his job will be jeopardised; if he continues to complain about safety issues he may not get his bonus at the end of the year; he may not get that appointment that he is looking for; his overtime may be cut; or he may not be working in the chemist's shop or any other organisation that we are talking about.

I refute the argument that the trade union representative should be kept out of safety matters. It has been part and parcel of the trade union movement ever since it was formed. There is a certain expertise in the trade union movement and, therefore, that expertise ought to be used. I want to give an illustration of what I am talking about. I represented people who were employed in a factory on the Port Road. Those employees were working in a shop that was using a new technology to produce printing plates for the printing industry, and that process involved the use of a chemical called trichloride ethylene. My members were working in a shop that was clouded with the spray from this trichloride ethylene.

They were not inclined to take up the matter with their employer because they felt the repercussions would be quite severe, remembering that this was a new technique and their old working practices had been taken over and they were anxious to maintain their employment. They were working in conditions which were making them drunk. Trichloride ethylene has the same effect as imbibing alcohol for a long time. The alcohol in the chemical content was making them dizzy, sick and unwell generally. In addition, they were working with machinery. It was a dangerous practice.

Unless I had the right, as a union official, to enter that place and take corrective action, which I did, those people would have had to work in that environment until such time as it had a drastic effect on their health. I am talking not about 20 years ago but about modern industrial practice. The fact that management practices in recent times have not worked is attested to by the injury rate occurring in South Australia at the moment. I understand that industrial

accidents cost this State about $600 million. Management practices need to be changed, and for that very reason this Bill ought to be supported.

The member for Bragg mentioned supporting a code of practice, including national codes of practice. I think it is very good that the member for Bragg, representing the Opposition, is prepared to support national codes of practice, but I issue one warning. New technology has been supported by my industry, and South Australia has led the rest of the Commonwealth in introducing this new technology.

The same is true of chemicals that have been introduced into South Australia from overseas. South Australia has been used as a starting point to see whether these chemicals are any good and whether they can be used in the rest of Australia. There is a need for South Australia to be able to produce its own codes of practice in such times; a national code of practice. Indeed, I have known it to take years before the eastern States have caught up with safety practices that have been introduced into South Australia. So, in certain circumstances, a national code of practice has its problems.

The member for Bragg mentioned his proposition in the motion to disallow the manual handling regulations. I am extremely surprised that somebody who is prepared to support safety is seeking the disallowance of that proposition because I understand that, with research, up to 80 per cent of the male work force have, from time to time, experienced back problems as a result of industrial accidents. I would have thought that any move which this House could bring forward to try to overcome that problem and which would save business, including small business, millions of dollars, would be worthwhile and ought not be opposed.

The honourable member mentioned eating, sleeping and washing, and being surprised as to why they should be considered in this Bill. I came from an industry that used a lot of lead in its typefaces and, indeed, one of my companions who was apprenticed with me developed lead poisoning. That brought home to us how important it was to have sufficient facilities to enable everyone in the work force, at any one time when they had a break, to wash their hands. Indeed, the Health Act covers this, but it does not look at the specific problems of each industry. In the case of that industry there was a need to increase the number of washing facilities to ensure that the health of the people involved was looked after.

I indicate that this side of the House has been the one to introduce measures to assist small business. The people on this side of the House are the only ones who have introduced legislation to assist small business. We brought in the Small Business Corporation; we brought in the legislation that helped shopkeepers; and we assisted small business so far as their leases were concerned. Indeed, we on this side have supported small business right from the start. I have waited for eight years to see introduced into this place from the other side a Bill which would assist small business, and I am still waiting. Our record in relation to small business is quite clear.

I cannot understand why the member for Bragg is objecting to the health, safety and welfare provisions being applied to small business. The honourable member made mention of the fact that he had problems with the documentation, as far as small business is concerned. A person who works in small business is just as important to us as a person who works in General Motors-Holden's. Why should we make a moral judgment that a person in small business should be less protected than a person in one of the big factories? Therefore, I simply cannot understand why the honourable member should take that point of view. He implied that members on this side had never been in business and never had dollars on the line. I want to dispel that argument now. I was in charge of a business that had a turnover of more than $1 million and had six employees, and we had to watch the dollars, because if we did not watch the dollars—

Members interjecting:

Mr FERGUSON: It was called the Printing and Kindred Industries Union. If I had not watched the dollars, I would have been out on my neck, so I want to dispose of that argument. There are many people on this side of the House who have been associated with small business and many who have been closely associated with small business since they entered Parliament. So, the argument that we do not know about small business and we should not be talking about it is something that I cannot understand.

I want to talk about the body corporate in the one minute left to me. It is ridiculous that objection should be taken to the blame being sheeted home to the body corporate. I know of a young lady who is a partner in a printing company that was left to her by her father and all she has to do is turn up to a directors' meeting once a month, put up her hand when the vote is taken and then go and collect her dividends.

An honourable member interjecting:

Mr FERGUSON: There is no reason why she should not do that but, if it is her company, the responsibility of safety in that company ought to be sheeted home to her. Just because she hires a manager and he does what he has been told by the body corporate does not mean that he should cop the blame. It is the owners of the business who should cop the blame and who should be prepared to do something about occupational health, safety and welfare.

Mr S.J. BAKER (Deputy Leader of the Opposition): After that contribution I can only assume that we will improve out of sight. This is an additional piece of window dressing.

An honourable member interjecting:

Mr S.J. BAKER: Yes, indeed, and the member for Napier will be next; it is a pity I am not following so I could have the full debate at my disposal. However, I will live with the fact that he will abuse and misuse his privileged position.

The Hon. T.H. HEMMINGS: On a point of order, Mr Acting Speaker, according to Standing Order 127 what the Deputy Leader said was a personal reflection on me and I ask him to withdraw it.

The ACTING SPEAKER (Mr De Laine): If the member for Napier has taken it that way, I would ask the Deputy Leader to watch what he says and to stick to the contents of the Bill.

Mr S.J. BAKER: Thank you, Mr Acting Speaker. In 1986 the then Minister (Hon. Frank Blevins) introduced occupational health, safety and welfare legislation and, for the purposes of the debate, we can almost liken it to Laurel and Hardy in some ways. Laurel introduced the Bill in 1986 and at the time we were subjected to such choice phrases as 'the employers out there are murderers', 'they do not care for their employees' and 'the Government will fix it all up'. They were the words that were provided by the Minister of the day and that was what accompanied the introduction of the Occupational Health, Safety and Welfare Bill. The fact that we have an Act which is a substantial piece of legislation is due not to the good efforts of the Labor Party but to those of the Liberal Party in some ways, because we had to amend the legislation with which we were presented to a point where it was actually workable.

People should remember where we have been with this legislation and remember the phrases and the statements

that were made by the then Minister of Labour (Hon. Frank Blevins) when he was playing to the union movement. He was going to gaol those employers who were offending and deliberately creating unsafe work practices. He was going to actually put out of business those other managers and employers who did not care about their employees in the workplace and who were creating unsafe work practices. We argued at the time that no employer deliberately maintained unsafe work practices as such, and that the whole way in which the Labor Government was approaching occupational health, safety and welfare legislation was counter-productive. However, we did say that there was an urgent need for an overhaul of the legislation.

I would like the House to remember the promises that were made at the time. We were informed that the legislation would solve all the problems, that all we had to do was to put down $50 000 or $100 000 fines, that all we had to do was to imprison those terrible employers who were trying to create an unsafe workplace and everything would be under control. That was the approach adopted by the Labor Government. Of course, we know that was simplistic, because, if one looks at the statistics since that time, one can see that there has been no real improvement. In fact, I suspect that, if we looked at the past 18 months, we would see that the number of deaths in the workplace has actually risen, so how can the Minister tell Parliament that the legislation has achieved what it set out to do? Everyone in Parliament wants a safe workplace; everyone wants a safe working environment, yet this Labor Government keeps putting up pieces of legislation that simply cannot achieve those ends but are meant to achieve other agendas.

My resentment of this legislation is by virtue not of the fact that it has only one or two good provisions but of the fact that these one or two good provisions are window dressing for wider agendas, as members would understand, which have been quite adequately outlined by the member for Bragg in his contribution. I would ask the Minister, in his response, to inform the House just how much work safety has improved as a result of his Government's actions. How many fewer people are dying in the workplace as a result of his Government's intervention, given that he has had the power of a very strong Act behind him?

I would like him to inform the House how many fewer people are getting injured and how many fewer workers compensation claims are being made. We know that workers compensation claims and costs have increased because the Government has simply not done its job. One reason it has not done its job is that previously a strong inspectorate was attached to the Department of Labour that used to visit factory premises and inform owners and managers that some of their practices were not safe, indicating that if they did not improve them they would be fined and would have action taken against them.

What happened was that, when the Government placed a fee—called the workplace registration fee—on all employers, the money went into the Occupational Health and Safety Commission and did not go toward providing more inspectors on the ground so that safety deficiencies could be identified and employers assisted in their safety practices. No, those funds went to feed the bureaucracy of the commission, and what a commission it has been. What a hopeless and useless organisation it has turned out to be. I do not resile from the fact that I have been a critic of the Government about the way it has operated and approached safety in this State, because I believe that so much more could have been achieved if we had had a decent Government rather than hearing this rhetoric and the sort of targets that have been fired at by, first, Minister Blevins and then Minister Gregory in this place.

It does not do safety any good at all to continue to use the 'them and us' attitude, which prevails in this legislation, as it has applied in previous pieces of legislation. Reference has been made to the fact that there are some interesting provisions in the Bill, but I would describe them as downright destructive. Why should the Minister, his minions or whoever is appointed, have the right to charge into a person's place if a person is self-employed? What right does the Government have to do that? The Government does not have the right to say to a person who is smoking in their own home, 'Put out that cigarette.' People can say that some practices are equally as dangerous, yet the Government wants the right to go into a person's premises to check on the people who are self-employed to ensure that they are using safe work practices.

The only time the Government has a right of intervention (and it is not an actual right at all) is in a removed sense through WorkCover if a person, through the vagaries of the registration system, is covered by WorkCover and that organisation does not believe that that person is treating the legislation in good faith or is operating in an unsafe manner. However, if a person is not covered by WorkCover, the Minister has no right to intervene whatsoever unless that person is affecting others.

Under this legislation the Minister is attempting to restore the right of unions to intervene. We have been through this argument before, in 1986 and 1987, and we are obviously going to go through the same tired pieces of Government legislation that we have seen on occupational health, safety and welfare over the past four years. When it comes down to which position the Government will adopt, it is clear that any allowance of union intervention is quite destructive, and that is simply demonstrated by what is going on with respect to building sites in Adelaide.

If someone trumps up a safety issue, everyone goes out. There are no ramifications for the officials involved whatsoever. I have given many examples to this House in the past of people who for industrial purposes have used and abused the safety provisions contained in the Act. If the Minister for once had stood up and said, 'This is no longer conscionable', and, if he had said, 'We will not condone these practices any more because we want safety to work as it should and we do not want it used and abused for other purpose,' I could say that perhaps we have a Government that wants to see safety improved.

However, what does the Minister think the man in the street feels about occupational health and safety every time he sees in the paper that someone has taken a holiday on a worksite because there are rat droppings or because one of the union people has dropped a board deliberately from an upper storey and everyone goes out on strike? People think that it is a joke, because this Government is treating it as a joke. The Government has introduced legislation which simply cannot work. When the Government wants to come clean and embrace health and safety, will it please tell us so that we can join together with it to replace some of the mickey mouse efforts that have been made by this Government and to work out policies that will work to reduce the toll. Certainly, that should give members on the other side a target to fire at. It is important to understand that, if we are fair dinkum about safety, some wonderful things can be achieved.

I ask members to do the same things I have done, that is, to talk to officials in some of the major nations around the world, including the Swedes, the British, the Japanese, the Germans, the Austrians and the Swiss. They should

spend time with them to determine their successful practices. Certainly, what they find successful is totally different to what is in the legislation before us. They do not require shopkeepers to write a safety policy. How stupid can we get? Yet that is the sort of rubbish that is in the Bill before us today. This is the contribution of this Government to safety, saying, 'We want people with one, two, three, four or five employees to draft safety policies for their premises.' People cannot afford the time to do that—they are barely surviving out there now.

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

Mr S.J. BAKER: Prior to the dinner break, I was discussing some of the merits, or otherwise, of the way in which the Government has approached occupational safety in this State. I was very critical, and I remain very critical, of the way that this Government has addressed it both in a legislative and in an action sense. Members would be well aware that I am highly critical of a Government which will not operate even-handedly, which will not stop the abuses and which will not provide employers with the sort of solid support that they desire to carry out their safety obligations. It is not good enough on the one hand saying that employers have to carry out their responsibilities while on the other hand leaving individuals to operate in an unsafe way. Importantly, I know that a number of unions in this State are making every attempt to improve safety practices and are at the forefront of safety matters. I know that in some workshops employees are told in no uncertain terms by the safety representatives that, unless they wear safety equipment, they will be expelled from the firm with the support of the safety representative and, in some cases, with the support of the union representative as well. Therefore, some people are doing the right thing. There are some good things happening in the workplace, but those activities are not supported by the Government.

Where more should it be seen than in the area of Government workplace safety? We see from the front page of the *City Messenger*, for example, that the university and the library—in fact, everything in that precinct—constitutes an absolute fire hazard. They are public institutions. How often do we see the Government legislating and not keeping the faith itself? How many times have I asked the Minister about the removal of asbestos in Government buildings, only to be told that it is too hard and too expensive—it is too slow? Yet, if there is a private employer out there who has some asbestos in his or her premises, whether it is safe or unsafe, they are told to remove it immediately. Indeed, the inspectorate of the Department of Labour will support any union move in that direction. There is a law: one law for the Government, which runs unsafe workplaces, and another law for private employers, who must adhere to increasingly complex legislation and regulations. That is not fair.

The Government should set the trend and show the way. It should not say, 'That is all right; the Government is exempt and immune, because it cannot be prosecuted. But you have to do what the legislation requires.' How often do we see this situation, whether it be in the teaching profession, in the hospitals or even here in Parliament House? Members would have seen the report on Parliament House. If this place were operated by a private firm, the union would be in here and saying, 'You cannot work here; it is an unsafe environment.' The union would not allow members to work on the second floor because of the conditions when the temperature rises in the summer. In fact, it is quite inhumane. Yet the Minister says: 'It is all right for you stupid lot, because you are part of the public sector.' That is what the Minister says: he does not care. So, when we are debating legislation or talking about what the Government should be doing, let us see the Government put its own house in order.

It is important that we do as we say. If a Government—whether it be a Liberal or a Labor Government—legislates for a set of conditions or regulations to which people in the private sector must adhere, we in the public sector should do exactly the same. We should be showing the way and not forcing employers into situations which are very expensive and which can quite often ruin firms.

There are some other aspects of the legislation that cause me considerable unhappiness, such as the reference to the Chamber of Mines and Energy. In 1986 we fought this out and it was agreed by the Government, after long consultation, that mines should have no place within the general structure of the health and safety regulations. The regulations governing mining are far more stringent and fall far more heavily on employers than anything under the Occupational Health, Safety and Welfare Act. We have seen that over a period of time the conditions operating in the mining industry have to be far more stringent than those that apply in any other workplace. As a result, regulations have been promulgated to that end. We have the radiation regulations and the radiation legislation, which was frontier legislation in Australia and which was enacted by the Tonkin Liberal Government to ensure that Roxby Downs was a safe working environment. So, we have shown from our actions that we believe that safety is important, and we have enacted legislation to that end.

I cannot believe that anyone in their right mind could possibly legislate to ask every small employer, irrespective of their industry, to draw up a safety plan. How could we ask a person operating a deli—working 18 hours a day, seven days a week—to sit down and write a safety policy? That is ludicrous and stupid because, quite simply, they do not have the capacity or the time. They are going to the wall now. The member for Henley Beach told us how much this Government has done for small business in this State. This Government has sent small business broke through its regulations, its land tax and its WorkCover. How many more burdens does the Government want to impose on small business? Does it want to wipe them out?

Perhaps the Minister adheres to the policy that a working environment will be safe if there are no workers. Perhaps that is the stupidity of it; perhaps that is the way the Minister thinks about things—if there are no employees, there will be no safety problems. Of course, he is right. But let us be sane about this; let us tackle those areas. If the Minister says there are certain places that have epidemic workplace problems—accident prone areas—let us work on them. Let us not ask someone to sit down and write a 20 page treatise on how they can make their workplace safe when they do not have enough time to get to the bank. The number of accidents in some workplaces is so minimal that it would be ludicrous to promulgate a safety policy.

The Hon. T.H. HEMMINGS (Napier): I am astounded at the flippancy of the contribution by the Deputy Leader in dealing with death or injury in the workplace. If members listened to the Deputy Leader, they would hear that it is all the Government's fault. Whenever there is injury or death in the workplace, his simple answer is that it is the Government's fault. When there are proven cases of bad management practices in the workplace, the Deputy Leader just pushes that all to one side and says that it is the Government's fault.

He just cannot bring himself to admit that most injuries or deaths in the workplace are caused by practices which are condoned by employers. The Deputy Leader does not seem to think that employers, whether they employ fewer than five people or more than five people, have a moral obligation to make sure that their workers work in safe conditions.

He forgets all that. He gives us a tirade, directed at the Minister and says that, because we do not have an army of inspectors patrolling all factories in the State, it is the Minister's fault and the fault of the Government. I find that rather hard to swallow. There should be no need to spell out specifically in the Bill the duties of care, where we are seeking to expand the general duty, in particular through induction training. There should be an obligation upon employers to ensure that that happens. At present employers are required to do that. The member for Bragg in his second reading speech was a bit more restrained and intelligent than his colleague the Deputy Leader. I might not agree with some of the things that the member for Bragg put forward, but at least he knows what industrial relations and occupational health and safety is all about.

The member for Bragg questions why certain things are being tightened up. Simply, it is because some employers—unfortunately, many employers—have disregarded their obligations under the existing legislation. Why have they done that? If they meet their current obligations of worker safety, there is a danger that they will interfere with the profit motive. That is something that I thought even the member for Bragg would have understood. The member for Bragg supports better employer training of new workers. He visited the GMH plant at Elizabeth, and I congratulate him. As a result of that visit, he said that he was convinced of the need for far greater emphasis on the training of new workers. I also suggest that the member for Bragg go out and see those people who have been maimed or crippled or who have suffered such horrendous injury that they can no longer look forward to being able to work to keep themselves and their families. If the member for Bragg did that, I am sure he would fully understand why the Minister has introduced these amendments to strengthen that part of the legislation.

The problem of new workers failing to receive sufficient training by their employers is not just common to South Australia. In the main, they are the ones who suffer the injuries and it is an international trend. I would like to inform the Deputy Leader and the member for Bragg that 50 per cent of claims under WorkCover are the result of new workers becoming involved in a particular aspect of a job or picking up a new job in the workplace. In the main, they are young people.

In Victoria in 1989 there was a survey of those people seeking rehabilitation. Two-thirds of those workers who had suffered serious injury, when questioned, stated that they had received no job training whatsoever. Whose fault is that? Is that the fault of the employer, the worker or the Government? If we listen to the Deputy Leader, we hear that it is the fault of the Government, because there is no army of inspectors going around. The Deputy Leader's attitude is that, if you can get away with it and not provide on the job training, all well and good; it is the Government's job to provide an army of inspectors to knock on everyone's door to ensure that people are adhering to safe work practices.

Many times I have heard members opposite say—in particular, the member for Bragg—that members on this side know nothing about business. That may well be true, but in terms of this piece of legislation, one visit to GMH at Elizabeth does not make anyone an instant expert. Before I came into this place I spent most of my working life in factories. When I started off I worked mainly in factories in the United Kingdom where, apart from under Thatcherism, some of the worker safety legislation has been quite good. Even in that environment not one employer whom I worked under—and most were large employers—did not try to cut corners or put workers' lives at risk just to extract that bit more profit. One can argue, if one is on the other side of the political fence, that that is all right. I am sure that the member for Bragg was taken to the boardroom of GMH at Elizabeth, given a light lunch and told, 'We are doing everything properly.' Most likely, with a company the size of GMH, it is. However, I suggest that the member for Bragg go to smaller companies employing between 20 and 50 people to see whether those people are adhering to normal, basic safety standards.

Mr Ingerson interjecting:

The Hon. T.H. HEMMINGS: The member for Bragg says that 90 per cent are adhering, but that does not stack up with the figures that show that 50 per cent of WorkCover claims currently relate to new workers and the figures for young school leavers are disproportionately higher. They are the people who are suffering.

Mr Ingerson interjecting:

The Hon. T.H. HEMMINGS: Is the member for Bragg saying that only 10 per cent of employers are bad employers? Is that the reason why we have had to strengthen that piece of legislation to ensure that workers in this State receive adequate training when they start new jobs or when they are just starting in the work force?

Mr Ingerson interjecting:

The Hon. T.H. HEMMINGS: The member for Bragg freely admitted in his second reading speech that he is a great believer in having two bob each way. That is what he is doing. I disregard what the Deputy Leader said: he does not know what he is talking about, and he simply resorts to abusing the Minister. The facts indicate that the bulk of serious injuries relate to new workers or those engaged in a new type of job. That tells me, a simple working man, that a large number of employers are not following the safety standards.

Workers who are casualties—and I am sure that we have all seen people suffering such injuries—do not have a second chance. If some people lose their arm, their leg or their sight, they do not get a second chance. The employer cannot say, 'I am sorry, Mr Smith, I did not realise that I should have given you better training or that the legislation provides that I must do this or that.' The member for Bragg said he supports it, but he questioned, as did his colleague the Deputy Leader, why we have to strengthen it. We have to strengthen it now because too many employers are disregarding their obligations and responsibilities.

I would like the member for Bragg or any other member opposite who feels that the Government is getting a little too tough with this legislation to explain their philosophy to people in the rehabilitation centres who are the casualties of bad work practices. Let the Deputy Leader tell them that it was not their employer's fault but the Government's fault. If any member opposite went to those people and put that to them I do not think that they would receive much support from those poor casualties of bad work practices. There are plenty of other aspects of the Bill, and I am sure my colleagues will deal with them. I urge all members to support it and, if they support it, to at least stand up and say that they support any strengthening of this legislation to make sure that employers meet their obligations.

Mr HAMILTON (Albert Park): I welcome the opportunity to speak in this debate. I come from the railway transport industry and have on many occasions seen work mates lose arms, limbs and indeed their lives. As a union official I think I can speak with some experience. Before getting into that area I will quote from the Manifesto for Safe Communities which was adopted in Stockholm at the First World Conference on Accident and Injury Prevention. This document, provided to me some time ago, hits the nail on the head. It states:

All human beings have an equal right to health and safety. This principle of social policy is the fundamental premise of the World Health Organisation's (WHO) Health for All Strategy and for the WHO Global Program on Accident Prevention and Injury Control.

Safety for all can be achieved only by reducing injury hazards and by reducing the social differences in accidents and injury rates. Politicians and decision-makers for Governments at all levels are challenged to ensure that all people have an equal opportunity to live and work in safe communities.

This rather enlightening document continues:

The increasingly rapid changes to and expanded use of technologies pose new challenges to public safety. Technologic changes often cause new safety hazards or change the groups exposed to hazards. Governmental policies must minimise the hazards of new technologies and develop methods to modify technologies when they cause increases in injury. Governments are urged to develop international policies for safety which limit the adverse effects of changing technologies on injury rates in other nations.

I believe that that is what this Bill is all about. It continues:

Safety is greatly influenced by corporate and business interests, non-governmental organisations and community groups. They should be encouraged to adopt policies which will preserve and promote peoples' safety and should coordinate with and cooperate in the implementation of governmental policies. Labor unions, commerce, industry, academic associations and religious leaders all have important opportunities to act in the health and safety interest of the community.

It is a fact that in this country more time is lost through industrial accidents, about which we hear very little from members opposite than through industrial disputes. However, we hear a great hullabaloo when an industrial dispute occurs, and as a union official I have never denied an employee the right to prosecute a demand upon his employer.

An honourable member interjecting:

Mr HAMILTON: Well, that is different from what some of your colleagues are on about—the new right, for example. It is a fact that members opposite complain bitterly when there is an industrial dispute, but when it comes to industrial accidents that is a different kettle of fish. Then, we hear very little from members opposite. I have been in this place for 11 years. I come from the bottom of the heap. I am a working class man, and I am proud of it. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

UNIVERSITY OF SOUTH AUSTRALIA BILL

Returned from the Legislative Council with amendments.

WILPENA STATION TOURIST FACILITY BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. S.M. LENEHAN: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs M.J. Evans and Gunn, Mrs Hutchison, Ms Lenehan and Mr Wotton.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion). (Continued from page 2025.)

Mr HAMILTON (Albert Park): I was talking about having come from working stock, and that I am proud of it. One of the things I have learnt in life is that if you want something you have to fight like hell to get it. Very little has been handed to me on a platter. Through the trade union movement I learnt one lesson very quickly: whether you are employed by a Government department or a private employer you have to fight for better conditions, and specifically safety conditions. When I was in the railway industry that was no exception. I must say with some sorrow that it was under a Labor Government that at times we had to fight to get better conditions for the members I represented. That gives me no pride; it is a fact. The reality is that over a period of many years we had to fight to get better conditions, and they were not easily given: they were fought and struggled for, and industrial disputes took place on many occasions.

I know from my experience, having had to go and see young men with both legs chopped off through industrial accidents. My colleagues have talked about one of their workmates whose head was lying in a pathway. Those are the things that stir me, and members of this House can easily identify that I am stirred up about this issue, and quite justifiably, because they are the people whom I had to represent and whose families were so adversely impacted upon.

I can also recall when we tried to set up the Trade Union Teaching Authority so that we could teach blokes off the shop floor how to campaign for better conditions. That was opposed very strongly by employers. The Clyde Cameron college was a classic example. It was called Red Square by employers and conservative forces in this country. Why? Because workers had the temerity, the gall, to go out and fight for better conditions and safety on the job!

I have seen employees victimised through their jobs because they were prepared to stick out and fight for better safety conditions on the shop floor. I was one of those who were on the receiving end. I vividly remember the many occasions on which it cost me thousands of dollars a year because of my union involvement. I am certainly no exception. Many of my colleagues on this side of the House have been through that same sort of grind.

I believe that it takes a special type of person to get out and fight for his or her workmates. We on this side of the House can readily identify with those issues. Without the protection of the unions, employees can be victimised when they are prepared to battle hard for safe working conditions. I can remember a lad, a friend of my son, who does not live far from me in Seaton, coming to me one day complaining about the employer who had engaged him. He was telling me about the machinery that he was working on. I said, 'Why don't you go to your union shop steward?' His response was, 'My employer will not allow the union into his establishment.' It was not long afterwards that he was at my place with a busted leg.

Safety issues cause a tremendous amount of grief and loss of production in this country, but rarely do I hear

members opposite—and I have been a member of this place for 11 years—raise the issue in Question Time or in debates about the cost of industrial accidents in this country. It is only if a Bill comes before the Parliament that we may hear about it or if there is a blue out there in the community. Do they go out to protect those workers? They purport to represent the working class in this country, but I have news for them. There are very few people in the trade union movement who have very much time for conservative politics.

Let us look at some of the information put out by the trade union movement. This information is put out by Chris White, authorised by John Lesses, of the United Trades and Labor Council, and it indicates to us on this side of the House how they feel on these issues. They give a comparison between Labor and Liberal policies. They talk about the Liberal Party's policy on occupational health and safety, as follows:

> Opposes reforms and emphasises workers carelessness; abolish Worksafe; opposes the rights of safety reps to stop unsafe work.

That has been demonstrated here time and again tonight by members opposite. They then give the Labor Party's policy on occupational health and safety, as follows:

> Greater obligations on employers for healthier and safer workplaces through Worksafe. Worker health and safety reps for a greater say, more information and powers. Rights to stop unsafe work.

One has only to go back and look at some of the practices adopted on the wharves by the various unions. Norm Foster, who represented the Labor Party for many years, was one of those representatives who had the right on the wharf to go along and, if there was an unsafe practice, stop it dead in its tracks and tell the employer, 'There's a black ban on that. Fix it up.'

In recent times I know that a friend of mine is going through similar problems, trying to force his employer to improve working conditions in a very volatile industry. He is battling against his employer to get those conditions implemented on the shop floor, but they are concerned only with saving money and seeing who they can get rid of in the workplace. Members on this side of the House have battled for many years to try to get improved working conditions. In the May edition of *Worksafe Australia* I read an interesting article, which stated:

> Worksafe Australia (the National Occupational Health and Safety Commission) has adopted a national blueprint to improve occupational health and safety for women.

I raise this matter tonight because more and more women are entering the work force. The article goes on:

> The approach says that the growing number of females entering the work force is starting to result in a disproportionate number of workplace injuries to women. Latest statistics show that women experience double the male rate of occupational disease in trades and production process work and double the average time lost from work in metals and machinery manufacturing. Over a three-year period (1982-5) the occupational disease incidence rate for women nearly doubled—compared to a small increase for men. Key elements in the approach are:
>
> greater emphasis on workplace safety; linking industry restructuring to safety schemes; four new OH & S programs for women.

The article goes on further to state:

> Members were told that eight out of ten workplace deaths and one in four accidents involved mechanical equipment. Hand tools, motor vehicles and fixed machinery were listed as the main equipment involved. Latest workers' compensation statistics reveal mechanical equipment cause 47 000 workplace injuries a year, involving five or more days off work. Worksafe Australia says the worst affected industries are mining, construction, and manufacturing.

Yet we heard the Deputy Leader of the Opposition tonight berating the Minister and the Government because we had the guts to introduce Bills in this Parliament not only to look after the workers but to look after their spouses and their children, because many on this side have had to go out and see those families when the worker has been severely injured. I commend the Minister for what he is doing in this area. I would commend this article to the House. I kept it quite deliberately so that I might use it in an industrial debate in the House, and I have now done so. Greater numbers of women than men are exposed to more serious health risks. An article dealing with danger to women at work states:

> 'Sixty-four per cent of women workers are concentrated in wholesale and retail trade, finance, property and business services and community services', she said. 'Occupational health and safety problems faced by women in general are worse for Aboriginal and non-English speaking groups as their employment is concentrated in unskilled, repetitive occupations. While women are less likely to be victims of major trauma or death at work, they suffer a high incidence of injuries leading to chronic conditions such as back injury and occupational overuse syndrome.'

Women's work in shops, canteens, laundries, the manufacturing industry and hospitals can be particularly hazardous because of its repetitive nature—and because work stations, machinery and equipment are mainly designed for men. Occupations such as nursing, process work, typing and word processing are notorious for high levels of injuries leading to chronic conditions. The Government clearly has a responsibility to protect that section of the work force. My experience over many years has been that, in many cases, employers are more concerned with profit—

Mr McKee: Not lives.

Mr HAMILTON: As my colleague the member for Gilles points out, they are more concerned with profit than with lives, and statistics reveal that to be true. It is sad when you see, as I have, some of these workplaces in this country. In comparison, I have visited places overseas where you could eat your breakfast off the floor. Indeed, there is a marked contrast in terms of working conditions, and if the member for Walsh would like to see me afterwards, I will certainly give him some of that information. In fact, some of those workplaces in Japan are absolutely first class. In the railway industry, in which I worked, safety is probably one of the most important issues.

There is very little room for error in the shunting yards; and there is a clear responsibility for employers and employees to sit down and work out ways in which the employer can benefit from a reduction in loss of time in the workplace; and, indeed, for the employee to know that he or she is amply protected at his or her workplace. I suggest that in most cases, without the strong support of the trade union movement, many employees would have strong reservations about putting his or her job on the line. In fact, members on this side would be able to relate chapter and verse details about those poor souls who, over many years, had the guts to put their support for their work mates on the line rather than their jobs. In many cases, because they were prepared to stand up and fight for better conditions, many lost their jobs.

An honourable member interjecting:

Mr HAMILTON: I hear an interjection from one of the members opposite. I can remember one of the members from this House being involved in litigation where, many years ago, one of my colleagues in the Upper House was gaoled. I have a very strong memory in terms of the question of industrial disputation in this country and, in particular, in this State. I commend the Minister and I commend the Government for this particular Bill.

The Hon. TED CHAPMAN secured the adjournment of the debate.

WILPENA STATION TOURIST FACILITY BILL

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 8.30 p.m. this day.

The Hon. S.M. LENEHAN: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

That Standing Orders be so far suspended as to enable the sitting of the House to be continued during the conference with the Legislative Council.

Motion carried.

UNIVERSITY OF SOUTH AUSTRALIA BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 4, line 20 (clause 10)—Leave out "seven" and insert "five".

No. 2. Page 4 (clause 10)—After line 21 insert new paragraph as follows:

"(ab) Two Members of the Parliament of South Australia appointed by the Governor pursuant to a recommendation contained in an address from both Houses of Parliament;".

No. 3. Page 4 (clause 10)—After line 23 insert new subclause as follows:

"(3a) The Minister must consult with the Leader of the Opposition in the Parliament before nominating a person for appointment under subsection (3) (a) (iii)."

No. 4. Page 4 (clause 10)—After line 32 insert new subclause as follows:

"(5a) Subsequent appointments under subsection (3) (a) (i) and (ii) will be made on a recommendation given to the Minister by the Council."

No. 5. Page 4, line 35 (clause 11)—After "Council" insert "(other than a Member of Parliament)".

No. 6. Page 5 (clause 11)—After line 3 insert new paragraph as follows:

"(ca) ceases, in the case of a Member of Parliament, to be such a Member (except pursuant to expiry of his or her term of office as such or on dissolution or expiry of the term of the House of which he or she is a Member)."

No. 7. Page 7—After line 32 insert new clause as follows: "The Governor to be the Visitor to the University

22a. The Governor is to be the Visitor to the University with the powers and functions appertaining to that office."

The Hon. M.D. RANN: I move:

That the Legislative Council's amendments be agreed to.

I am certainly pleased on behalf of the Government to accept the schedule of amendments made by the Legislative Council. I think this follows 11 months of intense negotiations with higher education leaders and at least six weeks of negotiations between various members of this House and the Legislative Council. I have to say that these discussions have been marked by a spirit of bipartisanship and a genuine desire on the part of all members of this Parliament and all Parties, including the Independents and the Democrats, to achieve the best possible outcome for higher education in South Australia. From 1 January we will have a new university in South Australia—the University of South Australia—which will have as part of its legislative functions the most advanced access, equity and equal opportunity provisions of any legislation to establish a university in this country.

The university will also be given the special task of broadening educational opportunities for Aboriginal people. Of course, it will retain a special high technology focus, and I am pleased that we have been able to negotiate with the Federal Government for a special funding package of $25 million to assist with new facilities for the new university. The amendments that have been passed down from the Legislative Council include the provision of two members of Parliament on the interim council, and I think it is very useful to maintain the interest of members of Parliament in the new university. Another amendment provides that, in the appointment of members of council, I as Minister must consult with the Leader of the Opposition and with other members, and that assurance had already been given. Indeed, the amendments also include the provision that the Governor is to be the Visitor to the university, with the powers and functions appertaining to that office, and that also brings the university into line with Flinders University and the University of Adelaide. The Government is very pleased to accept these amendments.

Mr S.J. BAKER: Obviously, the Opposition is pleased with the changes that have been made, because they form part of the amendments that the Opposition moved in the Lower House when the Bill was before us. I might say that I am disappointed that the other place could not bring itself to appoint a committee or allow for the appointment of a committee.

Members interjecting:

Mr S.J. BAKER: Yes, that is the other Bill, with which we still must deal. Generally, we are pleased that the University of South Australia Bill has come back in this form. We are pleased also that members of Parliament will be on the council as we suggested, because that brings the university into line with the other two universities. We are also pleased that the Governor is allowed to be the Visitor to the university. We support the motion.

Motion carried.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 2026.)

The Hon. TED CHAPMAN (Alexandra): Now that we are again considering the Occupational Health, Safety and Welfare Act Amendment Bill, I would like to address the House on a couple of matters that concern me about this subject. I am prompted to rise in this instance following the address in the House by the member for Albert Park in particular. During his contribution he took the opportunity to canvass the merits of unionism, and I seem to recall his capitalising previously on opportunities of that kind. I do not know that the merits or otherwise of the union movement, really have much to do with the subject before the House at the moment, but I suppose that, coming from that quarter, it is probably excusable or at least understandable.

I was not very impressed with the honourable member's final remarks when he referred to the actions of a member on this side of the House as having put into gaol some years ago one of his close friends and colleagues in the union movement. He went on further to identify that friend as being a former member of the other place. He happens to have been referring, I believe, to the late Mr Dunford. I think that the Chair in this House having permitted him to go as far as that and particularly in his allusion to my involvement, it is not unreasonable that at least I clarify one or two points in relation to that subject.

The first is that my entry into this Parliament very closely followed the incident to which the member for Albert Park referred this evening. I was in the centre of a controversy on Kangaroo Island, which involved union and non-union labour with which this person (Mr Dunford), subsequently a member of the Legislative Council, was directly involved. His involvement was on behalf of the Australian Workers'

Union, for which he was general secretary at the time and my involvement was as a shearing contractor, at that time in business on Kangaroo Island in that field.

I was one of the employers of shearers and others in the industry who engaged and had engaged at that time both union and non-union labour. I was one of the employers on Kangaroo Island who refused to dictate whether employees were or were not to be union members. I believed then, as I believe now, that it was the choice of the individual to participate or not to participate and that it was not the role of the employer or anyone else to dictate against the wishes of those employed.

That case was taken up by our community generally and by one or two growers in particular with the wide support of the South Australian rural sector and beyond. In that instance Mr Dunford as the nominee of the Australian Workers Union went to the courts, and the union, and in particular, Mr Dunford, lost the case. Mr Dunford was summoned to pay certain fines and costs associated with the court case and the various actions that were associated with it. He refused to pay those fines and costs and was required to go to gaol as a result of his refusal but not as a result of the findings resulting from those cases, as the member for Albert Park implied in his address.

The then Premier (Hon. Don Dunstan) bailed out the union secretary, hence heading off his stay in gaol by paying his fines and costs amounting to $16 000 at that time (back in 1972) on the basis that it was in the interests of industrial harmony in this State, or words to that effect. I and a number of members from my community protested about the public expenditure at that time, and this was related to another fairly widely celebrated case immediately afterwards, the Berriman case, involving *Berryman v The War Service Land Settlement Scheme* in South Australia.

The Hon. T.H. HEMMINGS: Mr Acting Speaker, I rise on a point of order. Standing Order 127 provides:

> Digression:
> A member may not digress from the subject matter of any question under discussion.

I raise this point of order rather reluctantly, because the member for Alexandra in alluding to a final comment by the member for Albert Park was understood by members to be making a brief reference, but it has now taken five minutes.

The ACTING SPEAKER (Mr De Laine): I have heard enough of the point of order. It has been a wide ranging debate. I ask the honourable member to get back to the substance and link his remarks to the Bill.

The Hon. TED CHAPMAN: Thank you, Mr Speaker. It is fair enough that I do get back to the subject. I thought that I was relating the debate to employment, the subject of safety, health and welfare of one who has passed on while I am still here, and all those other things. In one way or another I think I could link it up, if challenged. Now that I have had your direction, of course, I will come back. As a result of the subject to which I cannot refer and the one I just briefly touched on, that is, the *Berryman War Service Land Settlement Scheme* case, enormous publicity followed and Chapman was introduced to mainland South Australia and, given a few other things that happened in the meantime, I managed to come into this place.

I happen to be still here and I happen to be interested in the subject of employers and employment generally. Certainly I am conscious of the safety, health and welfare of people who are employed. I am conscious of the fact that in this State, if not elsewhere in Australia, many people in our work force have been required to participate in their duties in circumstances that are quite unsafe and where practices for the health and welfare of individuals—men and women—have not been satisfactory.

It is against that background that I support the general principles that are applied under the Act in this State. However, I cannot support some of the amendments proposed in the Bill before us, for example, the requirement for all employers—big, small and those in between—to have a safety policy identified. I suppose that it is to be identified by some regulated form in a book, perhaps in a record in the employer's office or on the wall of a building. The policy is to identify all the safety factors that potential employees are to observe.

In most of these cases commonsense prevails or, if it does not, it should. In a number of other cases, particularly with new employees who are inexperienced, careful communication and discussion about the hazards of the industry invariably occurs without the need for legislation. I agree, that, if these things need to be specified, perhaps the Department of Labour might care to churn out a booklet; perhaps SGIC, WorkCover or some similar authority could identify those practices that should be observed by employees. It could cover practices that should be applied by employees, too; that is equally important. But to dictate that every employer shall have a policy is absolutely ludicrous.

I cannot believe that the Government can think that this can be put into effect in any clear or regular way across the State. This is yet another idea of building up the bureaucracy and the inspectorate and placing further burdens on employers. It is a serious matter because, anything at all that dampens the enthusiasm or confidence of the employing fraternity is damaging to us all. There is not much incentive left out there to employ with all the loadings that are to be paid in this State on top of basic wages or salaries to employees. That in itself is bad enough, but to inflict on the employers yet another set of rules with which they have to comply, when in most cases (but not all) the attitude of safety and welfare of employees is well and truly heeded, is not on.

I have a situation on my place to which I referred earlier where the country is very hilly, and steep and dangerous in terms of using a tractor. What do I do? Do I put a sign on the trees, 'Don't drive down this hill because it is too steep and is not safe'? Do I put something in the policy that dictates that, when someone takes on a downhill grade, they must automatically apply the brakes, which are on the righthand side of the tractor? What is this rubbish about policy and detailing all the safety steps that should be taken? I cannot believe that any Government department, let alone a Minister, would pick up these sorts of warnings. Anyone with any sense at all knows that if people use an electric appliance they will use a guard and wear goggles—all of those things.

As far as I am aware, guide books and instructions are to that effect anyway. We do not really need to be loaded up with an extra burden or an extra schedule of safety, health and welfare requirements in that regard. If on the occasion such extraordinary measures are seen to be necessary, let the Government department responsible furnish by circular or booklet its requirements to those who are in the employing arena or who might potentially be in it. But, to get those employers to be writing signs about the situation out in the field—especially out in the rural community—will simply cause people to back away further from employing others unless it is totally unavoidable. I know in my situation and that of a number of my constituents that, if we can possibly avoid employing anyone now, we will.

A few years ago it was a pleasure to employ people and to have them assist and participate in the business of farm-

ing and/or any other industrial practices within my district. I am sure that that was the situation across the country. We could probably better afford to do that then than we can in the current economic climate. Given the climate that we are in at the moment, I would have thought it was totally inappropriate for the Government to be introducing legislation that puts further burdens on the employer. What it ought to be doing, if it thinks there is a need for further safety, health and welfare considerations for employees, is facilitating them. It should certainly not be dictating the sort of thing that shall be done for employees in these hard times.

When the Government introduces legislation like this, there is always the opportunity to argue another point of view. I want to make quite clear in my concluding remarks that I have absolutely no argument about there being as safe, as sound, as clean and as healthy an environment as possible for employees engaged in our State. I do not think there is any question about the desirability of going in that direction; it is a matter of how this objective is achieved. I do not think it is appropriate for this Government, or any other Government, to continue to hammer the employers—those that we have left in South Australia—with more and more burdens that they can ill afford and, indeed, cannot afford or cope with in their current situation. I plead with the Minister to withdraw from those clauses of the Bill the requirements that involve more expense and more undue hardship to those in the field who just may continue to employ those they have and who may even expand their employment ranks to one or two others who are desperately seeking a job.

Mr HERON (Peake): I will not take up much time of the House. I was not intending to speak on this Bill but, after listening to the member for Bragg and the Deputy Leader of the Opposition, I felt compelled to do so. In his opening address, the member for Bragg said that, on the surface, this appears to be a good Bill. If the member for Bragg really wants to go into the Bill, he will see that it is a great Bill—there is nothing wrong with it. In fact, some members opposite are saying that we are too tough. I believe that this Bill is not tough enough; we should go as hard as we possibly can to make our workplaces as safe as possible. Members opposite have referred to training, and the member for Napier also mentioned training on the shop floor. Of the organisations undertaking training of occupational health and safety representatives, only one organisation takes it to its fruition, that is, the trade union movement and, the Trade Union Training Authority (TUTA). The United Trades and Labor Council has set up offices for occupational health and safety courses, as has the Trade Union Training Authority.

In my maiden speech in this House I referred to the fact that 70 per cent of shopfloor representatives trained in occupational health and safety, are trained by the Trades and Labor Council and 20 per cent are trained by TUTA. Would members believe that 9 per cent of representatives are trained by employer groups, that is the Chamber of Commerce and Industry and the Employers Federation? I repeat: one can understand who is taking up the fight to reduce accident and disease rates on the shop floor.

I also heard the member for Bragg say that members on this side of the House know nothing about business. The member for Henley Beach said that he was involved in a business—his union. I was in the same position before I came into this House; I was in the business of the trade union movement and handled millions of dollars on behalf of my organisation and employed some 30 people. It is no good the Opposition saying that we on this side know nothing about running businesses involving millions of dollars. I take exception when they say that we know nothing. I find members opposite naive; they do not understand that it is all about being on the shop floor. The problems are at the management level, not on the shop floor.

It is not only people on the shop floor who need training; management needs it as well. Managers say, 'We cannot do this; we cannot do that.' And then they say that the unions cannot be involved. The unions are the only bodies that can keep our shop floors as clean and as safe as possible. If the employers went along to the Trade Union Training Authority, they would learn a little bit about occupational health and safety, they would clean up their shop floors and it would make them much more profitable. That is what it is all about.

I recall that years ago when I was an organiser with the Miscellaneous Workers Union I was involved in looking after an asbestos factory. I do not have to tell any member in this House about the dangers of that nasty substance. One of the hardest jobs I had as an organiser was convincing not only the employer about the dangers of asbestos on the shop floor but I had a hell of a time trying to convince the workers of the danger. That is where the training schemes come in: we must educate everyone, from management right down to the shop floor. When I saw members sweeping asbestos off the shop floor, I would get hold of the broom and throw it out of the factory. Of course, management would scream and say that I could not do that. I would tell them that asbestos dust should not be swept, it should be vacuumed up or dampened down before it is removed.

We cannot go far enough in relation to this issue. As the member for Albert Park said, there are 10 times more work days lost as a result of industrial accidents than are lost as a result of industrial disputes. The honourable member said that everyone screams when there is a dispute and a strike, but there is 10 times more time lost through workplace accidents and disease. That figure is five times higher than the road toll. We all talk about road problems and other problems; this is a very serious problem and, in my opinion, we are not going far enough. We should be strengthening this Act and making it as tough as possible.

Mr BECKER (Hanson): I look upon this Bill as the ultimate in union dominance in South Australia. It will further cement compulsory unionism in this State. It will mean absolute control and dictatorship of the work force and the workplace in this State. It has been the wish of the Minister that he be able to control the employers of this State. I also know the Minister is concerned about the health, welfare and safety of employees of this State. It has been an obsession of his for many years. He is now going to get that opportunity if this legislation goes through. I do not blame him for wanting to look after the health, safety and welfare of the workers. All of us who have been employed know and appreciate the situations and the problems. There have been some horrific injuries in certain industries and in certain workplaces.

My late father-in-law worked in the building trade in Sydney. In the past 35 years there have been tremendous changes in that industry. He worked on high-rise buildings, on some of the biggest and most famous buildings in that city. He used to tell me what went on. He became a life member of his union and was also a safety officer. He always warned me that that is one area in which conditions should be improved. He was right. We have seen those changes, but one can go so far and one can go to a limit that costs. When we get past that point, people start losing

jobs. Let us make no bones; no worker should put his life in jeopardy to earn a day's pay. However, at the same time, there are certain jobs they undertake within a reasonable cost structure.

So, it is a difficult area to debate when we are considering the health, welfare and safety of workers and, at the same time, considering the cost structure. I am frightened that we may go too far and make it so expensive that, in actual fact, we will reduce employment. In the Minister's second reading explanation on page 1692 of *Hansard*, when detailing some of the alterations to this legislation, he said:

> Under section 20, the Act currently requires employers with five or more employees to provide a health and safety policy. The Government's view is that employers with less than five employees should provide the same level of health and safety as employers of larger numbers of people. Provision of a health and safety policy is the first and most basic step in ensuring this occurs and the requirement should therefore apply to all employers.

This now sweeps in all employers. He further stated:

> The amendment contained in the Bill therefore proposes to delete reference to any prescribed number of employees before such a policy is required.
>
> Section 22 of the Act currently places responsibilities on the self-employed. The proposed amendment to this section will allow inspectors a right of entry to places where self-employed people work and so will resolve the current situation where inspectors are legally unable to carry out their duties with regard to section 22.

Every employer and every employed person is swept up under this legislation, according to the way I read that section. That is where the additional burden and cost will be placed on employers.

Small business is the greatest employer of people in this country. It is where jobs are created; it is where it all starts. What further burden will we put on the owners of small businesses? Let us consider what happened this evening. There was a march down King William Street by people employed in the retail trade. There was a protest rally by shop assistants and shop owners against extended trading hours. They say 'No' to Sunday trading. The reason for the rally is the stress and pressure being placed on those in commerce. It not only affects those in the manufacturing and building trades, but those in commerce, where stress is placed on them unnecessarily, and that affects their health and ability to work. They become overtired, causing them to become careless, and accidents occur. It can happen in any workplace.

The legislation makes responsible those who design the workplace. What a sweeping clause and what a departure from any previous legislation. Section 23a provides:

> (1) A person who designs a building that is reasonably expected to comprise or include a workplace must—
>
> (*a*) ensure so far as is reasonably practicable that the building is designed so that people who might work in, on or about the workplace are, in doing so, safe from injury and risks to health;

That takes in every workplace in the State, including shopping centres, office blocks, factories, farms—every imaginable business. The responsibility is on the designer. What protection could that designer take out? He will take out insurance, but up go his costs and away it goes again. What does one design? When I was in the bank, I remember that we were insisting on a workplace area of approximately 100 square metres. We believed that that was fair and reasonable, and that you should have a reasonable amount of work space. You should be able to move around reasonably safely. It was never practical, of course. No-one could ever afford that amount of accommodation for workers. Again, the cost factor comes into it, whether renting office accommodation in the central business district or out in the country. It is a matter of what you can get for what you can afford.

However, workers need a reasonable work space. Let us look at this building. What would happen to the designer of this building? Where would he stand concerning the second floor with the lousy accommodation that we have up there? Worst of all, most of us are being poisoned by the lousy air-conditioning system about which I have been complaining since 1981.

Mr S.J. Baker: Not to mention passive smoking.

Mr BECKER: Well, we're not going to get on to your stupid suicide bit again. The point is that the air-conditioning system in this place does cause a lot of damage, as do air-conditioning systems in every other building in the metropolitan area. The number of employee absences caused by air-conditioning is horrendous. One person would get a cold on the top floor of the Bank of Adelaide building and within two weeks it would go right through the entire 400 staff. They would all share the same cold or' flu or whatever it was. Heaven forbid: in designing buildings, and air-conditioning systems, let's throw open the windows. It should not be compulsory to have all the windows sealed and so forth, if we are going to take this legislation through to what it should be.

The Hon. J.P. Trainer: Tell us about the Hanson electorate office.

Mr BECKER: It is very comfortable—an excellent building, except that the yard is a bit lousy. Section 27 (4) provides:

> (4) If an employee is a member of a registered association, that registered association must, at the request of the employee, be consulted in relation to any proposal relating to the formation of a work group that could affect the employee.

So, you cannot form a group of employees or get together in any organisation where there is only one, two, three or whatever, because you must be members of a registered association, and the registered association will control that function. That is where the union dominance and union control comes into play. Of course, that is the policy of this Government and the aim and desire of this Minister: to promote unionism in South Australia. Let me remind Government members, though, that only 48 per cent of the people voted for them. So I cannot see where they got a mandate to insist on that clause. Section 27 (6) provides:

> In so far as may be relevant to a particular case, and subject to any guidelines issued by the Commission, the following matters should be considered in relation to the constitution of a work group:
>
> (*a*) the number of employees employed by the employer;
> (*b*) the nature of each type of work performed by the employer's employees;
> (*c*) the number and grouping of employees who perform the same or similar types of work;
> (*d*) the areas or places where each type of work is performed;
> (*e*) the extent to which any employee must move from place to place while at work;
> (*f*) the times at which particular work is performed;
> (*g*) the overtime or shift-work arrangements that apply in relation to the performance of work;
> (*h*) the nature of particular risks involved in each type of work;
> (*i*) any other relevant factor.

That sweeps in everything. It may well be designed to do that, but has anyone stopped to work out the economic impact that this legislation will have on employers in this State? I bet that nobody in the department would have done it or would know where to start. When we consider the wide sweeping powers of the legislation, someone must sit down and take stock of just what it will cost and what impact it will have. We know who will pay for it. Ultimately, it will be the consumer.

The timing of this legislation is absolutely terrible. This State, like the rest of the Commonwealth, is experiencing an extremely difficult financial period. Let us consider the poor old schoolteachers who battled the industrial system and won a pay rise, but what has happened? A Labor Government turns around and says that 795 of them will be dismissed. Had the Liberal Government ever had the gall to do that I can imagine what a performance there would have been. There would have been demonstrations, and this House would have been full. We would have been absolutely inundated by the teachers union screaming blue murder. Yet, in this case nobody has jumped up and down. Nobody is doing anything about it. They are taking it fair on the chin, and I would like to know who will go around and say to the 800 teachers, 'Right, you're finished.' I wonder if the union will be consulted on that? I wonder if the union will be asked, 'Okay, fellas, tell us who we are allowed to sack.' Come on, it is not on!

The Government is introducing this sort of legislation—it has the ideas and wants to do something to help them, but it is going about it the wrong way. I see this as the ultimate piece of legislation. No doubt there is a compromise in it. No doubt the Government has put everything in it with the idea to negotiate. It is a typical old ploy of the trade union movement from many decades.

Mr Quirke interjecting:

Mr BECKER: The workers are entitled to a fair and reasonable go, and nobody would ever deny that. Members opposite have not worked out the economic impact statement. I want the workers in my area to retain their employment. I do not want the threat of 10 per cent unemployment in 1991 to be realised, but, unfortunately, 10 per cent unemployment is looming fast in this State and the threat of it will be much greater if we accept all the ideas and promotions of this minority Government.

Small business cannot afford these costs. Small business has to be given breathing space, as have all business and employers. Let us work at this steadily; let us not sweep in and say, 'Right, in 1987 we brought in the legislation; now we'll have a review of it. Lets smarten up the administration, get tough and jump on employers in this State.' I do not deny that there have been horrific injuries in the building trade and on the wharves. There have been disgraceful and shocking injuries in manufacturing industry. There are problems but you do not go around using sledgehammer legislation to try to achieve all these things at once. It has to be done piecemeal and we must realise that we are in a difficult trading position at the moment. If we do not have a manufacturing industry, the country will suffer.

I have many small businesses at Camden Park, in my electorate—the only reasonable size employment base in the south-western suburbs. How many of them will we send to the wall if we insist on this type of legislation and the clauses that I have just read out? The Bill really is a Committee measure; it needs to be discussed clause by clause so that we can look at it and try to bring some sanity into the whole debate and into the issue of health, safety and welfare in the workplace. This Bill will impact on commerce as well as on the rural industry, and the cost of implementing these provisions will be prohibitive. Whilst the aims and ideas are right, let us go about this matter bit by bit rather than charging with head down and hoping that we will clean it all up. Unfortunately, South Australia could end up, as was predicted recently by an eminent academic, as a great place to come for a holiday. Most people will be involved in the tourist industry and the rest of us will be lying in the sun doing nothing.

Mr S.G. EVANS (Davenport): There must be a concern throughout Australia about our costs. I realise the need for safety measures, but one has to make sure that the effects of any laws we pass are not so draconian that in the end we bring about a situation in this State whereby we cannot compete with other States. In particular I refer to businesses with five or fewer employees as I am aware of the argument that there are more accidents in those areas than in the bigger operations; that is understandable, as in most of those areas we have smaller operators cutting down trees, moving earth, farming and so on. In those areas we will never have a safety record as good as we can achieve by keeping a factory floor clean or protecting machinery, as there are risks that we cannot eliminate. When I climb the face of a quarry go down the shaft of a well or mine, I have not always worn safety boots as I have found them more dangerous than having my toes crushed wearing lighter shoes to get across those faces. That was a personal judgment even though in those days mining inspectors told us that we should be wearing other sorts of footwear for insurance purposes. We did not ever claim. If something happened, sometimes even quite serious injury, we took it on the chin.

I refer to an enterprise where the individuals are partners. Employees wore what they had to wear according to the regulations. There is a problem in that area in saying that you will apply the same sorts of conditions that apply in a more regimented area. With some operations you have to go to a prohibitive length to get the sort of protection you might need, and I refer here to tree felling or earth moving where people often operate on their own with a machine. If they must have someone sitting by on a box watching them in case something goes wrong, we will get to a situation where we cannot compete with other countries.

I refer in particular to shopping hours. Some of the big operators employ people in other lands to process the goods and bring them back here. They employ people in Taiwan to package tuna on low wages and under much worse conditions than workers have here. We have a problem because they are shipping it back here and selling it below the price at which we can produce it in this country. The same applies in the citrus industry. In Brazil they produce citrus concentrate at about $A3.50 an hour under conditions that would not be acceptable in this country. They ship it back here and destroy our own industry. The same applies to apricots from Turkey or tea from Malaysia: we have a problem competing.

Some of the aspects of the Bill are acceptable, and we will try to make it all that way in the end. If people who have a choice of employing another in an operation to make it easier (not necessarily more profitable) must contend with inspectors coming around with draconian measures, in the end they will not employ that person. That is what I would do. One gentleman told me that he would rather work 12 hours a day and do as much as two people working eight hours a day each and not have the worry. Many people are doing that and can do as much as two people working together in some professions or jobs. If people are working for themselves they are more motivated than if they were working for somebody else.

Section 21 of the Act provides for responsibilities for employees. It refers to an employee having to ensure that he or she is not, through the consumption of alcohol or a drug, in such a state as to endanger his or her own safety, or the safety of any other person, at work. That is an important provision, but we should take it one step further so that, whenever a person is taken to hospital for treatment as a result of an industrial accident, that person should have a blood test just as with a person involved in a motor

vehicle accident. That is not an unreasonable requirement. One should not be so affected by alcohol as to put oneself or an employee at risk, and a blood test should be taken in case of accident. Most responsible employees would accept that as a reasonable proposition to protect them as well as to guard against the sort of claims lodged at times.

Each of us who have been close to the manual side of the work force, where physical labour is the major part of the operation, know of people who have worked under the influence of alcohol, when their judgment has been just as good as anybody else's. I have worked alongside them, some of the greatest workers you could get. One of them—and my learned friend next to me will tell me that it is not possible—used to drink methylated spirits. The man is still alive, he is about 79 years of age and he is not blind. He used to drink it on a regular basis. He came to this land from a concentration camp.

Under the provisions we have before us that can no longer be allowed to prevail. I ask the Minister to think about the situation of an industrial accident (and this amendment might not get up in this place, but it might be moved in another place) where the person involved should be subject to a test for the presence of alcohol and, if possible, other drugs. But at least the alcohol test should be undertaken.

I am also concerned about the persons responsible for the dangers or otherwise of a building or structure that is covered under the Building Act. Under current laws that covers everything in relation to the construction of a building—the licensing of a builder, the earthmoving, the driveways, the roads, kerbs and so on. I believe that they would be liable under common law, anyway. However, if we strengthen the law in this area we will then have a problem in that I believe local council building inspectors will have to go to greater lengths in that field also, because it goes further than just the designers of the buildings. It may involve modification of the building.

There is a fear in relation to this matter. I have a letter from one architect who asks where he stands, because this might relate to a building he constructed some time ago. I said to him, 'Well, maybe under common law if the building is not up to building standards you would be liable.' He made the point that his building had passed all the building standards as far as he knew, and that it has passed the local council's conditions under the Building Act. However, what will the conditions be under the Occupational Health, Safety and Welfare Act that we talk about now? He has some grave doubts about that area. Of course, professional insurance can be taken out by some, but that is also becoming prohibitive in that trade because of one or two claims that have been made in recent times in relation to faulty design work—by engineers not by architects.

I have some grave doubts about sections of the Bill. I am not against trying to have safe conditions, but if it is going to apply to the employer, it must also apply to the employee. I believe alcohol is one of the biggest problems in some sections of the work force. People should not drink at all, especially if they are working with machines, whether they be machines in factories or mobile machines out in the field where there is a greater risk. I repeat: it is obvious that in those areas where there is a small number of employees, such as four or five or less, there is a greater risk because they are working in an area where the same controls cannot be present as might be present in a factory. Weather conditions and all sorts of things play a part.

There will always be some accidents. They cannot be eliminated. Negligence by the employee cannot be eliminated. It is impossible. Negligence by the employer cannot be avoided, either. It is harder to pin the negligence on the employee. In some situations people might say, 'It is their own body they are putting at risk.' At times it is not: it is their mate that they put at risk. The penalty for somebody under the influence of alcohol on the job and thereby putting their mates at risk should be equally as great as some of the rather draconian penalties that the Minister attempts to apply to employers.

Subject to what happens to the Bill in Committee, I will reserve my view on what will happen at the third reading. At the second reading I will be prepared to let the Bill go to Committee to see what happens. However, I do ask the Minister to think about the amendment that would strengthen section 21f so that when a person is injured in an industrial accident, there is nothing wrong with having a blood test when they are at the hospital to find out whether or not they were affected by drugs or alcohol.

Mr BLACKER (Flinders): I very much share the concerns of the member for Davenport. I speak with a bit of experience in this matter. I have been involved with the agricultural industry for all of my working life, as have my parents and their parents. My grandfather and father commenced farming at Cummins on the home property in 1926 and the family has been there and involved in agricultural pursuits ever since. In that time we have employed many people, predominantly on a short-term basis. During the latter part of the 1950s and 1960s we had a full-time married sharefarmer on the place, and then we employed casual employees.

In this Bill the Minister is saying that all the responsibility must fall back on the owner of the land. I regret to say that is almost impossible for farmers to make their properties totally work safe. We can work as much as we are physically able to eliminate as many of those risks as is possible, but there is still a lot of judgment that must be exercised on the part of the employee. In relation to the self-employed, I can speak quite personally on this issue: I was self-employed at the time when I had an accident when I was taking home some fencing and farm supplies after delivering the farm wool to the wool stores in Adelaide. In the normal course of my duties, I ran into a big gum tree at Mambray Creek, and I was hospitalised for six months, most of which was in the Royal Adelaide Hospital. Yet, when one looks back to see what happened and how it happened, where could one have made a different judgment so as to protect oneself, or a paid employee in those circumstances?

It is one of those things that just occurred. Whether or not it could be argued that judgment was involved, I do not know. As a result of the accident, the hospitalisation and the pain that resulted, some 18 months later I decided I could no longer stand the pain and therefore voluntarily opted for amputation. So, I well know what that side of the argument means. Back in June, one of the employees that we had engaged at shearing time was involved in an accident. He thought that a bale of wool was full but in reality it had only four fleeces in it when he jumped in. In my opinion all the other safety aspects of the shed, such as the safety rails and so forth, were in good order, but the employee saw the wool pack, partly full and jumped in expecting the wool bale to be packed down and perhaps three quarters full. He dropped to the bottom and snapped his back as he went down and quite a serious injury occurred. Nobody could point the finger and say that that was the fault of the employer, the farm manager or the person responsible for the management of the farm shed at that point in time, because it was an error of judgment on behalf of the employee.

How do we cover those sorts of circumstances? Yet it is implied that, because an employee is injured on the site, it has to be the farmer's or the employer's fault. Somewhere between the two there is the standoff position. The Act seems to be heading down the track that it has to be the employer's fault, when in reality it is a 'joint fault', where some of that responsibility must be shared by the employee.

In relation to that shearing shed incident to which I have referred, the employee was quite self-conscious about the fact that he had had the accident. He did not even want to be paid because he claimed that he had not finished the job that he had undertaken to do. Under WorkCover arrangements we wanted to pay him a week's wage—it was only a three day job—in order to meet our commitment immediately. However, WorkCover said that we could not do that because that was not his average weekly wage and we had to wait. Some 4½ months later we were told that we had to pay the $85 a day, yet we were told previously, and we knew, that it was not his average weekly earnings. So, there are some responsibilities that need to be picked up.

This Bill contains provisions in relation to the responsibility of employers, but nowhere does it contain provisions in relation to the duty or responsibility of employees. After all, it is a shared arrangement; it is an agreement by one party to accept employees and by the other party to offer labour or skills for wages. None of us can really say that we are looking at a situation of 'them' and 'us'. Any employment is an arrangement between the employer and the employee.

Much has been said tonight about the restrictions that have been placed on employers, and that therefore affects their ability to employ. I do not think that there is any doubt that the extra red tape and requirements—and I do not want this to be misinterpreted—are hampering the ability of employers to employ. The Government would have to know that it is because of the difficulties for employers and the extra requirements that are expected of them that they are avoiding employing. Knowing where we start and finish, and whose responsibility it is has become a vicious circle.

Many people out there are prepared to work for employers under agreed conditions, but the Act will not allow that: one you must comply with all these other things. Therefore, employers say, 'If I have to go through all that hassle it is not worth it; if it is going to cost me X amount of dollars to be able to employ I know full well that that employment will not return me the amount of money that it will cost me; so, I will not do it.' I suggest that there are literally thousands of jobs out in the wider community that could be taken up if those sorts of restrictions were not quite so tight.

The tightening up of this legislation—and I think the member for Hanson referred to the timing of it not being worse, when the economic conditions of this State and the nation have not been as tight since the Depression—will result in every excuse being looked at as a means of saying 'No' to any potential employer or any person looking for a job.

Recently I have been trying to help a young lad at home. He is a top lad who is half way through an indenture. His boss cannot continue to employ him. Although his reports and references are excellent, we cannot find employment for him or find someone who can continue his indenture. This is a reflection on the employment position at this time.

I do not wish to go any further than that, other than to express my very grave concern about how it will affect those types of industries in which it is impossible to set down the things that are envisaged could apply and might conceivably be okay to apply on a production-line floor. When you have fairly well defined circumstances it is relatively easy to define safety guidelines. My father-in-law is involved in safety training. I know the amount of work he does on that, and all that work is excellent. But, how does one apply that to the rural scene, where your risk can be anything from climbing windmills to scaling down wells, to any sort of machinery operation, to driving vehicles on steep hills, or to excavating soaks? Any risk can crop up at any time, depending on the operation being undertaken.

I find it almost impossible to believe that any sort of guideline could be prescribed in those circumstances than a general overriding grandfather clause—if I can put it that way—providing that all reasonable caution shall be taken. At the same time, that type of employment requires a special employee who is prepared to exercise some discretion and some interest in his own welfare and the welfare of those who work with him. On a farm, that is a requirement of work opportunity, but on a production line it is perhaps quite different.

I fail to see how this Bill can be applied in such a universal way when the diverse nature of the employment opportunities that are there and could well provide jobs is being affected in this way. I know that I am having some difficulty in putting my thoughts together in relation to this matter, but my sincerity is brought about by my having been an injured person. I was a self-employer at that time and I know the trauma that everyone goes through. So, do not let anyone think that I do not know or understand exactly what it is all about.

On the other side of the coin, I was an employer whose employee had an unfortunate accident. This person worked for me before; he was a top lad, and I would certainly employ him again. He made an error of judgment when he jumped off the wool table, stepped on the top of the wool press and jumped in believing that the wool bale was full when, in fact, it contained only four fleeces. This was an error of judgment that certainly could not be sheeted home to the employer or to the shed manager. So, this risk factor must be shared by employers and employees, but that does not detract from the fact that every reasonable precaution should be taken by the employer to ensure that as far as is physically and practically possible he provides a safe workplace in which employees and he may work.

Dr ARMITAGE (Adelaide): I would like to speak to this Bill in three capacities, first, as an employer. Section 20 of the Act requires employers of five or more employees to provide a health and safety policy, and it is the Government's view that that section should apply to everyone. As part of my previously admittedly insulated profession, I employed three people who, in my view, worked in a very safe workplace, and I was particularly careful that that situation was maintained. To expect employers, in general, who have basically safe workplaces to go to the added expense and difficulty of providing a health and safety policy is providing yet another disincentive to that type of industry. I accept that there are industries more dangerous than the one in which I was previously involved, but I believe that a proviso which would cover such industries could be written into the legislation.

The second capacity in which I wish to speak to this Bill is in my position as a general practitioner when people came to me to be examined following work injuries. I want to quote an example in the context of employee responsibility. We have heard a lot tonight about dastardly employers, particularly from the member for Peake who gives absolutely no stock at all to employee responsibility.

According to the honourable member, all reasons for workplace injury can be sheeted home to the employer. I will cite a couple of examples, the first of which refers to a large company which, unfortunately, because of economic circumstances, was not doing as well as it might. At one stage, the employer indicated to his work force that a loan from the bank that he had previously believed to be a *fait accompli* would not necessarily be forthcoming. The following day, he went to his work to find that four of his work force of 12 were off on stress leave. I believe that that is an absolute abrogation of the responsibility of the employee both to the system and to the employer and that it ought to be stopped.

The third capacity in which I wish to speak to this Bill is that of having been an employee. I have at various times during my career, been a nurse attendant, and that was one of the most educational experiences that I have had. I was employed in the Magill ward of the Royal Adelaide Hospital where, in a ward of 33 patients, 30 had terminal cancer. If anyone tells me that that sort of work is not stressful, I do not believe that they know what stress is.

In particular tonight, I wish to talk to this Bill in the capacity of having been a paid up member of the Transport Workers Union, when I worked with a company which laid bitumen in South Australia. It was a well-paid and enjoyable job, and I enjoyed working with the people and for the company. However, I must say that, in relation to this Bill, there was little, if any, employee responsibility.

We used to lay hot bitumen on roads. On top of this we spread aggregate, which we rolled with rollers. I stress again that this was an enjoyable job but, because of the hot bitumen, certain safety conditions applied whereby we had to wear safety boots and blue overalls with sleeves buttoned at the neck and feet. We did this work in summer, and it was very hot laying the bitumen. These safety regulations were a standing joke amongst the employees who worked with the company on a full-time basis; they simply did not bother. No matter how often they were told or how many injuries occurred, they simply did not bother with standard procedures to prevent injuries.

Where is the responsibility? An employer can only say to an employee so many times, 'If you get hot bitumen sprayed on you, you will have a very severe burn which will mean a stay in hospital for you.' Also, in the olden days, the employers' insurance policy premiums would go up and hence someone would lose a job. They did not acknowledge that, so where is the responsibility? I am quite happy to admit that there are some lousy employers. I have seen the end results of those as a GP, and I would be very relaxed about admitting that if the people on the other side of the Chamber would admit that some employees needed to increase their level of responsibility.

As I said, this aggregate which was laid on the hot bitumen was rolled by rollers. A standing requirement was to wear boots with metal toes in case a roller or a truck rolled over our feet while we were doing this. It was a standing joke! We used to wear thongs.

Mr Quirke interjecting:

Dr ARMITAGE: They were supplied by the company and we were told that we had to wear them. Everybody wore thongs. In fact, there was a standard name for them in the industry. Thongs were called not thongs, but Japanese safety boots, because the employees used to say, 'To hell with these regulations. Who cares?'

Mr Meier: That was the employees.

Dr ARMITAGE: The employees. I remind the Minister and members opposite that I am not indulging in employee bashing. I am saying that employees often do not take note of what is best for them. Earlier the member for Peake said that all industrial injuries were caused by management. He said, 'It is the people on the shop floor who will give you the best possible working environment.' They certainly know about it, but they must take some responsibility as well. I am quite relaxed about saying that employers should be better. Let us not have people maimed, as the member for Hanson said, and put into hospital with serious injuries, but equally let us be realistic and have the employees say, 'Okay, if I am going to walk around with hot bitumen likely to spray over me, I will not wear a T-shirt, footie shorts and thongs; it is just crazy!

I should like to quote one other example. A friend of mine owns a firm which makes exhausts. As part of the general safety measures they have large protective gloves with metal tips so that, if any presses come down, the employees will be as well protected as possible. I am not certain about the exact process, but he asked his people to wear protective gloves with metal tips. I went to advise him on a couple of things regarding injuries which had occurred. He told me, quite legitimately, that the only time that the gloves had in any way come into a work injury case was not when someone had not been wearing them, but at lunchtime one worker had picked one up— they never wore them—thrown it at another fellow, hit him in the ear and cut it and he had to go to hospital to have his ear stitched. I repeat, what I would like to see is the best possible safety protection for everybody with everyone taking responsibility, and I believe that the workers need to lift their game just as much as the employers.

Mr MEIER (Goyder): Other members on this side of the House have covered many of the points that I wanted to address, and I will not repeat them. We in Australia are getting to the stage where we offer some of the best working conditions possible in the world—conditions that workers will find very much to their liking and conditions that employers are having to provide. One could argue rationally that so should it be. I cannot take argument with that. Why should we not provide the best safety conditions possible?

There is only one thing that bothers me: that employers increasingly are saying, 'We cannot afford to do it. We will therefore close down or go offshore.' Just look at the number of businesses or manufacturing places that have closed down or that now manufacture offshore. That is their right. Why should they not be able to do that? I do not think that the average Australian should be upset with them taking that course of action. My big concern, which is accentuated by the rural crisis that we are facing, is: do we want to increase the number of workplaces; do we want to increase our manufacturing output? I believe that the answer is very strongly 'Yes'.

At present we are seeing what inept Government policies, particularly Federal Government policies, are doing to a large part of the rural sector through mismanagement of the economy, with high interest rates, a high dollar, high taxes and high fuel prices. Yet we have Federal Minister Kelly coming out on the front page of today's paper saying that fuel prices should increase more. She does not even have to drive around Canberra; she is chauffered around. She has no understanding of what country people have to put up with and the thousands of dollars that we have to spend on fuel, and she says that we should cut down and conserve our fuel. If she means that we should all shift out of country areas and come to the city, so be it; but I do not want Australia to go that way.

We have to be realistic with any provisions that come in. I guess that Clyde Cameron, in hindsight, recognised that

the other week when he said that the worst thing he ever introduced was the 17.5 per cent leave loading. The Opposition vehemently argued against it at the time. We were told that we were not looking after the employees' interests; we were told that we did not have the interests of the employees at heart. We did. We had them very much at heart in the long term particularly. The net result has been fewer people being employed, and we shall see the situation become much worse in the coming months and possibly years, although I hope not. I hope that there will be a change of policy.

This Bill seeks to bring in new work practices primarily for safety reasons. I guess the point that I want to address principally, and my colleagues have addressed the area of employee/employer responsibility, is: why do we need half of these regulations in the first place? The registration of workplaces came in several years ago. As several employers have said to me, 'The Government has known that I have been here for the last 20, 30 or 40 years', depending how long they had been in business, 'Why do they suddenly want me to register to say that I am officially here? They know that I am here'. It is a total waste of time and money, and, of course, it is the employer's money. So much more has come through in the meantime.

I wish to address particularly the provision which amends section 20 of the principal Act relating to employers with five or more employees currently having to provide a health and safety policy. Under this amendment Bill, employers with fewer than five employees will now have to do the same. The Minister must think that these small employers have the time to come up with these health and safety policies. If he is so concerned about it, why does he not put out a statement—I know that such statements already exist—detailing what is required in terms of health and safety? It is quite clear.

We shall have the farmer who employs shearers for a week or perhaps two weeks during the year being required to have a health and safety policy. Farmers generally who employ a work person will be required to have a health and safety policy. The member for Adelaide clearly pointed out some examples of how people disregard so much of what is written down. Those of us who drive on the roads a great deal know that there are 60 km and 110 km per hour speed limits, but it does not necessarily mean that we adhere to them all the time. What really upsets me is that at the end of last year the Minister brought in new levies for WorkCover to go from 4.5 per cent to 7.5 per cent in the rural industry. However, he argued that the 7.5 per cent was only there for people who had a bad safety record; if one had a good safety record, one would be able to get reductions.

I well recall a farmer constituent of mine coming into my office, very upset that he had received this notification that he was going to have to pay a levy of 7.5 per cent. He pointed out that he had run the farm for about 40 years (I think he is about 65 now), I had employed shearers for each of those years and had a perfect safety record; he had never had an accident on the place. I rang WorkCover and said, 'This does not seem right: he has got the perfect record, and he has had his fee increased from 4.5 to 7.5 per cent.' The person said, 'Look, his record will be taken into account and he will have a reduction because of his perfect record.' The farmer left satisfied. I must admit that I, too, was satisfied. I thought: right, the bonus and penalty scheme makes sense. But, that is not where it stopped. That farmer then received a notification from the Minister to indicate that, because he had such a small operation, he was not eligible for a bonus or penalty scheme. He would have to pay the full 7.5 per cent whether he liked it or not; the statistical averages were such that you could not work out whether you had a safe workplace, as you were a single employer with two or three employees, as the case may be.

So, here we have a clear situation where the Minister himself acknowledges that small workplaces do not fit into the norm, but in this Bill he is saying that all these small workplaces will have to come under the same jurisdiction as the others and have a health and safety policy, even though the same Minister in a different set of regulations identifies the fact that bonus and penalty schemes do not work for such small operators. So, why does he think that a health and safety policy will suddenly work? It does not make sense. It shows the sham of this Bill in that area.

Some provisions in this Bill will penalise businesses more than they are currently being penalised. It will hurt the rural sector more than it is currently hurting it. It will mean less incentive for employers to employ. It is the wrong direction. Wake up South Australia before you get further behind. For the sake of Australia, let us get some commonsense into our workplaces and allow employers and employees to share responsibility but do not put all the burden on employers.

Mr VENNING (Custance): I will make my speech short because the hour is late and I believe that the Government wishes to complete this Bill tonight. I was not going to speak about this Bill, but I can align with so many of the actions that have been talked about tonight, because before I came here I was, as a farmer, basically a worker with my hands. I have been in this place five months now and this is the first time that I have seen the Government acting blatantly in the face of where it ought to go. This is a tax on employment at a time when the Government should not be doing it. It knows full well that this really is not the way to go. It is another disincentive. It is another tax on employment. Our high costs today are very much tied up with these costs that are built in.

As a farmer I am horrified to see the state of our farms, particularly here in South Australia. Our farms are literally falling to pieces. Why? Because of the high cost and the high risk of employing off farm labour. It is part of that risk that things go wrong. Things will always go wrong. How do you make a chainsaw safer? It is impossible. There is risk involved in the vocation in which we are engaged. You cannot pad everybody and everything.

What would happen if that chandelier fell down on the member for Henley Beach tonight? We live in a risky world. You cannot cushion everybody from it. Everything is mechanical. I keep saying to my employees, 'Don't crawl under that header combe because it may fall down; it is a machine and it can malfunction.' Just last harvest a farmer in the Wandearah area was crushed by a header combe, and by a 100 to 1 chance the combe fell to one side of him and he survived. There is no way in which that accident could have been avoided. These are the things that are built in to the vocation I chose, namely, farming. That is why we do not have farm labour today or anywhere near what we should have.

In addition to those whom I employ now on my farm, I could employ painters. All my sheds and house could do with a coat of paint. A lot of farm sheds are falling down, and most of the fences could do with attention. Most of the gates that were painted in the 50s and 60s when we had pride in our farms could do with new paint, new chains and new hinges. Most of our sheep troughs are now patched up jobs, with the clamp and insulation tape, and could need the attention of a plumber. I refer also to plant operators, tractor drivers and grader drivers. In the 1950s and 1960s the farmers got all those things done for them, but now

they are not done at all. I would say that 5 to 10 per cent of the farms are kept up; the rest slip back.

Most farmers do their own mechanical work and that is an occupational hazard. People do their own thing and get into trouble. They are untrained but do the work because of the high costs of mechanics. Also, how many farmer electricians have we got who come unstuck and get themselves electrocuted?

An honourable member: They are breaking the law.

Mr VENNING: They are breaking the law, but it is a matter of doing that or paying the high imposts, another of which we are about to impose tonight.

An honourable member: Have you got an A grade licence?

Mr VENNING: I do not have an A grade licence, nor have most other farmers. Who is going to tell you that in the bush? Who is going to police it when the accidents happen?

An honourable member: I am going to tell them.

Mr VENNING: You have got to catch them first.

An honourable member: You wouldn't lie.

Mr VENNING: I don't lie. Outside shearers will also be put out of work because a lot of farmers are doing their own crutching, as they do not want the hassles of WorkCover and everything else that goes with it. What a time to be bringing this in. Are the workers out there (and I heard several speakers refer to this) really working in a dangerous environment? I know it could be better, but how perfect is perfect? To what degree will you be happy? You will go on doing this. You will have motorbikes without kick starters and chainsaws without teeth. How do you expect things to work? How safe is safe? How far and to what level will we go?

I put a frame on a tractor because the law said I had to. The first thing that happened was that my employee drove the tractor under a tree, under which he usually drove, and the frame caught the tree, flicked him in the head and gave him an injury, as a result of which he was off work for a week. These are the sorts of things which you do and which come unstuck. Men have cut their hands on the scarf around the drill. I keep telling them to wear gloves,but they say that it is too hot. Although I provide the gloves, they do not use them.

An honourable member: It is your responsibility.

Mr VENNING: I provide the gloves and I give instructions to wear them. I provide ear muffs and safety glasses, but it does not make any difference. One of our employees tore his leg starting the motorcycle on the kick start. He missed the kick start and ripped his leg right from his foot to his knee, a terrible injury. The motorcycle was only two weeks old, the pegs still had the rubber on them. All you could do is supply an electric starter. A week or two after that exercise I explained to the men, 'Look, we have a four wheel motorcycle on the property. It can be dangerous if you put your leg down going around a corner because you can run over your own leg.' What happened two weeks later? Just that! One man was off for three weeks. These things are dangerous. It is a well-known hazard with these motorcycles but it will always happen, so what are you supposed to do? Do we put six wheels on them so they cannot lean over and riders cannot put their legs down? No, there is a limit as to how far you can go. It is just not worth the hassle of all these extras.

I buy machinery with guards on them and I employ men to drive them. I instruct my workers how to drive each machine, but what happens? The first thing a worker does is remove the safety guard so that he can see the moving parts. When I come to sell a machine I say, 'Where are the guards?' I have to locate them all because the law says I must sell the machine with the guards on—

An honourable member: Why didn't you sack him?

Mr VENNING: I didn't sack him because you cannot get men who are fully trained. The employers of this country, particularly the farmers, are trying to do the right thing but, for the sake of convenience in the general workplace, they say that it is not practical. However, the Minister sits in this ivory tower with these lovely chandeliers (which might be dangerous) and says employers must tighten up their whole act. There is a high cost to that—and that cost is jobs, particularly on farms. Our farms could employ thousands more employees, but at the moment they have a purely skeleton staff: the father or the father and son and that is it. Off-farm workers such as I have are a rare breed nowadays, and one can see why.

An honourable member: You are one of the wealthiest men in South Australia.

Mr VENNING: I have to agree that I am very fortunate, and I appreciate it. That is why I am here fighting for those in my industry who are less fortunate. The problems can be solved. I know what happens on the farms. People come to your door and you say, 'Sorry sir, we don't want any employees because we don't want any hassles.' They say, 'Look, I'm a New Zealander and I work for so much an hour. You pay me that and there will be no hassles.'

An honourable member: That is breaking the law.

Mr VENNING: I know, but at least they have a job. This is what members opposite cause to happen. New Zealanders come here and gets jobs! They are contract workers from another country. I have an American driving my header at the moment. He cannot understand the concept of holiday loading. In fact, he just laughs when he talks to my other employee on the other machine. He says, 'My God, we don't have holiday loading in our country. How can you make that pay? Who brought that in? A 38 hour week? WorkCover? Holidays for the Queen's birthday? Adelaide Cup race day? They are all unheard of in America. Sickies? There is no such thing in America. When you are sick you do not get paid.' Where he comes from, they work 50 weeks a year and they are our competitors. I do not know what we can do about it. He also says that flexitime is the greatest laugh of all—to be able to work when you want to work. The Minister is smiling, but he knows that what I am saying is true. How can we compete in the world market with this impost around our necks?

The Hon. T.H. Hemmings: Up to now you blamed high interest rates.

Mr VENNING: These are our competitors. This, added to WorkCover, is a prohibition against labour, I always work with my own men. I would never ask them to do anything that I would not do. I make the workplace safe for me and for them, and we have all had injuries. This Bill goes too far at a very inopportune time.

The Hon. R.J. GREGORY (Minister of Labour): I seek leave to continue my remarks tomorrow.

Leave granted; debate adjourned.

ADJOURNMENT

The Hon. J.H.C. KLUNDER (Minister of Emergency Services): I move:

That the House do now adjourn.

Mr HAMILTON (Albert Park): Members will recall that, on 17 October, I mentioned in this place the company

Health and Life Care Limited of Victoria and expressed very strong reservations about the intimidatory actions of that company, which threatened to take one of my constituents to court for an alleged unpaid account. Members will recall that I advised that, after I contacted the company by telephone and it was unable to provide me with the appropriate information, I wrote to the organisation on 1 October and subsequently received on 17 October a letter dated 9 October, which may have been the date on which it should have been sent. However, it took eight days to reach my electorate office.

Members will recall that the company stated that, because of my actions in giving it seven days in which to respond to my correspondence, it considered the letter to be intimidating stating that:

> It is this style of approach and attitude which appears to be typical of Labor Governments throughout Australia . . .

The letter went on to say that because of my actions it would terminate contracts within the next seven days in acknowledgment of my contribution to this course of action. The letter was signed by a Mr John Rashleigh, the Managing Director, and copies were sent to the Premier and to the Leader of the Opposition. If this organisation thinks that it can intimidate or bully me, it has another think coming.

Members will recall that I raised the question with the Minister of Consumer Affairs on 16 October, the day before I received the company's response. As I said, I gave the company a fortnight to respond, so I raised the question with the Minister, who, I am pleased to say, provided me with the following response:

> Dear Mr Kevin, I refer to a matter you raised in the House of Assembly on 16 October 1990 which relates to an account for an amount of $32 submitted to your constituent by Health and Life Care Ltd. In April 1989 both Medical Rehabilitation Services and Griffith Private Hospital Pty Ltd were purchased by SGIC Hospitals Pty Ltd. In November 1989, Health and Life Care Ltd offered to sell to SGIC Hospitals Pty Ltd a portfolio of allegedly unpaid accounts incurred prior to the sale of the business. However, when SGIC Hospitals Pty Ltd attempted to have an audit conducted of the accounts to establish that they were both legitimate and outstanding, the auditors reported that they were unable to establish the legitimacy of the accounts due to the lack of records.

What an appalling mess for this organisation which subsequently sent a letter of demand to my constituent. It is absolutely outrageous. The Minister's letter continues:

> SGIC Hospitals Pty Ltd decided not to purchase those accounts.

I am not surprised. What sort of hillbilly show would not know how to run its accounts! In addition, it lacked records. The auditors must have found it absolutely outrageous and appalling. The Minister's response continues:

> The account that Health and Life Care Ltd has recently attempted to recover from your constituent is one of those accounts.

Great stuff! It had no proper records but still sent out an account. The Minister continues:

> As far as has been possible, it has been established that your constituent's mother was a patient at Griffith Private Hospital in 1988 and during that time she received intensive physiotherapy and other forms of treatment. The person recorded as responsible for payment of the accounts was her son.

In 1988, my constituent's mother was a patient. In 1989, the organisation still had not recovered the amount. In 1990, an account was sent to my constituent demanding payment of the amount outstanding. What an appalling bunch of hillbillies! Is it any wonder that, because it was in such a mess in South Australia, it ended up going to Victoria. The research I have had carried out (which is continuing because I intend to get to the bottom of this) indicates that it is approximately $26 million in the red. I understand that it is seeking support from the Victorian Government. I am pursuing that matter. It is beyond the pale for such an organisation to try to intimidate a member of Parliament who is trying to get justice for his constituent. I only wish it had happened in South Australia because I would have considered having the company brought before the bar of the House for trying to intimidate a member of this House for carrying out his duties in looking after his constituent.

Mrs Kotz: Who was that?

Mr HAMILTON: Come and see me after and I will tell you. The Minister's response continues:

> Your constituent has admitted that his mother was a patient of the hospital and believes that the account in question was submitted to and paid by his mother's private health fund. On the other hand, staff at Griffith Private Hospital have advised that the amount of $32 could represent either an account for a single treatment or a 'gap' claim for a series of treatments. However, due to the lack of records the precise nature of the debt cannot be determined. I understand that, in the circumstances, Health and Life Care Ltd has decided to write off the debt and has written to you to this effect and to offer its apologies to your constituent for any action that he may feel constituted harassment or undue pressure. I trust this answers your constituent's concerns.

The letter was signed by the Minister. In the 11 years that I have been in this place, I have come across many letters of demand, and many issues have been raised by my constituents. The interesting thing in this case is that my constituent was requested to pay an account for which he was not responsible. He tried to get that information, which was not forthcoming. He subsequently received another account and, as I am informed, after trying to get more information he came to me. I pursued the matter, rang the office in Victoria and asked for the woman whose name was mentioned as the person to whom I should direct my inquiries, that is, a Mrs Edwards from the collection department. She was not there. I got on to a lass who knew nothing about it. I waited for a response, but heard nothing. Because of the late hour, I had a letter typed up, and sent it to the organisation by registered mail. That was on 1 October.

The organisation received the letter on 3 October, and it took it until 9 October to draft a letter 'without prejudice'. It took a further eight days to get to my electorate office. I do not believe that Australia Post was responsible for the delay. It is my view that, given the incompetence displayed by this organisation and the threats inherent in its correspondence, it wanted to intimidate me and try to get me offside with the Premier of this State. However, I have the guts and determination to ensure that my constituent is well looked after. I will not be bullied by someone, who obviously had the letter written by a lawyer, or vetted by a lawyer, to try to intimidate me. I will not rest until I have got to the bottom of this organisation, and since 17 October I have sought further information about it.

The Hon. B.C. EASTICK (Light): On 10 October 1990 the Minister for Environment and Planning sought leave to make a ministerial statement on the Mount Lofty Ranges Review and the Barossa Valley Review (page 879 of *Hansard*). During the course of that statement the Minister was interrupted by an interjection which preliminary documents show was made by my colleague the Deputy Leader but which in fact was made by me. The Minister on that occasion said that she would be only too delighted to provide a copy of the letter for the honourable member and that, of course, she would demand an apology.

Later that day (page 887 of *Hansard*), the Minister returned to the Chamber and made a personal explanation on the Barossa Valley moratorium, continuing the demand that I apologise for having questioned the veracity of her statement. I did not seek to make an apology on that occasion and do not make one now, because the point I was making to the Minister at the time she was reading the document

was that she was selectively using the letter and not putting the proper connotations upon that letter.

I have a copy of the letter which was forwarded on 10 August 1990 from the coordinator of the Barossa Valley Review and which the Minister read into the record. She read it correctly, and I do not suggest there was anything other than a complete statement from the letter. However, I draw attention to, and emphasise one paragraph, which states:

> We plan to seek the endorsement at a joint meeting of Barossa councils of our proposed course of action at a meeting on 16 August.

That is the qualifier. There was a decision of the review committee, which was acting on behalf of the collective councils of the area and they indicated that, whilst they had come to this decision, it was to be subject to the decision of their controlling body. Previously in the letter the course of action that they thought might be forthcoming was outlined. In the event, on 16 August, six days after that letter was forwarded, the combined councils did meet under the chairmanship of Councillor B.W. Barkley, the Chairman of the District Council of Light and chairman of the group. I have a copy of the minutes of that meeting wherein it is stated:

> In response to a suggestion that a 'freeze' on the erection of dwellings on rural areas be introduced, S. Hains—

the Director of Planning—

> stated that a recommendation for such action would need to come from the steering committee to the State Government.

It then went on to explain two methods of achieving the freeze. The minutes further state:

> There was general agreement by the steering committee to the concept of a freeze, but that its boundary needs to be carefully considered.

That point was made because it was very obvious from the documents available to them that the preparation had been faulty and, indeed, areas that were already available for housing development, some of them as recently as six weeks previous, had been left out of the plan.

It was most unusual for the authority to give the right to subdivide, giving the all clear for people to proceed to purchase with the knowledge that they could build there, and then leaving that out of the plan which was to be gazetted by the Minister. It was agreed on 16 August that the steering committee should write to the Minister; that a joint meeting of all councils be held within the next two weeks to discuss the possible freeze; and an initial draft of an SDP be tabled at that meeting, with the councils discussing and resolving on its contents. The group responsible for the steering committee being set up was, along with the Government, responsible for financing the activities, and the council authorised and agreed with the appointment of Bell and Gaston as consultants to the steering committee. Mr Hains indicated that the Minister was likely to write to all councils the next week relative to that letter.

In the event, after listening to the consultants, Mr Gaston stated that the purpose of the meeting was to seek endorsement of the action taken by the steering committee in approaching the Minister for an interim freeze—to seek the endorsement of the meeting for a letter to go to the Minister for an interim freeze.

In fact, at page 7 of the documents I have in my possession, item 4.14 states:

> I. Ross [Chairman of the Barossa District Council] expressed the view that the Barossa Community Services Board in its original brief for the steering committee required recommendations to be presented to the board before any action is taken. He also questioned the length of time that the interim supplementary development plan would remain in authority.

He received an answer on that point from Mr Hains. The conclusion, at page 8 of this document, states:

> R. Edwards [Deputy Chairman of the District Council of Angaston and the Chairman of the review group] stated that the Barossa Valley Review Steering Committee needs to meet again to review its previous decision given the consultants current advice, and then for it to communicate with the councils, the Barossa Community Services Board and the Minister. He also stated that supplementary development plan should be sent to the councils and the Barossa Community Services Board in the week commencing 20 August 1990.

The rest is history. The board, the combined Barossa councils meeting with members of the steering committee, decided that it would not go down the path originally indicated in that letter which was qualified by that single clause in the letter which said 'This is subject to the decision of the board on 16 August.' The decision by the board was not to support the action that the Minister subsequently took.

This has caused a great deal of discomfort and concern in the responding councils and in the community. The councils and the community are not against a proper development in the Barossa area *per se,* and a large number of them have been working towards it for many years. It is essential that the action be taken, but it has been very badly tarnished by the autocratic action taken by the Minister against the advice of the group with which she was supposedly working, and aided and abetted by the advice of the consultants who, members of the committee believe, went behind their back to achieve a result.

The Hon. Geoff Virgo, then Minister of Local Government, brought into this House the results of a royal commission. The royal commission was to redefine the boundaries of local government in this State. The Minister put it on the table and said 'Thou shalt . . .'—and he never did 'shalt', because the member councils were directly against the principle of being directed. There is a lesson for the present Minister: there will be a great deal of support for what she wishes to achieve but, if she starts going behind the backs of the councils and the groups involved rather than working effectively with them, there will be all forms of resistance against the best interests of the Barossa Valley.

Mr GROOM (Hartley): On 19 June 1989, my constituents Mr and Mrs Eliseo of Hilltop Avenue, Felixstow contacted me in relation to what appeared to be a simple and straightforward matter. I subsequently wrote to the General Manager of Cheap Foods at 473 Payneham Road, Felixstow in relation to this complaint concerning Cheap Foods. My constituents own a dwelling house adjacent to Cheap Foods on Payneham Road, and a boundary fence had sustained extensive damage as a result of customers of Cheap Foods not properly parking their cars.

As a consequence of the way in which they were being parked, cars would periodically strike the fence of my constituents' property and, over a period of time, had caused extensive damage. There is a difference in height between the boundary fence and the level of my constituents' property and the built-up area of the car park and, as a consequence, a large amount of gravel put pressure on the fence, which forced its way on to my constituents' premises.

Some photographs were taken to illustrate the severity of the damage, copies of which were enclosed with the letter. The photographs depicted extensive damage to two boundary fences as well as the way in which the gravel protruded and the way in which the fence was buckled. Running along that fence is a water pipe. My constituents have quite an extensive garden in which they grow vegetables, and there was extreme potential damage to the water pipe which runs the full length of that fence to service the back of their property.

It is quite a reasonably sized property, and this caused my constituents great concern. Nothing really happened as a consequence of that letter. My constituents, being very patient people, contacted me again, because I left it with them to follow through after the writing of that letter. As a consequence of there being no activity on the part of Cheap Foods, I had some further dealings with my constituents and on 12 January 1990 I wrote again to Cheap Foods. In that letter I referred to my letter of 22 June 1989, enclosing a copy of that letter in case it had gone astray, and saying that I understood that very little had been done since my letter and that I would be grateful if they could let me know whether they had made any progress in this matter.

On 26 March 1990, following little contact from Cheap Foods, I spoke with the General Manager, who acknowledged the fact that he had received my letters, said that Cheap Foods were commercial tenants and that he would speak with the owners of the premises, who lived in Sydney and who were somewhat difficult to deal with, and that he would seek to have the matter rectified. I communicated that to my constituents who thought that finally Cheap Foods had decided to look at the problem and act with some degree of sensitivity in rectifying it.

All the time, of course, because of the large number of customers using the Cheap Foods car park and the shopping complex, the damage continued. The fact is that over this period of time nothing had been done, so my constituents who, as I repeat, are very patient people, thought, 'Well, we have given them the opportunity, notwithstanding the time lapse.' After that contact I thought everything was well, the contact had been properly established and the firm would duly examine the problem and, undoubtedly, rectify it, because it was quite clear—and I inspected the area—where the legal responsibility lay; it lay with the people who occupy the property known as Cheap Foods. Nothing eventuated, my constituents contacted me again and on 12 June 1990 I wrote to the general manager of Cheap Foods at 473 Payneham Road, Felixstow, saying:

> I refer to my letter of 22 June 1989, my letter of 12 January 1990 and my telephone conversation with you on 26 March 1990. On 26 March 1990 you undertook to refer this matter to the registered proprietors who, I understand, live in Sydney, but to date no communication has been received by my office.
>
> In view of the fact that almost 12 months have elapsed and my constituents' problem has not even been given the courtesy of a proper reply or consideration, I propose to raise the matter in State Parliament when Parliament resumes in August.
>
> Would you please see that a copy of this letter is forwarded to the registered proprietors.

I wrote that because the matter was to be referred to the registered proprietor for its rectification. I would have thought that following a letter in which I set out quite clearly that I would raise the matter in Parliament because my constituents' patience had been exhausted, the occupiers would act and respond and recognise that it was getting to a serious level, but nothing further had transpired. I saw my constituents and discussed their options with them and on 26 October 1990 I went again to inspect the premises. The damage is very extensive. Cheap Foods is a large organisation and has handled my constituents' and my request in the most high-handed of ways. It is a moderate request; the damage and its cause are quite clear.

Cheap Foods' high-handed attitude in treating a request of this nature in this way is simply appalling, but it also highlights the inadequacy of the laws dealing with private nuisance, because there are a number of issues involved. There is an invasion of privacy in relation to my constituents' property and there is extensive damage to two fences and to my constituents' property. Of course, my constituents not only want the matter rectified, that is, the damage made good but, if the problem continues, they want injunctive relief to stop the occupiers of those premises from permitting users of the premises to park their motor vehicles in such a manner as to cause damage to my constituents' fence.

To obtain injunctive relief my constituents have to go to the Supreme Court. It is certainly possible to sue for damages in courts of limited jurisdiction, but that does not stop the actual problem; it can still be repeated. The cost of going to the Supreme Court over a matter such as this is out of all proportion. It is a very clear example of poor community relationships on the part of Cheap Foods at Payneham, which has engaged in what can only be described over a lengthy period of time as high-handed behaviour towards my constituents.

What is needed in the law is a clear, simple, inexpensive remedy, and members may be aware that today I gave notice of a motion to be moved on Thursday to examine the laws in relation to private nuisance, because in the draft Bill which I have prepared and which I will circulate to members in due course. I have included provisions for the consideration of a select committee—if, indeed, a select committee is set up by the House—to enable constituents in this situation to obtain injunctive relief in local courts of limited jurisdiction where damage is quite minor. Specifically, a court of limited jurisdiction—up to $2 000—where there was no legal representation would be clothed with proper injunctive powers so one would not have to go to only the Supreme Court to get injunctive relief. It is a significant step for me to take to name an organisation in this House; I do not like doing it, but I have given Cheap Foods adequate opportunity and warning. I publicly call on Cheap Foods of Payneham to undertake appropriate design and rectification work to stop its customers from parking their cars in the car-park in such a way as to damage my constituents' boundary fence, thus endangering their enjoyment of their own property, and to reimburse my constituents by making good the damage that users of the premises that Cheap Foods occupies have caused.

Motion carried.

RURAL INDUSTRY ADJUSTMENT (RATIFICATION OF AGREEMENT) BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 10.26 p.m. the House adjourned until Wednesday, 21 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 20 November 1990

QUESTIONS ON NOTICE

HOUSING TRUST

192. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction:

1. How many eviction notices have been issued by the South Australian Housing Trust to tenants for non-payment of rent in the past twelve months?

2. How many tenants are currently being considered for eviction?

3. What is trust policy in relation to evicting tenants for non-payment of rent and how long must tenants be in arrears of rent before eviction is considered?

4. What counselling is given to tenants as soon as they fall into arrears and what other assistance and advice is offered to tenants in an attempt to avoid eviction?

The Hon. M.K. MAYES: The replies are as follows:

1. A notice to quit is the first step in the legal process to evict a tenant. In the twelve month period ended 30 September 1990 the trust issued a total of 114 such notices. However, of these, 83 notices were issued in the period 1 October 1989 to 1 April 1990 and were subsequently withdrawn (cancelled) due to a review of the eviction process. The remaining 31 notices were issued in the five month period to 30 September 1990 using a new eviction process which ensures that these tenants would have had the offer of independent financial counselling and the opportunity to pay off their rent arrears in manageable instalments.

2. There are 31 tenants as stated in question 1 currently being considered for eviction.

3. The trust will evict tenants who deliberately and seriously breach their tenancy agreement, which states that they must be one week in advance with their rent at all times. However, there is no specific dollar value or time limit which determines whether eviction proceedings should take place; each case is assessed individually.

4. A weekly reminder system ensures that tenants are made aware of their rent arrears and encourages them to contact the trust and negotiate payments. Trust officers will also visit tenants, usually where the arrears of rent are three weeks or more behind; the purpose of this visit is to establish the reason for non-payment and to negotiate an acceptable repayment plan by instalments over a period of time. At this point, the tenant will also be offered the opportunity to avail themselves of independent financial counselling of their own choice. The trust will suspend any further legal action taking place for a four week period while counselling is being conducted. It should be stressed that the trust would prefer not to evict tenants; eviction is taken as a last resort and only after all other avenues and options have been exhausted.

210. **The Hon. B.C. EASTICK (Light)** asked the Minister of Housing and Construction:

1. What priority is given to correcting design faults in South Australian Housing Trust homes?

2. In the event of a design fault allowing the entry of rain via the door (when door is exposed to prevailing weather and no verandah or canopy has been provided), does the trust accept responsibility for damage to the tenant's floor coverings (carpet) and, if not, why not?

The Hon. M.K. MAYES: The replies are as follows:

1. *(a)* Where a significant fault becomes apparent in the design of a newly constructed home the trust will take ameliorative measures; for example, if external doors are subject to moisture entry in normal weather conditions, the trust would improve or replace sealing around the doors.

(b) The trust closely monitors for potential design faults in its new dwellings through the systematic administration of post-occupancy surveys which are intended to alert the trust to problems which arise in a particular house design or location. This survey involves tenant responses to a detailed questionnaire which is administered approximately one (1) year after dwellings are occupied.

2. While the trust will not normally accept responsibility for tenant's property, the question of whether the trust would accept liability in the situation outlined in the question would depend on the individual circumstances, including the actual cause of the damage to the tenant's property, the nature and severity of the weather conditions resulting in the damage and the history of the tenant's attempts to rectify or have rectified a particular problem.

The trust would welcome an opportunity to review any specific situation brought to its attention.

GOVERNMENT VEHICLES

220. **Mr MATTHEW (Bright)** asked the Minister of Transport: What Government business was the driver of the vehicle registered UQR 014 engaged in on Monday 1 October 1990 at 10.20 a.m., travelling along West Terrace with a car load of young children?

The Hon. FRANK BLEVINS: Motor vehicle UQR 014 is on hire to the Department for Family and Community Services. The driver at the time was a registered community aide with the Elizabeth office of the department. He was transporting children who were under the interim guardianship of the Minister for Family and Community Services to an appointment with a solicitor at the Adelaide Children's Court.

EMERGENCY HOUSING OFFICE

222. **Mr MATTHEW (Bright)** asked the Minister of Housing and Construction:

1. What controls are exerted by the Government over the Emergency Housing Office distribution of funds for rent relief and bond payment?

2. Is it current practice to advance part of bond moneys to a person in financial difficulties and, if so, does the Emergency Housing Office verify the identity and financial circumstances of the person seeking assistance?

The Hon. M.K. MAYES: The replies are as follows:

1. The Emergency Housing Office is a division of the South Australian Housing Trust and provides information, advice, advocacy and counselling services to all persons facing a housing related crisis. EHO financial assistance is availabe to recipients of Department of Social Security pensions and benefits, or households unable to meet rental rehousing costs where other avenues of assistance have been pursued without success. The distribution of funds is subject to the following controls:

a thorough social assessment of each client's situation to achieve the best possible solution for the client, and the most responsive use of available resources;

no financial assistance payments are made directly to clients and clients are required to provide documentary evidence of personal identification and income;

where financial assistance is provided to households whose income exceeds low income requirements, the client group assessed for repayments. Such assessments take into account social, financial and medical considerations; and

the provision of part or full tenancy bonds complies with the Residential Tenancies Act and its regulations.

The EHO prefers to provide financial assistance in the form of tenancy bonds as there is a greater likelihood of a return to facilitate the recycling of available funds. The rent relief scheme is jointly funded by the South Australian and Commonwealth Governments to provide financial assistance to those on low incomes who face genuine hardships in meeting private rental payments.

Assistance is in the form of grant of up to $25 per week which is paid in fortnightly instalments directly to the renter. Rent relief is available to households or persons with a gross weekly income which does not exceed $300 and where at least 40% of that income is committed to rent. Rent relief recipients are required to provide written evidence of rent and income levels and are subject to regular reviews to ensure continued eligibility for assistance. Information is exchanged between the rent relief and EHO programs to avoid the duplication of rental assistance payments. The operations of both EHO and rent relief are subject to regular internal and external audit processes.

2. As noted above, part bond payments may be made; however, these are not made direct to the client. Assistance is provided only after documentary evidence of personal identification and income is provided.

TOURISM IMPACT STRATEGY

226. **Mr D.S. BAKER (Leader of the Opposition)** asked the Minister of Industry, Trade and Technology, representing the Minister of Tourism: What specific action has been taken to implement the commitment made in the press statement dated 3 November 1989 that the Government would implement a 'tourism impact' strategy to 'ensure all Government agencies took tourism needs into account when setting their program priorities'?

The Hon. LYNN ARNOLD: Through Tourism South Australia the Government has taken a number of specific actions to ensure that tourism development is given a higher priority by Government agencies:

1. A number of guideline publications such as 'South Australian Tourism—Product Strategy', 'Planning for Tourism' and 'Tourism Accommodation—The Development Alternatives', have been produced by Tourism South Australia and made available to relevant Government agencies. These publications spell out clearly the Government's tourism strategy.

2. Tourism South Australia has increased its level of input to planning and policy studies carried out by other agencies. It has made a substantital contribution to the land use reviews for the Murray Valley, Flinders Ranges, Mount Lofty Ranges and the Barossa Valley.

3. A substantial input has been made to the planning review which will reflect the philosophies adopted by Tourism South Australia and also reflect the direction being adopted by the South Australian tourism industry which is outlined in the South Australian Tourism Plan to be released shortly.

4. To ensure that sufficient attention is given to this matter, Tourism South Australia appointed a senior policy officer with responsibility for inter-departmental Government policy making. This officer ensures that other agencies correctly reflect the Government's tourism strategies and give them due recognition.

FRAUD

251. **Mr D.S. BAKER (Leader of the Opposition)** asked the Minister of Housing and Construction: For each of the two cases of alleged fraud detected by the internal audit unit of SACON since its establishment in October 1989—

(a) what was the nature of the alleged fraud;

(b) how many officers were alleged to have been involved; and

(c) what is the value of the property or other assets alleged to have been involved?

The Hon. M.K. MAYES: The two cases of fraud referred to are:

1. *(a)* The fraudulent conversion of a cheque.

(b) No officers were involved. Two non-government people have been implicated.

(c) The cheque converted was for $521.42.

2. *(a)* Conspiracy between departmental officers and a supplier/contractor.

(b) Two officers were implicated.

(c) The department has had dealings with the supplier in question totalling approximately $100 000 (covering three different businesses). Although a significant portion of that amount represents goods and services received by the department, there remains a indeterminable balance that was fraudulently obtained.

These matters are currently in the hands of the police.

ITALIAN MIGRANTS

281. **Mr D.S. BAKER (Leader of the Opposition)** asked the Minister of Ethnic Affairs: How many copies of the publication *Italians from the Campania Region now living in South Australia* were produced, how many State schools have been provided with the publication, what was the total cost of production and distribution and what has been the Government's actual contribution towards this cost?

The Hon. LYNN ARNOLD: I inform the honourable member that 10 000 copies were published by the Federation of Associations of Campania Emigrants in South Australia Inc. *(Associazione delle Associazioni di Emigranti Campani in Sud Australia)*. They have been sent to 69 primary and secondary schools which have Italian language programs. Additionally, 500 copies were forwarded to the Hon. Clino Bocchino, Minister Industry Craft Industries, Commerce, Labour and Social Promotions, Campania Regional Government, for distribution to schools in the Campania region. Approximately $38 000 was the total cost of production and distribution. The sum of $15 000 was the Government's actual contribution towards this cost.

FRAUD

283. **Dr ARMITAGE (Adelaide)** asked the Minister of Labour: Further to the answer to question on notice No. 9, what are the details of the reported 'broader deterrent effect in terms of claims not submitted'?

The Hon. R.J. GREGORY: The passage 'broader deterrent effect in terms of claims not submitted' refers to the impact fraud, related investigational activities and publicity are having in terms of deterring persons from making dubious claims. In a number of cases, fraud investigations

have been conducted in close cooperation with employers concerned about an emergence of what appeared to be 'testing' claims. The outcome of targeted investigation and consultation has been a reported deterrent effect in respect of further such claims by others who were expected to follow suit if the first claims had been successful.

RSPCA

284. **Mr BECKER (Hanson)** asked the Minister of Lands:

1. What financial assistance has been sought by and given to the Royal Society for Prevention of Cruelty to Animals to build a seal pool and rescue pool?
2. Are any seals from Marineland in the care and control of the RSPCA and, if so, where and in what type of facility?
3. When will the RSPCA complete the proposed seal pool and rescue pool, how much will the pool or pools cost and how much was contributed by the public?
4. Will the Government contribute to such facilities on an ongoing basis and, if not, why not?

The Hon. S.M. LENEHAN: The replies are as follows:

1. An amount of $100 000 has been given to the RSPCA to build a seal pool and rescue pool.
2. Two Australian sea lions are being cared for by the RSPCA in separate 12 m × 11 m fenced concrete yards with 15 000 litre filtered concrete tanks 4.5 m in diameter, 1.5 m deep. Both sea lions have access to shade and shelter.
3. The Marine Mammal Rescue Centre is expected to be completed in January 1991. The anticipated cost is $353 000. The public has contributed $99 425 to 6 November 1990. The appeal is ongoing.
4. The Government has no plans at this stage to contribute on an ongoing basis.

CROWD CONTROLLERS

285. **Mr BECKER (Hanson)** asked the Minister of Education, representing the Minister of Corporate Affairs:

1. How many crowd controllers are licensed under the Commercial and Private Agents Act, 1986?
2. How many complaints have been received about the actions and behaviour of crowd controllers in the 12 months before licensing and since and how many licences have been revoked?
3. Has the operation of the licensing system been assessed and, if so, what were the results?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The Register of Commercial and Private Agents as at 1 October 1990 contained 2 555 persons whose licence endorsements permit them to carry out the function of crowd control. It should be noted, however, that many of the persons who hold security guard or security agent endorsements, which also include crowd control endorsements, would rarely, if ever, actually carry out the functions of a crowd controller.

The actual numbers of persons who are licensed to be crowd controllers under the various endorsements are as follows:

58 persons endorsed 'crowd controllers'.
1 788 persons endorsed 'security guards'.
708 persons endorsed 'security agents'.

2. There has been one complaint lodged with the Office of Fair Trading concerning a crowd controller in the past year. That complaint was found not to be justified and to date no licences have been revoked as a result of disciplinary action before the Commercial Tribunal.

However, since licensing of crowd controllers was introduced in September 1990 there have been a total of 23 objections lodged by the Commissioner for Consumer Affairs to licences being granted. To date eight objections have been upheld by the Tribunal. The balance are yet to be heard.

3. The Act was proclaimed in February 1989; however, the requirement for both crowd controllers and security alarm agents to hold licences took effect on 1 September 1990. It would be premature to conduct a review at this stage.

SAMCOR

296. **Mr BECKER (Hanson)** asked the Minister of Agriculture:

1. How much does SAMCOR charge to slaughter a sheep?
2. Has SAMCOR and the Government investigated Fututech, a semi-automatic meatworks technology, which, it is claimed, can cut in half the cost of turning livestock into meat and, if not, why not, and will such technology be investigated forthwith and, if not, why not?

The Hon. LYNN ARNOLD: The replies are as follows:

1. The present cost to slaughter a sheep at SAMCOR is $7.25 per sheep for the first 2 000 of a client's consignment to SAMCOR for a particular week. Any sheep over the 2 000 then cost $6.25 each. Neither of these costs include extras such as trimming for seed and special preparation such as bagging or Moslem slaughter.
2. The Government has instigated a strategic review into the meat processing industry. This review will be finished by the end of the year and specific comment is requested in the terms of reference on 'adoption of new technology in the meat processing industry'. It is worth noting that Fututech is a new approach to beef slaughtering. It is not relevant to the cost of slaughtering sheep.

SMOKE DETECTORS

300. **Mr BECKER (Hanson)** asked the Minister of Housing and Construction:

1. Have smoke detectors been installed in South Australian Housing Trust flats and, if so, where and when and, if not, why not?
2. What type of smoke detector can be installed for the benefit of hearing impaired persons?
3. What is the cost of suitable smoke detectors?

The Hon. M.K. MAYES: The replies are as follows:

1. The trust does not install smoke detectors in rental accommodation. However, in properties which are required to have fire protection equipment to accommodate multiple occupancy community tenancies, the trust fully complies with the requirements of the relevant legislation and regulations, including the provision of smoke detectors.

The costs of supplying smoke detectors to all tenancies would be prohibitive, however the trust is aware that the benefits of smoke detectors are strongly promoted by the South Australian Metropolitan Fire Service as a fire safety measure for occupiers of all residential accommodation. In response to an approach from senior fire officers, the trust has facilitated opportunities for this advice and information to be made widely available to tenant groups. The Trust Tenants Advisory Council has promoted smoke detectors and facilitated an initiative whereby individual tenants can purchase them at a reasonable price. The trust has no

information on the number or location of smoke detectors installed by tenants.

2. The trust is aware of several brands of smoke detectors suitable in situations where a hearing impaired person may be in residence. However, the South Australian Metropolitan Fire Service would be better able to provide expert advice on these facilities.

3. The cost of smoke detectors is determined by the quality of the design and the features required for the particular situation. Based on the trust's experience, costs can vary from approximately $50 to more than $100.

AUDITING

301. **Mr BECKER (Hanson)** asked the Minister of Education representing the Attorney-General:

1. Will the Government consider legislation requesting charities, incorporated associations and organisations receiving money from the public and Governments to have their financial accounts audited each year and, if not, why not?

2. What guarantee can the public expect from organisations with a gross income under $100 000 each financial year and not audited that their finances are properly managed and supervised?

The Hon. G.J. CRAFTER: Charitable organisations involved with public collections are required to submit an annual report including an audited financial statement of their income and expenditure as a condition of renewal of their licence under the Collections for Charitable Purposes Act. This must incorporate details of collections and donations.

The fund raising activities of other bodies such as religious, sporting and social groups do not normally involve public soliciting of donations. Since the public can freely choose whether or not to participate in the activities of such bodies and since members will normally insist on proper financial accountability the need for Government involvement is not apparent.

HOUSING TRUST

321. **Mr BRINDAL (Hayward)** asked the Minister of Housing and Construction: What is the estimated saving in terms of FTE salaries and dollars per annum expected to accrue to the South Australian Housing Trust from the transfer of the account collection service to Australia Post?

The Hon. M.K. MAYES: It has been estimated that by adopting the Australia Post ECS option of collecting revenue, 50 FTE positions will be surplus to the requirement of the trust's revenue collection operation. Of course, those staff affected are guaranteed security of employment, career counselling, prioritised transfers to vacant positions and so on. These staff savings, together with the savings on other costs associated with the collection and security of revenue, will be $0.929 million (estimated) per annum.

DUNG BEETLE

322. **Mr BECKER (Hanson)** asked the Minister of Agriculture: What progress has been made in studies to determine the suitability of using the dung beetle in the far northern pastoral areas and what are the findings to date?

The Hon. LYNN ARNOLD: There has been very little work done with dung beetles in the far northern pastoral areas of South Australia because the dung pollution problem caused by the low stocking rates in these areas is very minor when compared to that caused by the high stocking rates in the high rainfall areas of the State. In heavily stocked areas, pasture pollution with dung is important as dung pads smother pasture growth and reduce production and also promote unpalatable growth of rank grass around them. As a result of this, virtually all dung beetle releases in South Australia have been concentrated in the Adelaide Hills, Kangaroo Island, Lower Eyre Peninsula, the Murray Swamps and the South-East.

Several dung beetle species have established in these areas and at certain times of the year (January to March) are significantly reducing dung pollution in pastures. In addition, this dung burial probably improves the soil nutrient status, increases water penetration, improves soil aeration and reduces breeding sites for some important fly pests (i.e. bush fly) although, to date, there are no data available from South Australia to demonstrate that dung beetle activity has had a significant impact on fly populations.

One species of introduced dung beetle, *Euoniticellus intermedius,* has established over a wide area in central Australia and is present in northern South Australia but the impact of its presence in this area has not been evaluated.

ENGINEERING AND WATER SUPPLY DEPARTMENT

330. **Mr MATTHEW (Bright)** asked the Minister of Water Resources: How many formal and how many informal committees exist within the Engineering and Water Supply Department and, in relation to each:

(*a*) what is the name;
(*b*) what are the terms of reference;
(*c*) when was it formed;
(*d*) when is it expected to achieve its objective; and
(*e*) to whom does it report?

The Hon. S.M. LENEHAN: The Engineering and Water Supply Department as part of its Administrative Manual series has a Committee Register (Volume 3). This manual provides the type of information sought, although the majority of the committees listed therein could be considered 'formal committees' which have been authorised by a departmental director.

With regard to 'informal committees', there are numerous *ad hoc* and local committees in existence at any given time which are used as a legitimate management tool. It is not possible to provide the information requested in relation to 'informal committees' without incurring considerable costs in both time and funds.

A copy of the Administrative Manual series Committee Register (Volume 3) has been provided to the House and to the Hon. D.C. Wotton, MP, in response to questions asked during Estimates Committees.

LEGISLATIVE COUNCIL

Tuesday 4 December 1990

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Acts Interpretation Act Amendment,
Administration and Probate Act Amendment,
Fences Act Amendment,
Landlord and Tenant Act Amendment,
Motor Vehicles Act Amendment (No. 2),
Road Traffic Act Amendment (No. 3),
Rural Industry Adjustment (Ratification of Agreement),
Soil Conservation and Land Care Act Amendment,
Statute Law Revision (No. 2),
Statutes Amendment (Shop Trading Hours and Landlord and Tenant),
Summary Offences Act Amendment (No. 2),
University of South Australia.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 63 to 75 and 80.

STATE LIBRARY LENDING SERVICE

63. **The Hon. DIANA LAIDLAW** asked the Minister of Local Government: Further to the Minister's answer to my question on State Library Lending Services, 6 November—

1. What is the subject matter of the two reports the Minister is to receive in the next fortnight?
2. When will the reports be received?
3. Does the Minister intend to release one or both reports for public comment?
4. Were the reports prepared by consultants and, if so, with whom and at what cost?

The Hon. ANNE LEVY: The replies are as follows:

1. The reports referred to are the report on the proposed arrangements for the South Australian Library and Information Service, and the report on the organisational arrangements and budget for the establishment of the Bureau of Local Government Services.
2. The first report will be presented to the Libraries Board on 26 November 1990 by the Chief Executive Officer of the Department of Local Government and then to the Minister of Local Government. The second report is currently the subject of negotiations between the Chief Executive Officer, staff and the Public Service Association.
3. The first report will be released for public comment. The second report will be available publicly for information.
4. The reports were not prepared by consultants.

64. **The Hon. DIANA LAIDLAW** asked the Minister of Local Government: In relation to the report being prepared by the Director of Local Government, Ms Dunn, on the future of the State Library's Lending Service—

1. Will finalisation of the report be dependent upon advice that the Adelaide City Council is prepared to accept some responsibility for adult lending services?
2. If the Adelaide City Council does not agree to accept any responsibility for adult lending services, will the Government continue to fund the full range of the State Library's services as is the practice at present?

The Hon. ANNE LEVY: Discussions are continuing with the Corporation of the City of Adelaide on the size, type, location and funding of a central public library service to replace the State Library Lending Service. I expect these discussions to be finalised in the next few weeks and an announcement will then be made.

CARRICK HILL

65. **The Hon. DIANA LAIDLAW** asked the Minister for the Arts: Does the Minister wish and/or is she seeking to transfer responsibility for the administration of Carrick Hill from the Department for the Arts, and is the option of transferring administrative responsibility to the Department of Environment and Planning being considered and/or pursued?

The Hon. ANNE LEVY: At this stage there is no proposal to transfer responsibility for the administration of Carrick Hill from the Department for the Arts to the Department of Environment and Planning.

STA TICKETS

66. **The Hon. DIANA LAIDLAW** asked the Minister of Local Government: In relation to the sale of STA bus, train and tram tickets from suburban newsagents, delicatessens, video shops and pharmacies—

1. How were the businesses selected for licensing as an outlet to sell tickets?
2. Is a fee required to obtain a licence and, if so, how much, or does the STA pay the licensee to conduct the business?
3. What are the terms and conditions associated with gaining a licence?
4. Is the proposal to license 200 businesses by the end of the year, the maximum number of licences that the STA proposes to issue?
5. What proportion of tickets sold are currently sold through Australia post offices?

The Hon. ANNE LEVY: The replies are as follows:

1. Selection of Licensed Ticket Vendors (LTVs) is done in the field by a team of STA employees who target sites based on selection criteria which include nature of business, hours of operation, proximity to public transport stops and routes, location and other factors.
2. No fee is paid to the STA or paid by the STA to the LTV for the issue of a licence.
3. A copy of the Licensed Ticket Vendor Agreement detailing terms and conditions will be provided to the honourable member.
4. There is an initial target of 200 LTVs. Following an evaluation period after implementation of the network the number of outlets can be adjusted to cater for changes in demand from the public.
5. Approximately 21 per cent of ticket sales revenue is from tickets sold through post offices.