HOUSE OF ASSEMBLY

Thursday 5 May 1994

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

RURAL POVERTY

Mr LEGGETT (Hanson): I move:

That the fourth (interim) report of the Social Development Committee on rural poverty in South Australia be noted.

The interim report of the Social Development Committee on rural poverty was handed to this House on 4 May. This interim report presents the findings so far of the Social Development Committee's inquiry into rural poverty in South Australia. As the inquiry is still in its early stages, the interim report does not include any recommendations. The references referred to the Social Development Committee by the House of Assembly on 10 March 1994 followed a motion in the House by the member for Ridley.

The aim of the inquiry is to investigate the following three points: first, the extent and severity of rural poverty in South Australia; secondly, the social and economic impact of poverty on rural communities; and, thirdly, changes that would contribute to a reduction in poverty in rural South Australia. Evidence has been taken from 12 witnesses, including community representatives from the Murray-Mallee, rural counsellors, and academics specialising in the study of poverty. It must be stressed too that most of the evidence the committee has received has been anecdotal.

While very interesting and most certainly very tragic, it may not provide a true message of the dimensions and consequences of rural poverty and the tragedies of rural poverty; it needs to be assessed against more rigorous and quantitative data. The committee has heard some very disturbing evidence about the impact the rural recession is having on farming communities. For example, the committee has been told that there has been a tremendous effect on young people in rural areas. Some children from farming families have blamed themselves for their family's financial difficulties, and have approached their school counsellor to find out whether they could be adopted or fostered out, and that is very dramatic and very tragic.

It was also reported to the committee that the rural crisis was placing a severe psychological strain on children and that a number of young people had attempted to commit suicide. Owing to reduced incomes, farmers could not afford to employ labour and were increasingly reliant on their children to do a lot of the farm work. At the same time, parents were telling their children that there was no future in farming—it was all doom and gloom—and they needed to do well at school so that they could get an off-farm job and go on and undertake further studies. Of course, that put far more pressure on the young children. A further consequence of the rural recession was the migration of young people out of the rural areas, where they had spent all their lives, because they could see no future in remaining locally. The committee was also told that the young people who stayed in rural areas faced a bleak future as there were very few job opportunities for those who did not have a family farm to employ them. However, even those who can find work on family farms face considerable hardship because they often work for negligible wages.

The recession has also had a tremendous impact on the farmers themselves. Owing to poverty and debt repayment pressures, some farmers were having to use non-sustainable land management practices. It was also reported that many farmers were having to use old, dangerous and inefficient farm machinery, that fencing and other capital works were having to be postponed indefinitely and that many farm houses were in urgent need of repair. It was also pointed out that some farmers faced with a cash crisis were selling assets, such as machinery, often at prices well below their true value.

The question of social isolation was also brought to the attention of the committee. It was reported that a further effect of the rural recession was increasing social isolation, particularly as a result of the regionalisation of services which had increased the cost and time taken to get to and from those services. The committee was told that rural women were particularly vulnerable to social isolation as they encountered tremendous pressure from husbands to stay at home and, while there, not use the telephone.

In the next stage of its inquiry, the Social Development Committee will take evidence from organisations and persons who can provide quantitative data about the extent, severity and impact of poverty on rural South Australia. The committee also plans to hold public meetings in two of the most severely affected regions. These have been identified very clearly as the Murray Mallee and an area north-east of Port Pirie that includes Peterborough, Jamestown, Hallett, Crystal Brook and Redhill.

Mr LEWIS (Ridley): I support the motion. This is an interim report, and I commend the committee for the prompt and competent way in which it has set about addressing the problem referred to it by this House only a few weeks ago. It is heartening for me to see such a rapid response and, in consequence, a clearer definition of the problem emerging. As a member representing a number of communities and a large number of people who are affected by the consequences of circumstances beyond their control that have caused the poverty to which the committee is addressing itself, I have been concerned as to how to draw that to the attention of public servants, Ministers and anyone who, through understanding the situation, can help.

It is important for us to recognise the committee's difficulty when it says that so far the evidence presented to it of the effects of rural poverty is largely anecdotal. That is understandable. Quite simply, the people who are suffering from it and the communities in which they live do not have the money to have otherwise done the study to provide more rigorously obtained evidence. When, having been thrown from the deck of a sinking ship into the water, you somehow or other seek to tap out an SOS to the rest of the world asking anyone anywhere who can either hear or see what is going on to do something about it, you do not stop to count the number of people around you who are drowning and being eaten by sharks. You do not have the energy to do that, so it is understandable that the communities who are suffering the poverty have not been able to quantify it or the effects of it on their members. It is for that reason that I raised the matter here in the form of the motion that has been referred to the committee to enable it to do that with a broad brush, at least to identify the framework of the problem, how it came to be there and, in this instance more particularly, what the effects are.

I doubt that the committee will be able to identify accurately to the first decimal place the percentage of people

who are so affected, but that is not relevant really, as long as it knows that there is a substantial social problem, not just for the people themselves but also for the communities in which they live and for the future of those communities. You, Sir, know as I do and as I am sure a good many other members from rural South Australia know, this problem has series middle and long-term implications for the whole of the South Australian and Australian community. I will leave the other States to deal with it according to the way they think appropriate, but in this State we have a reputation for our capacity to be compassionate, and there is no question about the need for that now.

None of the problems—none of the effects which are a consequence of those problems—have been caused by the people themselves. None of the problems have been caused by the communities to which they belong. The source of all the problems was external. Whether it was banks and financial advisers from outside the communities telling people to get big or get out in the mid-1980s, which caused some families to borrow more than they would otherwise have done and then get caught with the rapid escalation in interest rates; whether it was quite simply the collapse in the floor price of wool; whether it was the collapse in world grain prices; or whether it was some other unfortunate incident in the life of any one or more members of the family that resulted in their having to go into debt to a far greater level than they would otherwise have chosen does not really matter, except that in no instance was it a consequence of deliberate mischief or incompetence on the part of the people themselves.

I am sure that is clear to the committee already, and I sincerely hope that, in consequence of the careful way in which the committee has gone about identifying the criteria by which it will address the problem, identifying acceptable definitions of things like poverty, following that definition that we have here for us in the interim report, it will then be able to go on from that point and, over the coming months through the evidence that it collects, literally describe for us the effects that poverty has had, is having and will have.

In consequence of that, it will come forward with some recommendations about how to deal with it. Clearly, given that the committee has found that there is poverty of sufficient consequence to warrant further investigations, it will no doubt conclude, as I have concluded from the limited analysis that I have done in my own electorate, that social redevelopment is necessary. Social redevelopment can be provided only by people with the relevant skills being paid to do the necessary work.

In that case, we and the Federal Government will have a responsibility to provide the finance. We cannot expect those people who are drowning to save themselves—to build the lifeboat they need. They simply do not have the means at their disposal. Someone else will have to bring the lifeboat to them or throw out the lifebuoy to which they can hang on while we get them out of the water to wherever else it is in life that they have to go. That much we in this place all agree upon.

It is terribly unfortunate that this has happened and, for the life of me, I cannot understand what it was that possessed that man Keating to do the things he has done to rural Australia in particular through the macro economic policies he has pursued, both as Treasurer and now as Prime Minister. I do not understand what possesses the Labor Party to leave such a man in power leading it, because he is certainly not leading this country in the direction of prosperity. Quite the contrary: he is plunging the people who have supported the country and its cost of imports by exporting the fruits of their labour at no profit to themselves or to their communities into the crisis in which they find themselves to the extent that the whole fabric of Australia's financial structure is in question, unless we turn it around.

To take it in social terms, how can a man, if he bothered to think about it, impose such a burden and the consequences of that burden on people already in poverty by putting up by 10¢ a litre in rural areas the cost of the fuel they have to use in the old cars that they still have and can only afford to drive? In rural Australia that is what has happened with the impost on leaded petrol which has to be used by these people to get about. The worst effects of that kind of decision are on the women and the next worst are on the children. That in turn makes the man of the family feel even worse, because the men believe they should have been able to provide for the needs of their wife and family through their skill and energy. They do not lack skills and they do not lack energy.

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

The Hon. FRANK BLEVINS (Giles): I support this motion and congratulate the committee on the speed with which it has dealt with this issue. It is only an interim report but, as the member for Hanson has pointed out, already some valuable evidence has been presented to the committee and it does show some of the alarming things occurring in non-metropolitan South Australia. Again, I congratulate the member for Ridley on raising this issue in the way that he has. He is not the first person ever to raise the issue but in this form I think it was very imaginative and worth while.

The issue of rural poverty is not just one for farmers. Quite often there is a mistaken view in metropolitan areas that the only people in this State who live outside Adelaide are farmers. That is not the case. A large number of people live in the provincial cities and rural towns, and whilst they are not directly involved in farming those people are, in effect, living off the primary pursuits of those areas. Those people also are suffering dreadfully. What is happening in rural South Australia is an inevitable feature of the way that the god of market forces has taken over the thinking of most political Parties, and that is to be deplored. It is certainly something that I have fought against in my own political Party with some success and failures.

Members opposite haul the free market out as the be all and end all of how we structure our economy. I do not see how members opposite can complain when the market hits them right between the eyes, because that is the philosophy they espouse, but I do not. We are in danger of creating a real underclass in this country. We already have one in the metropolitan area, and we are in grave danger of creating a similar underclass in non-metropolitan South Australia. All of us, for whatever reason, would deplore that.

Further, I am concerned that with this Government the tired old maxim of 'survival of the fittest' is the philosophy that pervades it. That seems to be the prevailing philosophy. It has always had nothing but utter contempt for industrial workers: if industrial workers are out of work or their workplace closes down, that is too bad—they ought to go out, get a job and not hang around on the dole; they are a pack of dole bludgers bringing this country down with all these welfare recipients, etc. I have listened to that from members opposite for 19 years and it is quite a fallacious argument.

It seems to me that even in country areas the same philosophy is becoming evident towards what is the Liberal Party's own constituency. I have yet to see anything substantial from this Government which in any way assists the bulk of rural or non-metropolitan South Australia. Some of the proposals that we have read about only in the past two days in the Audit Commission report are a vicious attack on non-metropolitan South Australia. If the member for Ridley and other members who have some concerns about rural poverty think times are hard now, just wait until the recommendations of the Cliff Walshes of this world are implemented and those of us who live outside the metropolitan area start paying full tote odds for our water, the cost of which at present is subsidised to the extent of about one-third by metropolitan consumers.

Just wait until the economic rationalists have really got us by the throat. Our power charges are significantly cross-subsidised by metropolitan users. It is more expensive to provide health services to non-metropolitan South Australia. It is more expensive to supply education services to non-metropolitan South Australia, and all those cross-subsidies from urban South Australians to non-urban South Australians are subsidies that I support, and have strongly supported. In fact, I introduced one or two new ones when I was in a position to do so.

I hope that the influence of the member for Ridley and other members opposite who claim to represent non-metropolitan South Australia will be felt very strongly in the Party room and in the Cabinet when decisions are being made that the likes of Cliff Walsh want implemented in this State. I have no doubt that very many people in the eastern suburbs of Adelaide can cope with that, but a lot of people in non-metropolitan South Australia cannot cope if the cross-subsidies in these services are removed, let alone increasing the price of the services. The underclass that is already developing in non-metropolitan South Australia will increase.

I know that some doubt was expressed by at least one member opposite as to whether this particular reference should be made to the committee. The suggestion was floated in this place in debate that the committee just could not afford to look at this problem. That was a mealy-mouthed response from the Government, and I am pleased that the whole of the Parliament decided that that was not good enough. This is precisely the sort of thing that committees of the Parliament were established to examine.

I look forward to the final report of this committee. I do not think that we should forget, other than perhaps for about 10 minutes on a Thursday morning, that there is a real problem out there. Solutions have to be suggested. We will not solve all the problems, but some sensible solutions have to be suggested and, above all, members opposite must ensure that the problem is not exacerbated by the ideologues who are running the Liberal Party, putting into practice the view that the fittest will survive and that is how it ought to be. I reject that, as do my colleagues on this side, and I hope it is rejected by members opposite.

Mr SCALZI (Hartley): I rise also to support the motion before us. As a member of the Social Development Committee that is looking into this matter, I am pleased that the interim report has been tabled. It is an important report. As was pointed out when the motion to inquire into rural poverty was being considered by this House, we are all aware of the problems that exist throughout South Australia involving unemployment and financial crises in country areas, and I agree with the member for Giles that many of the hardships are felt more severely in rural areas. Whilst all of us can acknowledge the rate of youth unemployment in South Australia—for example, in a certain section of the metropolitan area—we cannot imagine the severity of this situation as it affects families in rural areas where the normal support structures that exist for families in the metropolitan area do not exist to the same extent.

It is important that a report such as this—and I stress that this is only an interim report—looks into the effects on families and the extent of rural poverty in South Australia. It is important that we continue to reflect on how our fellow South Australians are affected by the economic realities in this State at present. I support the process that is taking place and look forward to the tabling of the final report, so that decisions can be made in the best interests of not only South Australians but rural South Australians with regard to social justice and equity.

Motion carried.

MOTOR VEHICLE INSPECTIONS

Adjourned debate on motion of Mrs Kotz:

That the Environment, Resources and Development Committee investigate and report on the merits of introducing compulsory inspections in South Australia for all light motor vehicles at change of ownership, to check basic road worthiness and/or to verify vehicle identity.

(Continued from 21 April. Page 886.)

Mr CAUDELL (Mitchell): I support this motion for the committee to investigate the possibility of having a certificate completed every time a vehicle is sold in the private market.

The Hon. Frank Blevins interjecting:

Mr CAUDELL: I will get to the member for Giles later when I refer to some of the speeches made previously. Two reasons are given for having mandatory vehicle inspections when a vehicle is sold: one is a reduction in unroadworthy vehicles and the other—

Mr Quirke interjecting:

Mr CAUDELL: I will get to you later as well. If the member for Playford would like to hang around, I will give him his two penny's worth later.

Members interjecting:

Mr CAUDELL: If members opposite will allow me to finish my speech—

The SPEAKER: Order! There are too many interjections.

Mr CAUDELL: Thank you, Mr Speaker, for your protection. If I am allowed to finish my speech, I will get to that issue. I acknowledge that I was a member of the MTA, and I have also been a board member of the MTA. However, that was in 1989. I now address the issue of vehicle inspections as a means of reducing the number of stolen vehicles in the market place. If this occurred it would have an immediate impact in a number of areas. South Australia has a problem with regard to its large number of older vehicles. It is well known that South Australia's fleet is much older than the fleets on the eastern seaboard. Inspections would result in an improvement in vehicle safety standards. As well, South Australia has a problem with respect to the private sale of vehicles because there is a risk to members of the public that a vehicle has been patched up or is unroadworthy, and there is the possibility that a vehicle offered for private sale has been stolen.

I have great interest in this matter being referred to the committee because I believe it will reduce the incidence of vehicles previously listed as stolen being sold to unsuspecting buyers. Reference to a flow chart indicates what happens to a stolen vehicle. First, the thief steals the vehicle; he then changes the plates on the vehicle but makes no other alteration to the vehicle. It is quite easy—and the member for Giles may not be aware of this—for a person to make a telephone call to arrange for a new set of plates with the required number in one hour. Any person in Adelaide can do that now.

So, the thief has a new set of plates on the vehicle. When a potential buyer looks at the vehicle, it has had its registration tag changed, etc. To all appearances it is a completely different vehicle and the vehicle is sold. There is no inspection and there is no verification that the vehicle has been sold. They send off the registration forms, etc., and you have a stolen vehicle in the market place for which there has been no inspection. I speak from personal experience in this regard, because as the owner of a large fleet of vehicles I have had a number of vehicles stolen in the past.

As a matter of fact, I still have a vehicle in the market place which has never been recovered, and the chances of ever recovering it are extremely remote. But the members for Giles and Playford are not particularly interested in the welfare of ordinary citizens in recovering their stolen motor vehicles. If they were, they would support this motion, to see what could be done to reduce the number of stolen vehicles that people purchase, and the financial costs families have to bear as a result of buying a stolen vehicle.

At the present stage, as I said, vehicles that have interstate plates are inspected; vehicles that have been previously registered and then for a period have been unregistered are inspected by Regency Park and at other inspection locations; and vehicles previously recorded as written-off are also inspected. On 21 April the member for Newland mentioned the Department of Road Transport, as follows:

> The lower recovery rate prompted the Vehicle Theft Committee established by the former Government to investigate this issue last year. The committee comprises representatives from the Department of Transport, the Police Department, the Royal Automobile Association and the Motor Traders Association. The committee has recommended that compulsory vehicle identity inspections at first registration in South Australia and at change of ownership would be of significant benefit to the Department of Transport through identifying the main vehicle identifiers and updating registration records and also to the community as an anti-theft measure.

However, the members for Playford and Giles are turning up the supposed heat to stop this from occurring. The member for Playford made a statement in his speech on 21 April, as follows:

> It does not take the Liberal Party long to pay its mates off. That is what this is all about. This is the thin end...

That is a direct quote from the member for Playford. If it can be said that we are attempting to introduce vehicle inspections to pay off our mates for something that occurred prior to the election, it can also be said that the member for Playford is paying off his mates. The same thing can be said of the member for Playford: that he is paying off his mates who are involved in the thieving of motor vehicles in South Australia.

The Hon. FRANK BLEVINS: I rise on a point of order, Mr Acting Speaker. That is a clear reflection on the member for Playford, and a very strong and severe reflection. Reflections can be made only by way of substantive motion, and I would ask that you, Sir, ensure that those remarks are withdrawn and an apology extended to the member for Playford.

The ACTING SPEAKER (Mr Venning): The remarks are not unparliamentary, and the member for Playford is not here. I rule that the honourable member is not out of order at this stage, but I would ask him to temper his language.

The Hon. FRANK BLEVINS: I rise on a further point of order, Sir. Can I ask for a brief explanation of the ruling. The honourable member suggested that the member for Playford is associated with crooks who are stealing motor vehicles. If that is not unparliamentary, I am not quite sure what is.

The ACTING SPEAKER: It is a point of order that you should not reflect on a member in the House. In that case, I would ask the member to withdraw that reflection.

Mr CAUDELL: Mr Acting Speaker, I was just using the scenario that the member for Playford made an accusation with regard to the fact that we were paying off our mates. I am saying that therefore should not the same scenario apply to the honourable member for Playford, in that he was paying off his mates? If that is unacceptable to the member for Giles and the member for Playford, I will withdraw it. I was just using that same scenario. The member for Giles on 21 April 1994 said:

> . . . involves nothing more than paying off the $100 000 that the Minister for Tourism extracted from the MTA and its members.

That accusation was made by the member for Giles. Would it be right for me to make the same accusation? If it is all right for the member for Giles to say that one party is paying off another party, it should be all right to say that the member for Giles has a hidden agenda with respect to wanting to make sure that this does not go ahead, and that perhaps the member for Giles does not want us to have an anti-theft device in place in South Australia. Maybe the member for Giles has an interest in ensuring that we do not stop vehicles being stolen in South Australia. Is that the same scenario?

The Hon. FRANK BLEVINS: I rise on a point of order, Sir. That is a clear reflection on me, which is grossly unparliamentary. To suggest that I have a vested interest in the maintenance of the theft of motor vehicles in South Australia is an outrageous accusation. That accusation ought to be made, if it is to be made at all, by way of substantive motion, whereupon it can be dealt with.

The ACTING SPEAKER: The member was reflecting. I can only ask for a withdrawal. If the member does not wish to withdraw, I do not think the Chair can force that.

Mr CAUDELL: I appreciate, Mr Acting Speaker—

The Hon. Frank Blevins: His time has finished.

Mr CAUDELL: Look, do you want me to withdraw or not?

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

Ms STEVENS (Elizabeth): I do not support the motion. I believe the compulsory inspection of motor vehicles would not achieve what the member for Newland expects it to, and I think it would be a waste of the committee's time to investigate this issue. I would like to speak about the two arguments put forward by the member for Newland. First, I refer to the potential to improve vehicle standards and road safety. We all know that the major causes of road accidents in our State are alcohol and speed, and that motor vehicle roadworthiness plays a very low part in road accidents. We also know that surveys conducted through the NRMA in New

South Wales—where regular testing has been in place for many years—indicate that, despite compulsory vehicle testing, the roadworthiness of vehicles did not show a marked improvement.

The surveys also found that there was no real improvement in respect of road safety. The surveys found that the majority of motorists were penalised because of the actions of a minority. The second point made by the member for Newland was that vehicle inspections helped in the detection of stolen vehicles. As the member for Newland also recognised, we already have a system that tests and checks high risk categories. We are already targeting funding to those high risk categories, and there is no point in subjecting the whole population to this measure.

All motorists will be penalised. Everyone will have to pay; everyone will have to be subjected to inconvenience. There will be 380 000 inspections per year to be managed, administered and kept honest. There will be no effect on safety. We already have a system for identification of vehicles in high risk areas with regard to theft. It is clear that there will be much more pain for little gain. I will not support the motion for referral of this matter to the committee.

Mr LEWIS (Ridley): I support the motion. I have heard some nonsense in my time in this place, but the last contribution takes the cake. It was totally irrelevant to the motion. The proposition is that there be an investigation of the benefits of compulsory inspections when light vehicles change ownership. That is not an annual inspection of all motor vehicles; that is not a check of road worthiness at any time other than when a vehicle changes hands.

The member for Elizabeth seeks to mislead the House. I cannot say that, can I? She would have us believe that there is something different in the motion from what there really is. In consequence, what she said is irrelevant to the proposition. If I had been a little less kind, I would have taken a point of order during the debate, because her contribution was not about the substantive motion before the House. The honourable member's remarks were about an entirely different matter. This is not about compulsory inspection of all vehicles: it is simply to investigate the benefits to be derived from compulsory inspection at the time of change of ownership.

Many old vehicles owned and used by people in rural areas, to which the members for Giles and Elizabeth referred, will never change hands because they are not worth enough. However, the people who own them keep them going, and keep them going safely.

The Hon. Frank Blevins: Why don't you support rural people?

Mr LEWIS: That is a reflection on me.

The Hon. Frank Blevins: It certainly isn't.

Mr LEWIS: The member for Giles is mistaken if he thinks that I do not support people who live in rural communities.

The Hon. Frank Blevins: Demonstrate it.

Mr LEWIS: I am demonstrating it by pointing out that they have their vehicles stolen, and those stolen vehicles are cut up and sold for parts. That is the way they are fenced; that is the way they get into the black market. The member for Giles knows the truth of that. In no instance has any Opposition member attempted to explain the great benefit that this measure, were it found to be useful and introduced after investigation by the committee, will bring to cutting out theft of motor vehicles and the sale of the parts obtained from stolen vehicles after they have been chopped up. It would be very effective, because the numbers of the parts that were to be used in the new vehicles would be more accurately determined and discovered.

The Hon. Frank Blevins: You're thoroughly confused.

Mr LEWIS: Yes, I know you are. That is the unfortunate thing about the member for Giles: he is not only thoroughly confused but very easily confused and often confuses himself. I do not know what his mind does with itself, but it often finds itself so lonely that I am sure it plays around with itself and comes out back to front. He reminds me of the grasshopper that hit the windscreen: what was the next thing that went through its mind? I will leave the member for Giles to ponder that.

I have no difficulty with this proposition, because it seeks the committee's opinion upon investigation of the benefits or otherwise to be derived from the practice of compulsory inspections on change of ownership. That suits me fine. I have no difficulty with that whatever. I am sure that any thinking person in South Australia would have no difficulty about asking the committee to investigate more thoroughly than we can in the course of our more formal structured debates in this place what benefits might be obtained and what disbenefits might arise from the introduction of this kind of practice. The sooner we get a committee of the Parliament to do that for our benefit, the more accurately we can decide how to change legislation, if indeed we need to change it at all.

Mrs KOTZ (Newland): In summing up the debate on this motion, which is the fulfilment of a commitment made to the South Australian people by the Liberal Party prior to the 1993 State election, I point out that it is not my role at this stage to debate the issues that present themselves in the motion as they are a reference to the committee of which I am the Presiding Member. I also point out that the role of standing committees is to gather evidence on issues, to deliberate on that evidence and to present recommendations in a report to the Parliament for decisions to be taken by the Parliament.

I acknowledge the comments made by previous speakers to this motion. I thank the member for Mitchell for his well thought out comments, which will obviously be taken into account when evidence is being gathered. I also acknowledge the comments made by the members for Playford and for Giles who participated in this debate with contributions that most certainly did them no credit whatsoever. It was evident that their outrageous comments were purely to provide rhetorical fodder to support their already obvious scare tactic campaigns being used by the Labor Party in the Torrens by-election. Their misrepresentation of the issues only serve to compound the lack of credibility already enhanced by the incompetence of their actions as members of the previous Government.

I remind both members that a former Labor Minister, the Hon. Don Hopgood, apologised in this place for making the same inane criticisms and accusations as we have had the misfortune to hear in the recent debate. However, the former Minister had the good grace and humility to admit that his outrageous comments were untruthful and, although an embarrassment for the Labor Party and the honourable member, an apology was given. It only remains to be seen whether the members for Playford and for Giles will display similar tendencies of humility and good grace, but the House will understand when I say that I shall not be holding my breath.

The Environment, Resources and Development Committee comprises members from both Houses of Parliament. Those members represent the three major political Parties and therefore truly bipartisan representation is achieved. Two of the members of that committee represent the rural communities of this State, so I believe that the committee is well placed to initiate and investigate the range of very complex issues within the reference that this motion presents. I call on the members of this House to support the reference being presented to the ERD Committee.

The House divided on the motion:

AYES (29)

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

NOES (9)

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

PAIRS

Hall, J. L.	Hurley, A. K.

Majority of 20 for the Ayes.

Motion thus carried.

THE STANDARD TIME (EASTERN STANDARD TIME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 891.)

Mr KERIN (Frome): It is with a sense of duty to the electors of Frome that I oppose this Bill. I have certainly been left in no doubt by the calls to the electorate office and the meetings I have attended as to the feeling in the community. I would like to refer back to the contribution made by the member for Giles in the second reading debate. I hate to pick on him after his massive loss a couple of minutes ago, but a valuable lesson came out of that for all the newer members of Parliament, and I thank the member for Giles for his tuition. His contribution was a model example of the sort of hypocrisy that can come about when you put politics and opportunism ahead of people.

The Hon. Frank Blevins: That is Parliament.

Mr KERIN: Yes, that is Parliament. Those present certainly saw a major back flip in a matter of minutes—and a very gymnastic one at that. We heard a passionate appeal about the harm that the daylight saving extension would do to the honourable member's constituents at Kimba and various other places, and he felt so strongly about it that he introduced a Bill to remove the Government's right to vary the period.

I am no mathematician, but I would think it would save constituents about 20 hours. We heard a passionate argument about that, but within minutes the honourable member was back on his feet supporting this Bill on Eastern Standard Time. After the reference to the 20 hours that was so important, he expressed his support for the imposition of the 180 hours involved with Eastern Standard Time. I could not help thinking that some of the honourable member's constituents had been tickled with a feather and then hit with a hammer. The net loss of 160 hours makes it easy to question the sincerity of the honourable member's arguments on daylight saving and perhaps to question his motives as to whether he was being slightly mischievous.

A couple of the contributors to this debate have misread the attitude of business to Eastern Standard Time. We heard claims that business was at one over this issue, but that is incorrect. I have spoken to many business people about this matter. The Chamber of Commerce was held up as a reason for claiming—

The Hon. Frank Blevins interjecting:

Mr KERIN: Robert Gerard told you; he was also mentioned several times as being President of the Liberal Party—

The Hon. Frank Blevins interjecting:

Mr KERIN: He was not. It was incorrect. It is like saying the member for Ross Smith is the captain of *Popeye*: it is just not true. Among the rank and file of the Chamber of Commerce there is not much support whatsoever for Eastern Standard Time. The support for it comes from a handful of big businesses. There are also businesses that support moving back to true Central Standard Time, but most want to retain the *status quo*. I have letters from Chamber of Commerce members expressing that view.

The Hon. Frank Blevins interjecting:

Mr KERIN: No, Mr Gerard is perfectly entitled to his opinion. He wants Eastern Standard Time but most South Australian businesses want the *status quo* to remain. Indeed, the half-hour difference between Adelaide and Melbourne that has been held up as being such a disadvantage was commented on by a machinery dealer at a meeting a couple of weeks ago; he said how important it was for him to have that time differential for ordering parts, and so on. My own experience as a business man is that I found the differential absolutely invaluable. The period from 8.30 to 9 o'clock was invariably spent on the telephone to Melbourne and Sydney doing that part of the business of the day before business opened here. Business that was not completed between 8.30 and 9 o'clock invariably went on until late in the day. Many South Australian businesses find that half-hour difference very handy, particularly for the freighting of goods and arranging of orders.

I have no hesitation whatsoever in saying that the overwhelming opinion of business is to support the *status quo*. I believe the previous speakers have misread and misrepresented the Premier's views on this subject. Several times it was mentioned that the Premier got rolled, but that completely ignores the overwhelming support that he received for his stand that the *status quo* should remain. Some of the most vocal people in my electorate on this matter have been parents concerned about putting their five or six year old kids on the bus in the dark in the middle of winter, and that is one aspect that all members should consider when they deliberate on this Bill.

The Hon. Frank Blevins interjecting:

Mr KERIN: I do not know whether there is another private member's Bill to shift March into the middle of winter. That would not surprise me, quite frankly; it could be on the cards. Farmers in my electorate, like those in the electorate of the member for Giles, are passionate opponents of Eastern Standard Time. Farmers do not work to the whistle of some union award but they certainly have to work to the dictates of the sun, and their plea is definitely not to play with nature.

We are now on a time line that runs through Victoria. We have been asked to adopt a time line that runs east of Sydney somewhere out into the sea and, at that time of the year when we have daylight saving, it puts us on a time line that almost runs through New Zealand. That is definitely playing with nature and farmers pay an enormous penalty for that.

The Hon. Frank Blevins interjecting:

Mr KERIN: I think I can speak with the overwhelming support of my constituents on this matter. Few want Eastern Standard Time. I question whether those who favour the Bill have anywhere near the support of their constituents that I have on this matter.

The Hon. Frank Blevins interjecting:

Mr KERIN: I am not sure that the member for Giles by his interjections is speaking in opposition to the Bill that he has already supported. He may get another chance to put his views on the record. I can oppose this Bill on behalf of the constituents of Frome with a completely clear conscience.

Ms GREIG secured the adjournment of the debate.

COURTS ADMINISTRATION (DIRECTIONS BY THE GOVERNOR) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 891.)

The Hon. H. ALLISON (Gordon): This issue was raised first by way of question by the member for Giles on 17 February when he asked the Premier if he would reinstate the residential magistrates who had been removed by fiat of the Acting Chief Magistrate since 1 January and, if that were not possible, I think the honourable member implied by way of a later grievance debate that by casual or informal decision—I think he might even have meant by direction by the Attorney-General to the Chief Magistrate—legislation should be enacted.

I have to admit that I had problems with the idea of legislating in such matters, partly because I attach considerable importance to the Australian and State Constitutions and the separation of powers. I know that the honourable member is already pooh-poohing my comments but, if he will be patient, there may be a solution that suits him. The separation of powers requires that the three bodies encompassed by this Bill brought forward by the honourable member should remain separate, one from the other. The Bill really directs that the Queen, through the Governor, should bring the weight of Parliament—this House—to bear on the Chief Justice and the Chief Magistrate by direction through the Attorney-General or Cabinet, should the Bill pass, and the question of separation of powers is inherently involved in that.

I do not want to discuss it at length, but it does trouble me. In the 19 years that I have been in this Parliament I have never corresponded directly with the Chief Justice or the Chief Magistrate of the day, simply because I have always believed that the separation of powers is vitally important to the survival of the nation. We should respect the constitutional differences. It may be that I am being petty, but that is a principle that I have followed. Invariably, I have corresponded with the judiciary through the medium of the Attorney-General and of course it has generally been a Labor Party Attorney-General with whom I have corresponded. I have found that matters have been resolved satisfactorily by that method. I have sympathy with the member for Giles in his wish that resident magistrates be reinstated. I have a fervent desire that that should—

The Hon. Frank Blevins interjecting:

The Hon. H. ALLISON: I will not support the Bill, but I will tell the honourable member what I have done.

The Hon. Frank Blevins interjecting:

The Hon. H. ALLISON: I hope that the member for Giles will pay me the respect of listening to what I have to say. I listened to his speech in silence. What I have done is negotiate with the Attorney-General, who has undertaken to write to the Chief Justice and the Chief Magistrate. This is the preferred option that the honourable member put forward some two months ago, and I understand that he would agree with the negotiations that have taken place between the Attorney-General and me.

The Hon. Frank Blevins: You would not give me support, unlike the Speaker.

The Hon. H. ALLISON: The honourable member is ignoring the fact that the member for Gordon has been one of the prime movers behind negotiations over the past seven or eight weeks. The honourable member can laugh all he likes. The simple fact is that the Attorney-General will correspond with the Chief Justice requesting that resident magistrates be reinstated. There is a second element in this. The honourable member's Bill is an important one but he should remember that he was a senior member of the Cabinet which agreed to the enactment of the courts administration legislation last year. So, he, too, regards the matter with some seriousness. Now, however, he is changing his mind and introducing a private member's Bill to alter the decisions made by his own former Cabinet.

Rather than have individual members doing that I propose that the member for Chaffey will move a contingent notice of motion to refer the Bill, which is an important one, to the Legislative Review Committee so that it can report back to Parliament with its findings and recommendations. I assure the member for Giles that I will be asking the people in my electorate—and I hope he does so in his electorate—to put forward the views of rural people to that committee with a view to persuading it that we are on the right course.

I have a problem with the fact that the Chief Magistrate and the Chief Justice corresponded directly—through their clerks perhaps and by telephone in one case, and direct to me in another—with all members of Parliament. I took that rightly or wrongly as a move on the part of the judiciary to influence parliamentary debate, which simply highlights the fact that direct correspondence between members and the Chief Justice invites that sort of response. For that reason I have religiously gone through the Attorney-General as the senior parliamentary legal adviser. The honourable member may disagree with me, but that is my rationale.

The reasons why people in the South-East would like the Chief Magistrate to reinstate the resident magistrate are several and various. I underline the fact that the Chief Magistrate himself admits there is more than enough work, at least in the Mount Gambier district, for one magistrate. He

implied that there was insufficient work for one magistrate in the Iron Triangle, and that is an issue which the member for Giles will have to address. The Chief Magistrate having said that there is more than enough work for one magistrate in the South-East, I would ask why cannot a resident magistrate be reinstated and an itinerant magistrate from the circuit come down to take up the excess work.

There is the problem highlighted by the Chief Magistrate that the residency may not settle in; he may reside in Adelaide, and there may be problems with children assimilating in the community, etc. These are problems which we have never witnessed in the South-East during the eight years we have had a resident magistrate. The problems envisaged by the Chief Magistrate have not come to fruition. We believe that the resident magistrate should for a time be sufficient to allow the magistrate to move house, settle in, form social friendships, etc., and allow the children to have some time at school without interruption.

Therefore, the term of the magistrate, we suggest in the South-East, should be for a period of three years and at the same time should not allow the magistrate to become too familiar with parties who may be repeat defendants, prosecutors or officers of the law. There has to be some nexus between the length of time and what may happen.

An honourable member interjecting:

The Hon. H. ALLISON: I am addressing the fears that were contained in the Chief Magistrate's letter to us all. I believe three years would resolve that. The South-East has accepted the fact that the resident magistrate was a very acceptable person and a good appointment, and that has virtually been taken for granted since the magistrate was appointed.

I refer here to the decentralisation policies of past and present Governments. If we remove key personnel, people with some status and standing from our local communities, as was also highlighted by the report on rural poverty yesterday, then we impoverish further our local country communities. I would like to see the magistrate restored—

The Hon. Frank Blevins: Why didn't you say that the first time?

The Hon. H. ALLISON: The honourable member is asking irrelevant questions.

The Hon. Frank Blevins interjecting:

The Hon. H. ALLISON: The *Border Watch*?

The Hon. Frank Blevins: I will read it out to you shortly.

The Hon. H. ALLISON: I have every copy and I have conferred with the *Border Watch*. If the honourable member is suggesting that Parliament is run by newspapers and the media he can come to his own conclusions. I believe that the Australian Constitution and other matters are far deeper than local comment. The end result is that I still have the Attorney-General to ask for the reinstatement of the resident magistrate, which is precisely what the honourable member is seeking. If it hurts the honourable member to think that he could not do that, that is his problem. The efficiency in delivering services to country areas was brought into question by the Chief Magistrate. As I have said, there is enough work in the South-East for a full-time magistrate plus an itinerant one.

Another problem which the Chief Magistrate did not address is what happened in Port Augusta only a few days ago. The magistrate arrived late. People were waiting for the court to commence. I believe that there was some imbibing of refreshing drinks on the fence outside the courtroom. I do not know what the consequences were in court, but it would be better if proceedings started promptly. Similarly in the South-East, the climate is such that in winter time there are fogs from autumn through to spring and there is never a guarantee that the aircraft bringing the magistrates will be able to land on time. Therefore, the courts may start an hour, two, three or up to six hours late. I have spent six hours in the air between Adelaide and Mount Gambier before finally landing, having to come back to Adelaide because the aircraft was running out of fuel. That is the sort of problem that personal experience tells me the magistrate cannot guard against.

Mr ANDREW secured the adjournment of the debate.

STATUTES AMENDMENT (NOTICE OF CLOSURE OF EDUCATIONAL INSTITUTIONS) BILL

Second reading.

The Hon. M.D. RANN (Deputy Leader of the Opposition): I move:

That this Bill be now read a second time.

It provides for an 18 month embargo on school closures in South Australia. I was very pleased that it was passed by the Legislative Council last night despite the vigorous and at times bitter opposition from the Liberal Party and its Education Minister, Rob Lucas. This Bill is about protection; it is about consultation. It was very interesting that during the last election campaign the closure of schools became a major issue. There are court cases and various things going on about that. At the time it was interesting to note some of the categorical assurances given by both Mr Lucas and the Premier: firm assurances that the Liberals would not close schools simply as a cost cutting measure.

This Bill would require the Brown Government to give 18 months notice of any school or TAFE campus closure in this State. It would require the Government to give formal notice in the *Government Gazette* of any closure, with written notice to be laid before both Houses of Parliament. The reason for that is quite simple. It is about consultation: the consultation that was promised by the Brown Opposition and now Government.

This is the consultation they are now very rapidly trying to run away from.

The embargo will ensure that students, parents, teachers, the local community, councils and, in the case of TAFE, industry are fully consulted to enable the local community to make plans and any appropriate new arrangements in advance of a school or TAFE campus closure. It would be extraordinarily hypocritical for the Government to oppose this Bill. As I have said before, it was a major issue in the campaign. Major categorical assurances were given about no closures simply as a cost cutting measure, and adequate consultation. So why then does the Education Minister in this State oppose that consultation process?

The other issue is the Audit Commission. So, this Bill is particularly timely. Fewer teachers and school assistants, larger class sizes, school closures, devolution and local management of schools have all been recommended by the Government's Audit Commission. If the recommendations are implemented, the most significant election promises made by the Liberals at the last election to South Australian families, parents and students and communities would be in tatters. The Education Minister and the Premier promised an increase in education spending in 1994-95 and no increase in class sizes. Of course, the Audit Commission recommends

otherwise. It has recommended cuts of at least $80 million. The report says that the student to teacher ratio should be increased to the Australian average. That would mean 930 fewer teachers, while non-teaching staff would also drop dramatically. It is also recommended that 1 300 permanent teachers employed against temporary vacancies be cut. That is a total of well over 1 000, perhaps 2 000, teachers.

The audit says that the average school size should be increased towards the optimal size, especially in the metropolitan area. That optimal size, the theoretical optimum recommended by the Audit Commission, is 300 for primary schools and 600 to 800 for high schools. If enrolments were raised to that level, then theoretically upwards of 140 free standing primary schools and 10 high schools would be 'surplus to requirements'. That means closed. That is what this Bill is about today. It is about ensuring that, if this Government breaks its clear election promises to the people of this State, the categorical assurances, ones that would not be broken once they got into Government—'read my lips'; all that type of stuff that went on during the election campaign—local schools, parents and communities will be adequately consulted.

It was a very strange and bitter debate last night in the Upper House. Despite all the things that the Hon. Rob Lucas said during the campaign, he fought tooth and nail to defeat this Bill, fortunately unsuccessfully. He said, 'Suppose there was local agreement ahead of those 18 months to close a school, we would not need the 18 month period', but why did he not move any amendments to cover that possibility? He was invited to do so by the Hon. Chris Sumner. I understand that this Bill, which is designed to protect schools and school communities and to protect our most valuable resource—our kids—has the support of the South Australian Institute of Teachers. It certainly has the support of a large number of school communities that have contacted the Opposition.

This Bill simply requires the Government to give formal notice of any intended closure. So, if in the next six months, when we see Audit Commission's six month anniversary come up, or in the budget, when the recommendations of the Audit Commission are considered by Cabinet, and if the recommendation is to close X number of schools, this Bill, if it is passed, simply requires the Government to give formal notice of any closure in the Government *Gazette* and for written notice to be laid before both Houses of Parliament. What is wrong with that? What is wrong with the consultation process?

I want to hear from some of the marginal seat members opposite about why they support their Education Minister. I want them to explain why local schools in their areas, ones that are designated as being under threat by the Audit Commission because of their size, should not be given formal notice of the Government's intention; why they should not be given the chance to have their say; why they should not have the chance to be consulted; and why they should not, as parents and students and communities, have a chance to make plans to discuss what other options they have. That is why I commend this Bill to the House.

Mr BASS secured the adjournment of the debate.

UNEMPLOYMENT

Mrs ROSENBERG (Kaurna): I move:

That this House urges the Federal Parliament to make such changes as necessary to existing legislation and administration procedures as will require recipients of unemployment payments for twelve months or more from Social Security to perform work for a proportion of each week (or each month) either for local government or in a community service program within the locality in which they live if not already involved in approved training courses.

I so move because of the number of unemployed in Australia and the effect this is having on the community in this country. I would like to use some of the time available to talk about the statistics that support the motion. Australia's unemployment level has doubled over the past four years from 500 000 in 1989 to 1 million.

Prior to the election of the Keating Government, and during the whole of the election campaign, there was a promise that the Federal Government would find jobs for all Australians and that he would get them back to work. On the night of his election win, he actually said he would try to get them jobs but, if he could not get them jobs, he would look after them. I said in my maiden speech that the majority of people in Australia who are unemployed do not want to be looked after—they want to make some positive contribution to the country.

The more tragic aspect of this is the long-term unemployed, who account for 40 per cent of those unemployed in the workplace, and that is about 375 000 people. The impacts on society of unemployment are devastating. I will mention some of them. The Federal Government's own green paper admits that, the longer people are out of work, the harder it is for them to get a job, because they lose contact with the labour market, they lose touch with the community and they find less opportunities coming their way. Their skills deteriorate, their confidence wanes and their morale is sapped. Employers believe that, the longer a person is unemployed, the less employable they are, and this compounds the problem. All this continues to put the long- term unemployed further back on the queue. The long-term unemployed therefore obviously become alienated and begin to feel alienated.

The links between unemployment, poor health and social problems are clearly shown in many research topics. The labour markets function less efficiently because sometimes the less qualified are closely aligned to the system of vacancies rather than those who are best qualified because of the poor way the CES matches the labour force and the unemployed. I have a statistical list that I seek leave to insert in *Hansard* without my reading it.

The SPEAKER: Can the honourable member assure me it is of a purely statistical nature?

Mrs ROSENBERG: Yes, Sir.

Leave granted.

Shares of long-term unemployment by age group
long term unemployed > 1 year

%	Age group
4.5	60+
6.0	50-54 & 55-59
9.0	45-49
8.0	40-44
9.0	35-39
10.0	30-34
11.5	25-29
20.0	20-25
7.5	15-19

Mrs ROSENBERG: I include the table in my contribution because it lists the long-term unemployed (those unemployed for longer than one year) by age groups in the community. The 20 to 25 years age group, at 20 per cent, makes up the lion's share of the long-term unemployed. That

fact is particularly important in respect of what I will have to say later. Eighty-nine per cent of South Australian managers say that they would be prepared to employ a long-term unemployed person. However, 61 per cent of managers in South Australia have never hired a long-term unemployed person.

Recently, 500 of South Australia's top managers were surveyed, and 71 per cent said they had never employed a long-term unemployed person. Of those managers who had employed long-term unemployed people, 68 per cent had done so on a contract basis, 37 per cent on a three month contract, and only 22 per cent were prepared to employ them as a permanent employee. Thirty-four per cent said that they expected or had experienced difficulties employing the long-term unemployed. Of those actually experiencing difficulties, the most commonly mentioned factor was that the long-term unemployed in their employ lacked motivation. In fact, 67 per cent lacked motivation; 39 per cent lacked training in their particular area; 34 per cent had irregular work practices; 33 per cent lacked initiative; 22 per cent had an inability to conform; 19 per cent showed absenteeism; 17 per cent had poor inter-staff dealings; and 14 per cent had a record of lateness.

I place those figures on the record because they are the reasons why employers are saying they are not taking on the long-term unemployed. It reverts back to the whole reason why the long-term unemployed get further and further down the queue. They lose all those things like regular work practices, initiative, and the ability to conform because they are out of the work force for so long. It is a double-barrelled problem and it is reinforcing itself the entire time.

The top four factors that influence managers in deciding to hire the long-term unemployed are whether they are suitable for the job, whether they have good references, whether they have a good work history and whether they have the ability to perform the skills that are asked of them. These are the same factors that are considered when people decide to take on the non long-term unemployed, but the long-term unemployed are missing out because they do not have the ability to keep up their skills in those four main areas. Obviously if they are long-term unemployed they will not have good references or a good work history and they will yet again be put further down the queue.

The long-term unemployed of between one and two years in Australia in 1993 numbered 375 000 people, and those who had been unemployed for longer than two years numbered 320 000 people. They will continue to be pushed down the queue. The young in society do support a work for the dole scheme. A study by the Australian Youth Institute, which was conducted recently in Sydney, showed that two-thirds of those interviewed in the 18 to 25 year bracket favoured some sort of work for the dole scheme; and half of those people interviewed were already long-term unemployed.

The same number of people supported some sort of compulsory training scheme; and 69 per cent were dissatisfied with Government efforts to get them into either a training scheme or work. To the direct question, 'Should people have to work in return for unemployment benefits?', 66.4 per cent said, 'Yes', and only 19 per cent said, 'No'. Work for the dole was supported by 75.9 per cent of full-time workers, 60.3 per cent of part-time workers and 56 per cent of the unemployed.

The survey results were drawn up in time to present to Mr Crean for inclusion in his deliberations for the Government's white paper on unemployment, which was released yesterday. The overriding comment of most people interviewed was, 'We would support anything that helped a person's motivation and self-esteem'. That is the most important issue for us to consider. We need to enable them to make a positive contribution, and allow them to continue their skills and gain more skills to keep their opportunities open.

The effect of long-term employment has a family link. This is clearly shown by much research. Those people who live with an unemployed spouse or partner are most likely to remain unemployed. Sole parents are particularly hard hit by long-term unemployment, representing 6.6 per cent of the long-term unemployed. A detailed profile of long-term unemployed workers shows that those in unemployed families are more likely to become unemployed themselves. So, if a child is being brought up in an unemployed family, they are more likely to remain unemployed also. Education, age and birthplace also have a significant impact on their chances of employment.

The irony of it is that the majority of long-term unemployed are seeking work as labourers or tradespeople, and these areas represent the highest incidence of long-term unemployment. Ironically, those people who are long-term unemployed are seeking work in the areas which traditionally have the highest unemployment levels, so they are defeating their own purpose. Education has an affect, and there is plenty of research to show that suicide rates are now starting to be linked to male unemployment levels. In the 1980s and 1990s the upsurge of suicide in males in the 20 to 24 age group correlates very highly with that level of age group being the highest unemployed.

The Australian Institute of Health Studies showed that the mortality rate per thousand of unemployed males was 17 per cent greater for those who were long-term unemployed compared to those in employment. Professor Burrows' address to the Mental Health Foundation of Australia indicated that his research showed that long-term unemployment would have long-lasting effects on the mental health of young Australians. He described the stress levels as near crisis point. This group of teenagers were showing strongly in the crime and mental health statistics in Australia. Doctor Abbott, who is President of the World Federation for Mental Health, said recently, 'Youths needed to work at least one or two days a week, perhaps for voluntary agencies, to have a feeling of correctness with society'.

The Federal Government has recently announced its $6 billion jobs package, and something was in the paper yesterday and today about that. I believe that it goes some way towards addressing the issues highlighted in this motion, and I am very pleased about that. Although I acknowledge that it has gone some way to addressing these issues, the problem it has not addressed is the long-term unemployed, particularly giving further initiatives to employers to get out there and take on permanent people. These are the two issues we have to address—not the bandaid issues of the $6 billion jobs package.

Let us look at where some of the money is going. There is a big claim in that package that there has been a radical shift in the dole payment from a hand-out to a reward for effort mentality. I wonder why? When you really examine what the Government proposes to do, I doubt that that is truly the case. There are plans to put 559 000 people into subsidised positions for six months. It is just like the current training programs that we constantly give to people as a hand-out now and say, 'However, at the end of three, six or 12

months you will be back on the scrap heap.' It is not good enough.

It is proposed that $40 million be used to teach 500 CES managers how to manage those on the CES list. I thought this was already their job! I thought this is why they were paid their magnificent salaries, for which they have done absolutely nothing in the past. Now we are going to spend $40 million to teach 500 of them how to do their job. Another $23.5 million will be used by an employment service regulatory agency to encourage and regulate competition. What an irony: $23.5 million to replace competition which Labor just spent the past 10 years trying to destroy! It took it away, and now it will put in $23.5 million to bring it back. Great!

An amount of $187 million will be spent to rebuild the CES information technology system so that it can finally effectively put those people who need a job with the job they are trained to do. Wonderful! An amount of $187 million—and finally they will start doing the job they should have been doing all along. They are going to put those people who are trained for a job with that job. Congratulations, Federal Government! You have finally woken up.

This $6 billion package merely attempts to hide unemployment numbers. It fails to deliver jobs. It has no significant employment programs. It goes to lower payments for young people being trained, which is particularly unLabor I thought, on the basis of the election promises and complaints that were made during the Federal election. Mr Martin Ferguson must be the biggest hypocrite in Australia. He has come out in today's paper supporting—

Mr Atkinson interjecting:

Mrs ROSENBERG: Yes, bigger than you, and that is big enough. He supports a lower training program for those people on lower training wages, but he was totally opposed to it during the entire Federal election when it was put up by the Liberals. Most importantly, it fails to do two things: it does not appraise the long term unemployed, and it does not give any incentives for employers to put people into jobs. I reiterate support for my motion because, after all the Federal Government's rhetoric, we will still have unemployment greater than 10 per cent and all the problems in the community that are associated with that. It simply is not good enough, and I support my motion.

Mr De LAINE secured the adjournment of the debate.

NETBALL

Ms GREIG (Reynell): I move:

That this House gives credit to Contax and Garville for reaching the Mobil Super League All Australian Netball grand final and congratulates them for achieving the status of the best two netball club teams in Australia and, further, this House congratulates the All Australian Netball Association, the South Australian Netball Association their committees and staff for managing and organising the Australian finals in Adelaide.

In 1994 the Mobil Super League was one of the most fiercely contested netball events. The Mobil Super League champions is the only women's sporting team in the country to hold aloft the Prime Minister's Cup, and with such a title at stake it is no wonder that this event has become the most prestigious on the netball calendar. It was disappointing to see the grand final decision held under a cloud of doubt but, nevertheless, the two teams are worthy national champions, and they are both South Australian. Even though there can be only one winner, my credit goes to both Contax and Garville.

The Mobil Super League was played on 29 and 30 April and, I must admit, along with many of my colleagues from both sides of the House, it gave me great pleasure to have the opportunity to see first class netball in Adelaide. It was arguably the most exciting of the netball Super League games played. Both club teams showed relentless determination to fend off repeated strong attacks. They retained outstanding accuracy and maintained strength and tenacity. At this point it is important to note that women have played a major role in Australia's success in not only the national but the international sporting arena.

Many individuals in teams have been recognised as world champions and world record holders. Although women have constituted less than 20 per cent of the total membership of the Australian Olympic teams, they have won 42 per cent of the gold medals while competing in only 22 per cent of the events. Unfortunately, even though half the population is women and many of these women are involved in some form of sport, women do not receive the same recognition for their achievements; media coverage is poor, and sponsorship is still just a drop in the bucket. Netball people claim that 1.2 million women and girls play their game, with 400 000 of those doing so competitively.

It is estimated that about 100 000 people play netball in South Australia, making it the most commonly played sport behind lawn bowls, yet when it comes to funding there is no comparison with the $7 million plus that Rugby League attracts from its sponsors, or the $500 000 a year that was committed to baseball promotion in Australia in the late 1980s. Again, soccer, cricket and AFL remain the kings of corporate sponsorship. However, I will admit that there are companies which could be considered gender neutral. They have recognised that they can make much commercial mileage from providing a bit of gender balance in their corporate sponsorship programs.

In recent years there has been considerable public comment from the women in our community about their concern for the poor portrayal of women's sport. It is well accepted that a portrayal of good role models in sport serves to encourage people to maintain an involvement in a sport. Clear research and evidence indicates that women are generally poorly portrayed in the media by either inappropriate reporting or no reporting at all. Women's general dissatisfaction with this poor portrayal has been evident through their lodging of public complaints, their declining to purchase newspapers and their non-participation as audiences of TV and radio.

There is one company I should give some credit to, and that is Mobil Australia, which once again sponsored the Mobil Super League. Mobil Australia's support of netball commenced in 1991 and, just prior to Christmas, Mobil announced its continued sponsorship until at least 1996. The ABC also deserves credit for its coverage of netball, through its television program *Goal Attack*. I commend that support for netball and perhaps, when it realises how popular the show is, it may receive some prime time viewing. Again, congratulations to the All Australian Netball Association, the South Australian Netball Association, and their committees and staff for providing South Australia with the ultimate in Australian netball.

Ms STEVENS (Elizabeth): I support the motion with pleasure. I support everything the honourable member has said, and I would also like to add my congratulations to Contax and Garville. Netball is one of the great participation

sports, and it deserves full recognition in a whole range of areas. Congratulations to Contax and Garville. Both teams have become wonderful role models, and congratulations to all people involved in the Mobil Super League.

Motion carried.

SOUTH AFRICA

The Hon. LYNN ARNOLD (Leader of the Opposition): I move:

That this House notes the establishment of democracy in South Africa and congratulates all those people, organisations and parties both in South Africa and elsewhere that have worked for this to happen.

I am an Australian. Like so many other Australians, I was born overseas. I was born in South Africa as was my father, his father and two generations before him. I was born in Durban one week after the Indian riots of 1949, and a week after my birth I went to live with my parents near Mtubutubu in Zululand. In 1953 my parents chose to leave that country, because they did not want their children brought up under the system of government that was developing under the then newly elected Nationalist Party. That Party had, since its election in 1948, disenfranchised coloured voters and gerrymandered the boundaries for the remaining white electorates.

Thus, with a minority of white votes and no mandate from any of the vast majority of South Africans—those of other races than white—the Government set about establishing an abhorrent regime founded on racism, oppression and policies of divide and rule. The discredited policy of apartheid was born. The charade of separate development, of autonomy, even of supposed independence saw the map of the country changed with the creation of the Bantustans: Transkei, Ciskei, Bophuthatswana, Venda, Qwa Qwa, Kwa Zulu, Lebowa, Gazankulu and Swazi.

We know that in an earlier time the Nazis created the showpiece of the Warsaw ghetto that was, in its initial phase, a front to disguise the slaughter of Jews. It should be noted that the Nationalist Party of South Africa, when in Opposition during the Second World War, in fact supported the Nazis. The policy of apartheid did not mask such a deliberate policy of genocide, as was seen in the Warsaw ghetto. There were no gas chambers, but there were State sanctioned deaths from official executions, with more use of the death penalty than all other countries combined—deaths through travesties of justice and policing.

If any doubt the reality of that, I suggest they look at the final credits of the movie *Cry Freedom* to see the names of many who died while in the hands of the South African police, alongside the supposed causes of their deaths. Then there were the slaughters, and no other name can be used to describe such instances as Sharpeville in 1960, Soweto in 1975, and many more instances of the killing of innocents—for such surely they were, unless it was a crime to stand up for freedom—by police. Then, there were the deaths caused by poverty, malnutrition and violence engendered by a State that lived by violence rather than the creation of a peaceful commonweal.

Regarding the apologists, especially those outside South Africa, what concern did they show during those decades for the babies who died as South Africa had, despite its wealth, Third World rates of infant mortality? Where were their fatuous comments as people died of starvation in the Bantustans. Let us not forget the pass laws that intimidated and abused blacks, clearly defining them as no more than depersonalised units of labour to an extent that would have made even Adam Smith blanch. They were factory fodder who required passes only while they were needed; otherwise, they were herded back to the wastelands known as the homelands.

There have been many ironies in South Africa over recent decades. One such was the national motto during all those years: *Ex unitate vires*—From unity strength. How ironic in a country that lived on the back of divide and rule; how ironic that a country should choose to ignore and oppress its population in the most savage of ways.

But change has now come. In this last week we have seen the elections take place. Despite enormous difficulties—the absence of electoral rolls, for example, tensions within the country from various sections, the logistics of mounting a successful election in a country that had never had a democratic election before—to the chagrin of the Jeremiahs, the elections have been held, and they have been held, despite those circumstances, with remarkably little disruption.

Finally, it was to be only a ragtag band of far right whites that armed for the final laager of apartheid. For the rest, with inspired leadership from Nelson Mandela and F. W. de Klerk, and even the final involvement of Chief Gatsha Buthelezi, South Africans—a numerous people no longer defined by race—voted not to restore democracy, for there had never been democracy, but to introduce it for the first time.

The path ahead will be very difficult. There has been an enormous amount of damage to the social and economic fabric of that country which will have to be redressed. The legitimate aspirations of the vast majority of South Africans who were blocked out of receiving the true benefits of that country will have to be met. However, the path is now determined.

All those who played a role in steering the country in this direction should be congratulated. In South Africa there are so many to be congratulated for the work they have done. Most recently, of course, there is the significant role of Nelson Mandela, F.W. de Klerk and others, but there are many others and I will mention just a few: Beyers Naude, the head of the Dutch Reform Church, who, after Sharpeville, left that organisation appalled at the slaughter that he had seen his own people inflict; Alan Paton; Father Trevor Huddlestone; Rian Malan of the Malan family, famous in Nationalist Party politics in South Africa—for those who want to read about the circumstances in South Africa, I would recommend *My Traitor's Heart*, a book written by Rian Malan, as an excellent book on the subject—Albert Luthuli; Robert Sobukre; and the late Steve Biko. They all called out for change, and there were many throughout the world who likewise supported change.

I have seen South Africa play in two rugby matches. One was in 1972 and the other was in 1993. At the first, I was outside the gate. Well, I got inside the gate, but I was behind a police barrier. At the second, I stood there with the South African Ambassador and other dignitaries who had been invited for the occasion to watch South Africa play South Australia. Even if I had wanted to do so, I could not have seen any more games with South Africa between 1972 and 1993 because the sports boycott was on, and I fully supported that boycott. Many said, 'Keep sport out of politics. What has that got to do with change in South Africa; what has that got to do with us in this country?' The abhorrent form of government in South Africa which deliberately created a society of oppression has a lot to do with everybody. Not just

because I was born in South Africa should I have been concerned about that: every Australian should have been concerned about that because the fundamental principles involved are internationalist principles of freedom and justice. The sports boycotts did work. The economic sanctions, which on the face of it were often successfully bypassed, did bite. International isolation greatly assisted the process of change in South Africa.

I mentioned earlier those who spoke against that process. I know that many in our community are on the public record as saying that it was none of our business, that it would not work or that it was hurting the blacks more than the whites in South Africa, notwithstanding that the black leaders wanted this process to take place. I hope they will now acknowledge what has happened in South Africa. I hope they will now acknowledge and wish well the Government of national unity that is to be established in that country. It is very easy for the critics elsewhere to sit back and provide supporting statements for the horrors that have taken place in that country over recent decades. I hope they now have the grace to acknowledge that they were wrong. I am not ashamed that I took part in those demonstrations all those years ago. I am very proud to have been part of that process, because it finally helped.

We will see a Government that will be led by Nelson Mandela. I find him a remarkable human being. After being imprisoned for nearly 30 years, without any right to have been imprisoned by any sense of justice, he came out of prison. First, to have survived that long period, much of which was in severe isolation on Robben Island, would have been achievement enough, but to come out after 30 years and not be embittered and actually want to lead a process of change that involved all South Africans regardless of race is a remarkable achievement; to come out in his 70s and physically take on the challenge of leadership in such enormously difficult times is a remarkable achievement; and to come out not frozen in time with views that reflect a snapshot of South Africa 34 years ago is also a remarkable achievement.

Since he left the prison and started freely to lead the ANC once again, it has been inspiring to watch the way that this leader has responded to the needs of South Africa in the 1990s. Such is the mark of a real leader. I wish him and his Government of national unity very well in their work in the future.

I think it is appropriate that this Parliament, albeit a State legislature, have the opportunity to debate a motion such as this so that we can decide whether we support what has happened in that country. If the motion is to be carried, I would hope that the Speaker will then convey that to the appropriate authorities in South Africa so that they will know that we have supported what they have been through, and we certainly support them in their future progress.

The Hon. FRANK BLEVINS (Giles): I also wish to support this motion and join with the Leader of the Opposition in congratulating the people of South Africa on finally achieving their freedom. As in all struggles, and this certainly applies in struggles for liberation, some people are thrown up and get the spotlight. Some of the principals of the South African struggle were Nelson Mandela, Oliver Tambo, Joe Slovo, Chris Hani and Steve Biko. They are all known to us and people within South Africa revere them, but there were also hundreds of thousands, if not millions, of ordinary black South Africans and a handful of whites, to be charitable, who suffered, who were slaughtered and, as the Leader has stated, who starved for freedom in South Africa.

What were they trying to free themselves from? They were trying to free themselves from a white regime that had the backing of the church for what would have to be one of the most unholy regimes in the history of the world. The Leader was very charitable when he also congratulated ex-President F.W. de Klerk. I am not so charitable. I believe that to date, although the future will tell, the whites in South Africa have got off very lightly indeed. For Nelson Mandela, the ANC and all the black South Africans to have behaved the way they have to date is something that I find very difficult indeed to understand.

It has been said that F.W. de Klerk has to be given credit for handing over power to the majority in his country. He did nothing of the sort; the black majority in South Africa took power from the whites. The whites were no longer capable of holding it. Nobody ought to doubt that had the whites been capable of holding power in South Africa they would have done so. They lived a very privileged life indeed, to an extent that is unacceptable even in a capitalist society, on the backs of their fellow man. F.W. de Klerk, the former Government of South Africa and their predecessors were directly and indirectly responsible for the hundreds of years of oppression in that country and in particular the post-war oppression. They do not deserve any forgiveness whatsoever, in any sense that I understand. They murdered children; they denied them an education and any basic health services; they denied them ordinary human dignity. If I were a black South African I would certainly not forgive them for one moment for what they have done to those people.

To their credit, the Labor Party and all Social Democrat Parties throughout the world have put up vigorous opposition to the South African regime. Like the Leader, I have played a small and probably insignificant part in that, but I am very proud to have been able to have that privilege of assisting, to the limits of the assistance that I could give. I visited South Africa on a ship as a 17 year old boy in 1956 and was absolutely appalled by what I saw. I had the opportunity and the privilege of attacking South African shipping when it arrived in Whyalla, as it did from time to time.

It gave me an enormous amount of pleasure to refuse to handle South African cargoes and ships when they arrived in Whyalla and to see those ships swinging out at anchor until such time as they got the message and they did not come back. In the end, we did not have to bother with them because they did not come back. Unfortunately I was not able to be involved in the sporting boycotts, but I know that the Leader and others in this State were very effective indeed in letting the South Africans and their supporters here in Australia (and let us not forget they had many supporters here in Australia) know precisely what we thought of them.

I give full credit to former Prime Minister Malcolm Fraser, but until relatively recently the Liberal Party and Liberal Governments in this country supported the apartheid regime and the white racists in South Africa. Some members of Parliament used to go there, and Don Jessop was one whose visit was paid for by the racist Government and who came back here from South Africa with nothing but paid apologies for the South African Government. That is what members of the Liberal Party did, and they disgust me. I will conclude on a couple of quotes from the extensive press coverage that has occurred since the recent elections. When President de Klerk conceded defeat in the election and Nelson

Mandela obviously claimed victory, one of the reports in the *Australian* on 4 May stated:

> The stage was decked in the black, yellow and green colours of the ANC. Mandela's arrival was heralded by the ANC choir, dressed in traditional costume, singing God Bless Africa. Their President stood with them, singing, his fist raised in salute and his face set by a lifetime of struggle and 27 years as a prisoner of apartheid.
>
> 'This is indeed a joyous night,' he told the crowd of cheering, singing, sobbing supporters, 'We can loudly proclaim from the rooftops—free at last.' Among the hundreds of supporters stood Coretta Scott King, widow of the American black civil rights Leader Martin Luther King. It was King who first uttered those words to African Americans, 'free at last, free at last, thank God Almighty, we're free at last.'

To all the black people in South Africa and the handful of whites who supported them, I can only wonder at their tolerance to date and wish them the very best of good fortune in what will be an incredibly difficult future for them. In particular I would like to know that after opposing these people for 20 or 30 years this Parliament will send a message to President Nelson Mandela of South Africa that this Parliament congratulates him and supports the people of South Africa for the journey that they have finished and the new one they are about to commence.

Mr SCALZI (Hartley): I, too, wish to support the motion moved by the Leader of the Opposition concerning the establishment and birth of democracy in South Africa. It is important for us to acknowledge this event because, despite our different political persuasions, we are first all democrats. We are liberal democrats in the true sense of the word and I believe that we should rejoice at the events that have occurred. We should acknowledge these events and send our congratulations to all the people involved, as the Leader of the Opposition has so rightly suggested.

If we fail to do that and fail to acknowledge the importance of this event, then we fail to acknowledge one of the most important events of the twentieth century. Although there will be difficult days ahead, the parallel can be drawn of a child that has been born. That child will fall from time to time, but we hope and pray that the child will grow to be a mature person and contribute to society. We have witnessed the event this week; South Africa has given birth to democracy and, although difficult days lie ahead, as that legitimacy is established throughout the country South Africa will become a mature democracy in the true sense of the word. I totally support the motion.

Mr BECKER (Peake): I wish to support the remarks of the Leader of the Opposition and thank him for bringing this motion before the House, but I do want to refute some of the comments made by the member for Giles. It is most unfair to say that members of the Liberal Party are supporters of apartheid. I refer to the Adelaide bid for the Commonwealth Games. In company with Kim Mayes, then Minister for Recreation and Sport, we had an adviser, Mr Gnonde Balfour, who was well known to Nelson Mandela and was his friend. Mr Balfour introduced us to many people in Africa and there is no doubt that, through the involvement and association of Kim Mayes, Mr Balfour and other contacts we had were part of the reason why we were able to earn respect among the African delegates and why we did very well. I believe that would have helped Sydney in its bid for the 2000 Olympics. Importantly, during that period I came to see and meet people who had struggled—

The DEPUTY SPEAKER: Order! The member for Hartley is out of order in conferring with the gallery.

Mr BECKER: I appreciated the problems, and full marks now go to Nelson Mandela and his Party for their tolerance. It has been tragic that so many people have had to lay down their lives in the struggle for freedom in South Africa, but we hope that that country now goes from strength to strength and that all people will benefit from the result of the recent election.

Ms GREIG (Reynell): I also support the motion. The Leader of the Opposition has vividly described history in the making in South Africa. I will not speak for long, as the Leader said it very well. The names of Mandela, Biko and others at the front line of the Freedom Call will be names not forgotten. The person I will most remember is a young woman who was interviewed by the television media on election night. She said, 'It is a great feeling. I am now a human being.'

As a white member of the human race I was ashamed of the oppression, the lack of dignity and the lack of self-esteem forced upon black South Africans over the many years. The member for Giles also spoke in favour of the motion but at the same time still pushed hatred towards white South Africans. This is dangerous; again, we will be feeding hatred and, as we all know, hatred breeds war. Mandela and de Klerk are not looking for war: they are sharing and have shared the call for democracy, the call for freedom and the call for a united South Africa.

Mr QUIRKE (Playford): Most members on this side of politics can remember a different attitude from the Liberal Party in South Australia and nationally and it is pleasant now that we find members who wish to line up with the new regime in South Africa that is soon to be sworn in.

Members interjecting:

Mr QUIRKE: Members opposite can say, 'Don't bring politics into this' but I remember what it was like back in 1971 with the rugby tour that took place here and the comments made about it. I remember Legislative Councillors from the other persuasion at that time who had a very different attitude to Nelson Mandela and the ANC and who lined them up as communists. It is pleasing to see that in the past 23 years there have been some changes.

It is also pleasing to see in South Africa the electoral process, which at one stage was seriously under threat by the activities of the ultra right wing white elements within that South African society who were not successful in derailing what can only be described as the locomotive for change in South Africa. It brought for the first time the right to vote to people who were octogenarians or even older. I remember a media story about a week or 10 days ago of a Sharpeville massacre survivor of March 1960 who is now 93 years old. It was the first time she had ever gone back to Sharpeville and she said it would be the last time, but she was certainly going to be there to vote.

The other aspect that has come out of this exercise involves the white supremacists. Whether they be Australian or South African, they made comments about blacks in South Africa and in some media reports made it clear that they were subhuman. They made comments that they were nothing better than animals. One thing that can be said about this is that they knew that to vote was very important. They knew who to vote for. What is more, it did my heart good to see those queues waiting outside the polling booths because they were making absolutely sure that when they got this opportunity they were not going to pass it up. I am very happy to

support his motion. I am even happier to see a large number of members on both sides supporting this motion.

Mr MEIER secured the adjournment of the debate.

ADELAIDE CITY SOCCER CLUB

Mr BECKER (Peake): I move:

That this House congratulates and honours the Adelaide City soccer team following their magnificent 1-nil victory over the Melbourne Knights in Melbourne on Sunday 1 May 1994.

It was a great victory for a club with a wonderful tradition in soccer in South Australia. The foundations of the present Adelaide City soccer club were laid in 1946 with the establishment of the Adelaide Juventus soccer club, which competed very successfully in the South Australian soccer federation to take 12 premierships and 12 cup titles between 1946 and 1976. With the introduction of the national soccer league in 1977, the Adelaide City soccer club produced one of South Australia's two national league teams and presently is the top team in the national soccer league competition. Adelaide City created history in 1992 by becoming the first club in Australia to achieve the double in the same season; namely, the 1992 Coca-Cola championship and the 1992 Sharp Cup championship.

We all had the opportunity on Sunday 1 May to watch the game live through the courtesy of SBS television. I give full credit to SBS for recognising that there are other forms of football in Adelaide without taking anything away from the Crows. I think we are all getting a bit sick of 'Crows this, Crows that and Crows something else'. It is great to see that another form of football has been accepted, namely soccer. Allan Crisp summed it up in the *Advertiser* of Monday 2 May, as follows:

Adelaide City, the aristocrat of Australian soccer, yesterday fulfilled a national soccer league dream by winning its third championship title with a 1-nil win over Melbourne Knights at Olympic Park. The City kings were crowned after Damian Mori clinched the Zebras' second championship in their third successive grand final with a superb 30 metre goal in the 68th minute.

In other words, it was a brilliant goal. In fact, Damian Mori's opponent, the goalkeeper, said it was a great goal. When somebody makes that comment in soccer you know it was a very good goal. It was a great shot.

The list of players included Alex Tobin the captain, Robert Zabica, Goran Lozanovski, Steve Maxwell, Damian Mori, Renato Musolino, Jason Petkovic, Carlo Talladira, Tony Vidmar, Brad Hassell, Milan Ivanovic, Joel Marion, Serge Melta, Joe Mullen, Jamie Perin, Daniel Sabatino and Carl Veart. The coach is Zoran Matic who has been with the Adelaide City soccer club for the past 10 years. He is outstanding and renowned Australia wide for being one of the hardest and toughest disciplinarians in soccer. He has done more for soccer in South Australia in those 10 years than many, and he has achieved much. We congratulate him on an outstanding effort. He has now been in Australia for 21 years, having arrived from central Serbia. It is a wonderful tribute to him, given what he has done for that soccer team. The trainer, Brian Bannan, should not be overlooked either.

It is amazing: in that soccer team that won the Australian championship there were six members of the Socceroos: Alex Tobin, Carl Veart, Robert Zabica, Damian Mori, Tony Vidmar and Milan Ivanovic. We congratulate them and all involved, particularly the host of sponsors who deserve the highest commendation for providing support. Gordon Pickard from Fairmont Homes sponsored buses to take supporters to the finals. I believe something like 25 buses went to Melbourne last Sunday to give fans the opportunity to celebrate with their team. All I can say is, 'Well done chaps. We look forward to many more future titles.'

Mrs KOTZ (Newland): I add my congratulations to Adelaide City for its magnificent win at the weekend in Melbourne. The origins of Adelaide City go back as far as 1946, with Adelaide City itself having formed in the 1970s. During that period it certainly has covered itself with a certain amount of sporting glory in the sport of soccer. I wish to congratulate the goal kicker, Damian Mori. I was interested to hear his comments after the match. I believe he stated that it was not a matter of deliberately kicking the ball. I think his comment was something like, 'I just kicked the ball. I really didn't know where it was going.' With the skill and interpretation of his kick, which took the ball along a beautiful line in the goal square, I suggest that it was a matter of his own skills, whether he knew it or not, that aimed that ball where it was meant to go.

I do not know whether I necessarily agree with the member for Peake that we are sick and tired of hearing about the Crows. I think we can afford to support all sporting teams throughout South Australia. It is necessary that our sponsors continue to support all sports, and particularly those in the junior areas. I know that in the area of soccer there is strong support for junior development, so I am pleased to see that the profile that will be given to Adelaide City because of its tremendous win will continue, and I am sure it will assist that development.

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

MURRAY RIVER

A petition signed by 63 residents of South Australia requesting that the House urge the Government to ensure that water to consumers drawn from the Murray River is filtered was presented by Mr Lewis.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answer to a question without notice be distributed and printed in *Hansard.*

WILPENA POUND

In reply to **Ms HURLEY (Napier)** 29 March.

The Hon. D.C. WOTTON: Following consultation from my colleague the Minister for Housing, Urban Development and Local Government I have been advised that, because the proposal for the redevelopment of the motel complex at Wilpena involves an existing use and refurbishment of an existing facility, it is unlikely that the preparation of an environmental impact statement will be necessary.

STATE BANK

The Hon. DEAN BROWN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: On 21 June 1993 Cabinet approved the establishment of the Bank Litigation Section of the Crown Solicitor's Office. The section was to consider and advise on any civil claims arising out of the Auditor-General's inquiry or the royal commission reports on the

State Bank. It was agreed and arranged that the section would act for the State Bank and its subsidiaries and also for the State Government. Instructions to the section are given by the Attorney-General. Any 'net' recoveries made by the Bank Litigation Section are payable to the account of GAMD (the bad bank).

The Bank Litigation Section was subsequently established, and Mr Tom Gray QC and Mrs Cathy Branson QC have been engaged as senior counsel. Mr Paul Slattery is responsible for managing the legal work of the section. Lawyers have been or are seconded to the section from the Crown Solicitor's Office and from a number of Adelaide law firms including Norman Waterhouse, Fisher Jeffries, Michel Sillar Lynch and Meyer, and Baker O'Loughlin, as well as from the Adelaide bar. Consulting accountants have been engaged from a number of Adelaide, interstate and overseas accounting firms.

The cost of the Bank Litigation Section up until the end of April 1994 was just under $2 million. Members will recall that the Government has already instituted proceedings against some of the former directors of the bank and against their insurers. These proceedings were instituted on the advice of the Bank Litigation Section. On the advice of the Crown Solicitor, the Government has adopted the principle that, except in the case of a breach of fiduciary duty, legal action for civil recovery should not be instituted unless there is a reasonable prospect of recovery of sufficient moneys to justify the costs involved in the legal action.

The Government has received written advice from the Bank Litigation Section and its counsel respecting the possible legal action that might be available. That advice is supported by the opinions of the expert accountants. That advice is that there is a *prima facie* case against the former auditors of the bank, KPMG Peat Marwick. It is also likely that the claim will be for a very significant amount, but work is still progressing to finalise the extent and nature of the claim. In the light of that advice, Cabinet has authorised the issue of proceedings against KPMG Peat Marwick, subject to the approval of the Attorney-General. The proceedings will not be issued until the work is finalised. It is expected that this will be done in the next two to three months.

The advice also supported the issue of proceedings against Mr John Baker in respect of particular transactions. It is expected that those proceedings will be issued at the same time as proceedings against KPMG Peat Marwick. The Government has also received advice with respect to the possibility of legal action against Price Waterhouse, the auditors of Beneficial Finance. Preliminary work has been done on that matter and some expert opinions have been obtained. The work in respect of Price Waterhouse is not as complete as that in respect of the bank's auditors. The Bank Litigation Section has sought further information from Price Waterhouse as to a number of matters. If that information is not forthcoming, it may be necessary to issue proceedings for the purpose of obtaining the information. Cabinet has authorised the issue of proceedings for this purpose, subject again to the approval of the Attorney-General.

I have made this statement at this time because proceedings may issue when the Parliament is not sitting and because it seems to the Government that the Parliament and the public should be informed of the progress on these matters. There are a number of aspects of these matters that members should be aware of. First, once the proceedings have been issued, they will be subject to the usual rules and conventions governing comments on legal proceedings. Members should be aware that the Government may not be in a position to fully detail the progress of the proceedings, or the Government's views respecting them.

Secondly, the cost of these proceedings may well be very large. The Government has been advised that its costs of these proceedings may well be in excess of $20 million, and that some of these proceedings may well take more than four years before they are finally resolved. The Government is of the view that all appropriate and commercially justifiable steps to recover the losses suffered by the people of this State must be pursued, and has approved a budget of $3.5 million for the Bank Litigation Section next financial year. On this point, I highlight that the extent of the resources that the Government is willing to commit to this issue reflects our view in respect of the potential to collect a very significant amount of moneys on behalf of the people of South Australia.

Thirdly, in respect of these legal proceedings being undertaken by the Bank Litigation Section, a number of actions have been instituted by GAMD in respect of particular transactions where the bank suffered losses.

Fourthly, members and the public are reminded that the legal proceedings that may be instituted generally relate to actions and omissions that occurred in the 1980s. They do not relate to the present bank, which has been significantly restructured and is about to be corporatised. They do not relate to the present bodies which formerly had been customers or subsidiaries of the bank. Many of these have been significantly restructured or are now better run than they were. The proceedings do not relate to the present performance of those that are alleged to have performed poorly in the past.

The Government will continue to take all available steps to maximise the recoveries that can be made so as to reduce the impact upon the finances of the State of the bail- out of the State Bank.

QUESTION TIME

HOUSING TRUST WATER ALLOWANCE

The Hon. LYNN ARNOLD (Leader of the Opposition): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Will the Housing Trust continue to meet the costs of sewerage services to trust homes, and will tenants on low incomes continue to receive an annual water allowance of 200 kilolitres, or will the Government make tenants responsible for these charges in addition to their rents?

The Hon. J.K.G. OSWALD: The issue of water costs and ongoing costs with respect to additional charges is not under active consideration in my office at this time. When the matter is raised with me in due course, it will be subject to decisions within the Party and no doubt will be canvassed in the House.

TRANSPORT FARES

Mrs ROSENBERG (Kaurna): My question is directed to the Premier. What has the Audit Commission reported about public transport fares?

The Hon. DEAN BROWN: I thank the honourable member for asking the question. I happened to be listening to the radio this morning and I heard the Leader of the Opposition out there at some stop on the O-Bahn bus way—incidentally, a bus way instigated by the former Liberal Government and one which is greatly appreciated by the

people of the north-east—in true form trying to claim that the Liberal Government was about to substantially increase the fare structure for the STA and, furthermore, that the Audit Commission report actually recommended an increase in fares. So I turned to the Audit Commission report and I found on page 297 that it stated that we should, amongst other things, restructure the fare structure and, secondly, recover a greater share of the costs.

I put this to the Leader of the Opposition: here is the Liberal Government with legislation before this Parliament to reduce the costs of the STA by $30 million per year, yet his Party, along with the Australian Democrats, has set out to defeat it or significantly amend it. They are no more than financial vandals in the way they handle these matters. Here are the people who have inflicted substantial increases in public transport fares upon the public of South Australia. It was the Labor Government that took the fare from 70¢ to $2.70: it was the Labor Government that allowed the costs of the STA to escalate enormously. It was the Labor Government that refused to allow competitive tendering to apply within the State Transport Authority. I point out to Labor members opposite that by reducing the costs—

Members interjecting:

The SPEAKER: Order! The Chair has been very tolerant in Question Time over the past few weeks. A number of members think it is their right to continue to disrupt proceedings. The final warning has been given. The member for Ross Smith has commenced badly again today, as has the member for Hart. I will not warn anyone again. The Premier.

The Hon. DEAN BROWN: I point out—

Mr Leggett interjecting:

The SPEAKER: That includes the member for Hanson for continuing to interject. The Premier.

The Hon. DEAN BROWN: The best way of keeping public transport fares down in South Australia is to allow the STA and public transport in South Australia to be subjected to public tendering, and to reduce the costs by $30 million a year. That way we will be achieving the objective of the Audit Commission, which is to recover a greater share of the costs. By holding fares constant and by bringing down the costs, we will be achieving that.

I find it totally unacceptable that we should have a Leader of the Opposition with so little credibility that he is prepared, within the same day, to block measures to save $30 million within the transport operations in South Australia yet is out there claiming that the Liberal Government of this State is attempting to increase public transport fares. What a disgrace!

An honourable member: What a whopper.

The Hon. DEAN BROWN: What a whopper. It might interest the taxpayers of South Australia to know that under 10 years of Labor they subsidised public transport by $1 400 million. Yet this same group of Labor members of Parliament will stand here and block every move that the Liberal Government makes to try to reduce that amount of subsidy from the taxpayers. Shame on you, Leader of the Opposition.

WATER AND SEWERAGE CHARGES

Mr QUIRKE (Playford): Does the Minister for Infrastructure agree with the Audit Commission that there has been substantial under-charging of water and sewerage services in South Australia, and will he raise charges to remedy this situation? The Audit Commission report shows that South Australia has one of the lowest water rates in Australia. In the metropolitan area South Australians pay $270 per head for water and sewerage compared with the national average of approximately $340. If South Australia's water rates were in line with the national average, it would cost South Australians about $70 per head or in excess of $150 per household.

The Hon. J.W. OLSEN: The 336 recommendations of the Audit Commission will be considered by this Government after some three weeks of public consultation. After receiving advice and comment from respective interest groups in the community, the Government will make some decisions. That has been clearly enunciated by the Premier and the Government since the release of the Audit Commission report earlier this week. There has been no discussion in my office or between me and the head of the Engineering and Water Supply Department to increase water and sewerage rates in South Australia. I am sorry for the honourable member: it does not help him in his by-election on 7 May, which is obviously the purpose behind the question in the House today.

INSTITUTE OF TEACHERS

Mr ASHENDEN (Wright): Can the Premier advise this House and the teachers of South Australia whether the comments he made in the *7.30 Report* on Tuesday 3 May about inefficiencies in education were directed at teachers in South Australians schools or the South Australian Institute of Teachers? I have been contacted by a number of teachers in my electorate who have expressed anger and concern at reports forwarded to schools by the South Australian Institute of Teachers alleging that the Premier stated that teachers in South Australian schools were inefficient. In a fax dated 4 May to all schools, SAIT states that there will be at least 2 700 teacher redundancies, 800 non-teaching positions removed, 185 metropolitan schools closed and senior teaching positions targeted to reduce the total salary costs of teachers by 15 per cent. The SAIT fax concludes by stating that you have said 'they are not very efficient'. Unfortunately some teachers have interpreted that remark as referring to them, when your comments were clearly directed at SAIT.

The Hon. DEAN BROWN: I was aware that yesterday SAIT sent a fax to every school (I presume) in the State and put in it a number of statements which were not factual. It claimed that the Audit Commission had recommended that there would be 2 700 teacher redundancies. Nowhere, if you read the Audit Commission report, does it say or recommend that there should be 2 700 teacher redundancies. It also said that there should be 185 metropolitan schools closed—regardless of schools in the country, 185 in the metropolitan area.

The Hon. S.J. Baker: This is SAIT?

The Hon. DEAN BROWN: This is SAIT making the claim that this is what the Audit Commission is maintaining. I find it astounding that the Teachers Union leaders cannot read a report—the Audit Commission report—and cannot add up. No wonder we have some education problems in this State if they cannot read a report or add up. I think it is a very sad reflection on the leadership of SAIT that it should be out there fabricating such stories and claiming that these are recommendations of the Audit Commission.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. DEAN BROWN: I will ignore those various interjections about the State election campaign and the fact that the President of SAIT ran as a political candidate; and,

quite clearly, despite the fact she lost, she is still running her political campaign at the expense of SAIT and the teachers of South Australia. We have a large number of teachers out there in our schools who are very dedicated. I appreciate the work that they put in trying to educate our children. I do not think they deserve the type of representation they get from the leadership of SAIT.

I give an example of the extreme nature of that leadership. It has come out now calling for a strike on 20 May, before the cut-off point for submissions to the Government on the recommendations of the Audit Commission and before it has even bothered to come and talk to the Government. Only yesterday the leaders of that same union refused to come and speak to the Minister for Industrial Affairs about the Audit Commission report. I have heard on numerous occasions over the past 48 hours those same leaders of SAIT on radio and television making these incredible claims as to what is in the Audit Commission report. They just do not stand up to fact whatsoever.

The Hon. S.J. Baker interjecting:

The Hon. DEAN BROWN: They are obviously holding hands with the ALP, because the Labor Party of South Australia is obviously trying to use the education issue, the public transport issue and the Housing Trust issue to win the seat of Torrens. I think it is a disgrace that the Labor Party and SAIT leadership are prepared to stoop to lies—as they did in the State election campaign—to try to win this by-election. If only they would stand up and tell the truth about what is in the Audit Commission report.

Members interjecting:

The SPEAKER: Order!

The Hon. D.S. Baker interjecting:

The SPEAKER: Order! The Minister for Primary Industries will not be in the Chamber to table anything if he continues to interject.

The Hon. LYNN ARNOLD: I rise on a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! It is obvious the Chair did not hear that remark.

The Hon. LYNN ARNOLD: The Premier was speaking with his back to you, Sir, and so you would not have heard it, but he used the word 'lies', which is unparliamentary.

The SPEAKER: I would suggest to the Premier that he not use that particular term, because it is out of order.

The Hon. DEAN BROWN: There are many other words one could use: 'whopper' or 'untruths'.

Mr Lewis interjecting:

The SPEAKER: The member for Ridley must cease interjecting.

The Hon. DEAN BROWN: We are dealing with the education of our children in this matter. I appeal to the teachers of South Australia: put the education of the children ahead of the political ambitions of the union leadership.

ST JOHN AMBULANCE

Mr ATKINSON (Spence): Has the Minister for Emergency Services received or is he aware of recommendations to cut operational ambulance service staff in the metropolitan area by 27, and to reduce by three the number of emergency crews rostered between midnight and eight in the morning? Will he categorically rule out such cuts to the ambulance service and, if not, will he say which ambulance stations will lose early morning emergency crews?

The Opposition has been contacted by ambulance officers who are worried by plans recently put to the Ambulance Board in a document described as 'a proposed restructure of the metropolitan ambulance operations'. These proposals would cut ambulance staff by 10 per cent and remove three early morning emergency crews from metropolitan ambulance stations. Ambulance officers claim that people will die as a result of longer response times if these recommendations are implemented.

The Hon. W.A. MATTHEW: I thank the honourable member for his question.

An honourable member: Is this a dorothy dixer?

The Hon. W.A. MATTHEW: No, it is not a dorothy dixer: I did not ask the honourable member to ask me this question, but I am certainly pleased to answer it. It is fair to say that the ambulance service in this State is a troubled service and has been since about 1989, when it received massive interference from the previous Labor Government. One issue the Audit Commission report did not detail was anything regarding the ambulance service, because it was outside its original terms of reference. As Minister for Emergency Services, I asked the Audit Commission to undertake a special job for me—to examine the ambulance service and to report back.

I await that final report, but I do have a draft summary of efficiency of that service. That document compares the service in 1989 with the service in 1993. It found the following: the number of persons employed has increased by 42 per cent; the volume of patrons transported has decreased by 17 per cent; operating expenses have increased by 67 per cent; the gross cost for emergency elective patient transport has increased by 76 per cent; funding from Government has increased by 9.5 per cent; and debtors at the close of the financial year have risen by 71 per cent. That is the state of our ambulance service in 1993 compared with the state of our ambulance service in 1989.

There is very good reason why the Ambulance Board and staff of SA St John Ambulance Service have examined the efficiency of that organisation: the Labor Government took that ambulance service from being one of the most cost effective and inexpensive services for patients to use in the State to one of the most expensive, if not the most expensive, in Australia. Yes, it is fair to say that the board of management has put recommendations to me, and I received those recommendations at the end of last week.

I await the final findings of the special job done for me by the Audit Commission before it can be determined how those recommendations can be effectively implemented. What must be said very firmly in this House, in order to counter the irresponsible statements made by the honourable member who interjected across the Chamber, is that lives will not be put at risk because of any changes. What will occur is a level of ambulance service which meets the needs of patients in this State and which reflects the costing of other services in Australia or, indeed, matches the costing of the service provided in 1989. Senior management of the SA St John Ambulance Service have told me that it is their belief that, despite these extra costs and staffing, the service offered in 1994 is less efficient than it was in 1989 and, if an argument were to be put that lives will be lost, that argument is more relevant in 1994 following Labor's interference than it was in 1989 just prior to or at the start of that interference.

BUDGET ESTIMATES

Mr CONDOUS (Colton): My question is directed to the Treasurer. Does the Government have any evidence that the former Labor Government made election promises that had not been provided for in the forward budget estimates?

The Hon. S.J. BAKER: I thank the member for Colton for his question, because it is a very important one. When the finances were presented to the Parliament last year, we took a line from those estimates and put together our package as a result of the information presented to the House. Quite clearly there was an expectation that they were accurate. We costed the Labor Party promises and it was said that they had all been provided for in the forward estimates. That is not true at all. In fact, there are some Treasury minutes. Another whopper!

Whilst we placed some confidence in the estimates that had been provided, in fact that the forward estimates reflected the capacity of the Government to provide its services, including its promises, over the forward years, we are finding time and time again that that is absolutely untrue. Whilst we were willing to substitute our promises for Labor's, we are now finding that there was no funding for Labor's promises.

I would like to mention a particular area because it is important. The Labor Party and the Labor Government made a great song and dance about their commitment to crime prevention. The Attorney, prior to the 1989 election, put in a special crime prevention strategy, which involved the bringing together of a number of community groups. During the lead-up to the last election the electorate was informed that not only was this crime prevention strategy to be continued but it would be more focussed.

We expected that the money supplied for the crime prevention strategy, which was some $2 million a year, would be rolled through the budget in the forward estimates. We found that there is no such roll through of moneys into the forward estimates. We have some important commitments that somehow have to be met and there is no money provided. This relates to existing commitments and not future commitments, and the promises brought down by the Leader of the Opposition prior to the election. There are many others, and if the Parliament had time we could go through a number of other areas, but this is one area where we have found no budget moneys have been provided, despite the promises of the former Labor Government.

INDUSTRIAL COURT AND COMMISSION

Mr CLARKE (Ross Smith): I ask the Minister for Industrial Affairs to confirm or deny that he has approached members of the Industrial Court and Commission of South Australia regarding separation arrangements.

The Hon. G.A. INGERSON: I have had discussions with all members of the Industrial Commission, including the judges and magistrates, on whether they wish to take any retirement benefits early.

Mr Clarke: So that you can stack it with your toads.

The SPEAKER: Order! The honourable member is coming very close to being named.

INDUSTRY STATEMENT

Mr BUCKBY (Light): Will the Minister for Industry, Manufacturing, Small Business and Regional Development explain what South Australia can gain from yesterday's industry statement and where the State may have lost out?

The Hon. J.W. OLSEN: The white paper released by the Federal Government yesterday contains some pluses for South Australia. There are some significant disappointments in that, of outlays of $6.5 billion over the next four years as part of the industry statement, $.8 billion or 12.3 per cent will be for the purposes of industry and regional development initiatives contained in that paper. The area from which jobs will be generated will receive only 12 per cent of the allocation over the next four years. We do not see industry building on those programs that have positioned the South Australian motor vehicle industry, for example, to take it to the next generation of motor vehicles and manufacturing, or opportunities being created that might be expected to position South Australia and Australia in the international marketplace. To that extent the statement does not adequately support South Australian industry and growth and the generation of jobs in vitally important industries in South Australia and Australia.

On the positive side, the allocation (albeit small) of funds to regional economic development boards is welcome. I point out that the allocation is less than half for Australia than was allocated previously to Albury/Wodonga, and that puts into some perspective the commitment of the Federal Government to regional economic development boards.

Another area of concern is that the Federal Government is intending to negotiate direct with those regional economic development boards, not through State Governments which currently have structures in place to coordinate economic development within the States. To that extent, I hope that the Federal Government is open to negotiations to ensure that we do not put in place a fourth tier of government in this country, but that we work through existing regional economic development boards, and, as the Kelty report noted, this State has a better structure of regional economic development boards than any other State in Australia.

Mr Clarke interjecting:

The Hon. J.W. OLSEN: I have said previously in this House that the policy of the former Government was a good policy, upon which this Government has continued to build. I have said that and there is no need to repeat it time and again. I hope, therefore, that the Deputy Leader will take that matter up with the Deputy Prime Minister and indicate to him that he ought not to create a fourth tier of government for the expenditure of those funds but should work through the structures which are in place in the States.

The infrastructure bonds are important to the extent that there are taxation benefits for infrastructure bonds to attract institutional investors into projects, such as the Adelaide International Airport extension. That is certainly to be welcomed, as is the reduction from 25 to 15 years in the criteria for investment in those infrastructure bonds.

The next challenge will come to the Labor Party. The Federal Government and Cabinet have agreed to the sale of airports. They are undertaking a scoping study now to identify those airports which will be privatised. It is imperative that Adelaide International Airport be privatised. With the benefit of infrastructure bonds and tax benefits, there will be greater private sector interest in doing that. The question now is: will the Labor Party in South Australia ensure that the policy of sale and privatisation of airports is agreed to at the national convention of the ALP in September? That is the challenge to the Labor Party in South Australia: I hope that it will rise to that challenge.

PUBLIC SECTOR RETRENCHMENTS

Mr CLARKE (Ross Smith): Will the Minister for Industrial Affairs give an unequivocal guarantee to all public sector employees in South Australia that the Government will honour its election promises not to force compulsory retrenchments in the public sector and to limit job cuts to those already in train? The Audit Commission report recommends that procedures be established to allow exemptions from the no-entrenchment policy where improvement would be hindered by its continued application. The report foreshadows changes to existing separation arrangements in the E&WS and says that the required reductions in staff in the E&WS are unlikely to be achieved if existing separation arrangements continue to apply.

The Hon. G.A. INGERSON: Talking of toads, who is the Toad of Toad Hall? We have him opposite. What a great example of all the toads that we have had in this place! Let us look at what the former Premier had to say when he brought down his famous statement last year. He said that we needed 3 950 TSPs. He also said that there should no longer be any tenure. That is interesting coming from members opposite: that we should not have any tenure, that we should give away conditions, that we should not be talking about permanency and compulsory conditions for public servants in future.

This Government will in the next three weeks look at all the contributions that I know will come from the unions, because I know they want to cooperate. Irrespective of the comments made in the public arena, I know that behind it all they are sitting down and furiously working out what they want to say and advise the Government on. We will consider all the comments from public servants, who are not union members now, and I suppose that is an interesting point that we ought to consider. The latest statistical information from my office shows that, of the 100 per cent of those who were having their union dues collected by the Government, only 36 per cent are now having them collected. I wonder what has happened to union membership in the public sector. It is a very interesting situation that, once people are given the opportunity to choose whether or not to be in a union, about 64 per cent are choosing not to belong. I know that a few have chosen to go direct, but I also have the information from members opposite that they are running away in droves from the union movement. Some 64 per cent have chosen to do that.

This Government will consult the union movement, public servants and anybody else who wants to consult us, so that we can turn around the mess that you mob left us with after the last 10 years: $3.5 billion involving the State Bank and a $10 billion black hole. You people over there are a disgrace to politicians in this State.

PRISONS, PRIVATISATION

Mrs KOTZ (Newland): Will the Minister for Correctional Services advise the House whether the report of the Audit Commission endorsed the Government's policy of considering commissioning the private sector to construct South Australia's first major prison?

The Hon. W.A. MATTHEW: I am pleased to advise the House that the Audit Commission report does endorse the Liberal Party's policy of examining private sector management of a new prison in South Australia. Indeed, I refer members to recommendation 16.14 of the Audit Commission report, which states:

> The Department for Correctional Services should, in the development of future plans to enhance the capacity of the prison system to meet the forecast demand growth, consider commissioning the private sector to construct and operate a prison of approximately 300-500 cells.

The commission, in recommendation 16.13, also states:

> The Department for Correctional Services should explore in detail the options for outsourcing various support and security functions with the aim of reducing these costs to Government.

There is a very good reason for the Audit Commission's making those recommendations. It clearly highlights that South Australia is spending 25 per cent more than other States to provide the same level of service across its correctional services system.

Private prisons are operating in Queensland, and one was introduced by a Labor Government; a private prison is operating in New South Wales, introduced by that State's Liberal Government; and private contracts are now being tendered in Victoria, with one contract for prisoner movements having been announced last week. The question one must therefore ask is why the previous Labor Government did not examine these options. In view of the high costs, why did it not use privatisation and also contractual arrangements to reduce prison costs? An interesting walk through the archive left by Labor reveals that it did review those options.

The Hon. D.C. Wotton: Not another yellow sticker?

The Hon. W.A. MATTHEW: There are a few yellow stickers here, and we will get to those as we go. The archives left by Labor—those that it did not actually shred—reveal that as early as July 1991 the former Labor Government examined options for privatising the State's prisons. A series of memos have moved through the department since that time, and I happen to have an extract of an interesting one with me today, dated 10 April 1992, to the Minister of Correctional Services, now the member for Giles, regarding the Treasury budget plan for 1992-93. Regarding privatisation it stated in part that:

> The department agreed to find $2 million from privatisation as part of the 1991-92 financial year negotiations but subsequently the Government decided not to proceed.

Mr Becker: Why?

The Hon. W.A. MATTHEW: Exactly: as the member for Peake says, why? Why would the Labor Government decide not to proceed? A further look through the documents provides the answer.

Mr Leggett: There's more?

The Hon. W.A. MATTHEW: There certainly is more. Another document of which I have extracts contains the notes of a meeting of an agency review of correctional services, dated Friday 19 March 1993. That document concludes:

> It was acknowledged that management is making concerted efforts to deal with the problems in the system but is being hampered by the industrial climate and political sensitivities.

It would seem that the member for Giles as Minister of Correctional Services found it politically sensitive to proceed with the recommendations of the department. It identified possible targets as: catering at suitable locations; perimeter security at Yatala and the Remand Centre; external escorts; the Samuel Way holding cells; the dog squad; new prison facilities; prison industries; supervision of offenders in the community; and preparation of court reports. It further states that primary targets would be Mount Gambier and services at Yatala, and then it goes on to state that there is strong

support for this from management but strong opposition from the union, that is, the PSA—the same union that now has a membership of less than 50 per cent.

There are more documents, and this next extract is from a document given to Treasury entitled 'Privatisation in corrections—some options for South Australia'. It states that a new prison at Mount Gambier is due for commissioning in late 1993 or early 1994. That institution started a little later than Labor planned, but it is to be completed in about two or three weeks time. The document states further that privatising this facility would send a powerful message to the existing system, which is currently struggling with budgetary restrictions and savings necessary for restructuring.

The document concludes that privatisation in corrections is an important topic and that action in this area can yield long-term savings of around $2 million per annum covering just Mobilong, Mount Gambier and the Adelaide Remand Centre. Savings were identified by the department and referred to the Minister, and he knocked them back on the basis of political sensitivities. It did not matter to the Minister that this State had a budget problem; it did not matter to the Minister that we had the most expensive correctional services system in Australia; he poured money down the drain while he sat on his political sensitivities.

Members interjecting:

The SPEAKER: Order! There are too many interjections; the honourable member cannot hear the call. The member for Elizabeth.

JOBS PACKAGE

Ms STEVENS (Elizabeth): Will the Minister for Employment, Training and Further Education outline to the House any plans he has to ensure that South Australia takes maximum advantage of the jobs package released yesterday by the Prime Minister? Will South Australian programs be finetuned to ensure compatibility with new arrangements, and will the Minister seek a meeting with the appropriate Commonwealth Ministers to maximise benefits to South Australia? Yesterday the Prime Minister released the Commonwealth's $6.5 billion program to boost growth and tackle unemployment. Initiatives in this program are vital to South Australia and include: a jobs compact for those unemployed for more than 18 months; a big expansion of program places, particularly JobStart; greater incentives for employers to take on and train the long-term unemployed; a new across-the-board training wage; expansion of apprenticeships and traineeships; and a new youth training initiative which transfers all those under 18 onto a training allowance and which provides more training and assistance.

The Hon. R.B. SUCH: Last Thursday I had a lengthy session with the Federal Minister, Mr Crean, so I was privy to some of the information contained in the white paper. There are opportunities within it for South Australia, and it is the Government's intention to work cooperatively with the Federal Government to maximise the benefits for this State. Some of the specific opportunities include up to 2 000 additional apprenticeship places in South Australia; an increase of up to 2 000 additional traineeship and CareerStart places; an additional 1 200 pre-vocational places in TAFE; an additional 120 apprentices taken on through the group training scheme; additional provision for long-term unemployed in South Australia; a significant expansion of programs such as KickStart; particular focus on women who are not currently in the paid work force; and particular initiatives to help Aborigines and Torres Strait Islanders and people of non-English speaking background.

There are many other initiatives within the package with which we will cooperate but, at the end of the day, whilst it is important to increase training, what we need eventually, and the sooner the better, is jobs—permanent jobs, real jobs. My main concern with the package as announced is that, whilst it focuses on training in particular, I have some reservations about whether it will deliver long-term, real jobs for South Australians. To the extent of the information that has been given so far, there is the potential for us to access possibly up to $9 million out of that package, and today my department has already prepared material to go forward to the Federal Government to make sure that we can access those programs and that we are in right from the start to obtain the benefits from the programs in that package.

WOMEN'S OPEN GOLF CHAMPIONSHIP

Mr BECKER (Peake): Will the Minister for Tourism confirm that an international sporting event, the Holden Women's Australian Open Golf Championship, is to be held in Adelaide and say what benefits will flow to South Australia from hosting this event?

The Hon. G.A. INGERSON: This morning I attended a very important satellite hook-up between Australia and America in which it was indicated that Jan Stevenson, the famous Australian women's golfer, together with Toohey and Associates (which is a very important sponsoring company here in South Australia) and a South Australian firm (GMH) have put together for the first time in 17 years in Australia (not in South Australia) the Women's Australian Golf Open.

This important international event will encourage many women in Australia to come to see a whole range of international golfers put together by Jan Stephenson. The event has been organised by South Australia and will be held at the famous Royal Adelaide Golf Club between 8 and 11 December. The important event on the national scene will be held in South Australia, and it will be sponsored by the Tourism Commission and the Department of Recreation and Sport.

TRANSIT SQUAD

Mr ATKINSON (Spence): I ask the Minister for Emergency Services whether transit police will be employed on private buses following the Government's decision to contract out public transport services? If that is the case, will the cost of such police activities be recovered from private operators?

The Hon. W.A. MATTHEW: I have previously detailed in this House the process of the transfer of police officers from the old STA Transit Squad to the Police Transit Division. When that exercise is completed 80 uniformed police will be riding buses and trains within our city. The Minister for Transport has yet to discuss with me security arrangements that may or may not be necessary on any private routes and, until that time, it would be inappropriate for me to say whether there will be a need for police support. If there is and if any announcement is to be made at that time, I will make it. I suggest that policing will always be necessary in various parts of our city. If there is a call from the operator of a bus service—private or public—the police will respond accordingly.

ABALONE

Mrs PENFOLD (Flinders): Will the Minister for Primary Industries outline to the House details of recent action against the illegal taking and sale of abalone?

The Hon. D.S. BAKER: There are no files to table today. However, I do want to pay a compliment to the abalone industry. Everyone knows that at this time the industry is very profitable but, like many other rural industries, its profitability fluctuates. As the fortunes of abalone divers and the price of their product have increased dramatically in the past few years, they have been willing to put in much more money towards surveillance and have been cooperative with the Fisheries Department in making sure they pay a fair share of the surveillance costs of the industry.

As abalone prices increase, the chance and incentive for poaching becomes greater. It is correct that recently a joint operation began involving fisheries compliance officers and the South Australian Police Force. That action commenced in January this year to see whether they could detect some of the illegal poaching that has been occurring. I am pleased to notify the House that last Friday apprehensions were made of considerable proportion. A Thevenard fisherman, an Adelaide fish processor and two other men were apprehended for illegal operations. More importantly and of greater concern is the fact that much of the abalone found in that raid was below the legal minimum size.

That threatens the future of a very profitable industry in South Australia and causes much concern to abalone divers and their integrated management committee who are working hard to stop such activity. Officers confiscated property and freezers to the value of about $50 000. The maximum penalty for such poaching is now $60 000 or two years imprisonment. I can assure the Parliament that the Fisheries Department and the South Australian Police Department in cooperation will leave no stone unturned to ensure that such activities are curtailed and stamped out in South Australia. We want legal fishermen to share in the wealth of our fisheries and we do not want illegal poaching to go on and, of course, much of it is interstate trade.

FIRE SERVICES

Ms STEVENS (Elizabeth): My question is directed to the Minister for Emergency Services. What procedures are in place to ensure coordination in the delivery of services by the Metropolitan Fire Service and the Country Fire Service to ensure that there is an efficient and effective response to emergency situations? Last Friday night there was a serious fire at Craigmore South Primary School. Members of the One Tree Hill CFS informed me that they were not called to attend that fire despite the fact that there appeared to be a shortage of water at the fire and they were only a short distance away with four fully commissioned fire vehicles available to help.

The Hon. W.A. MATTHEW: We have in place a mutual aid response plan that has been jointly put together. Agreement has been reached between the MFS and the CFS. I am not aware of the matters to which the honourable member refers, but I undertake to have my department prepare a report on the incident and report back to the honourable member.

HOUSING TRUST RENTS

Mr BROKENSHIRE (Mawson): My question is directed to the Minister for Housing, Urban Development and Local Government Relations. Did the previous Labor Government always contain Housing Trust rent increases to CPI levels as claimed yesterday by the member for Playford in his question to the Minister?

The Hon. J.K.G. OSWALD: I thank the honourable member for his question and compliment him on being so observant. Yesterday afternoon we saw an incident in this House that was the height of hypocrisy. The member for Playford rose third in a programmed series of questions to me about keeping Housing Trust rents in line with CPI increases. He claimed that was a longstanding practice. Obviously, the honourable member does not know much about the history of the Housing Trust under the direction of the Hon. Terry Hemmings. Obviously, if he did know about the history of the trust under the former Minister, he would not have asked that question; and he would not have been stupid enough to put a motion before the House today for debate in private member's time. The honourable member will find that the Hon. Terry Hemmings acted quite contrary to the import of the honourable member's motion.

In answering the question, I refer to the first question asked of me this afternoon by the Leader of the Opposition. The Opposition should talk to the Public Tenants Association, because the first deputation I received from the association dealt with excess water. The association told me how the Hon. Terry Hemmings put up trust rents at the time to pay for excess water.

Mr Becker: That's right.

The Hon. J.K.G. OSWALD: As the honourable member acknowledges, that is right. At the time, the then Government was right up to its neck in charging for excess water. Returning to the question, I refer to a press release put out by the Hon. Terry Hemmings in 1986, because it states:

> Housing Trust rents will rise 20 per cent above normal inflation increases.

So much for the honourable member's question yesterday when he asked me to give an assurance 'that thousands of Housing Trust tenants. . . on pensions. . . and that the longstanding practice of restricting rent increases to no more than CPI is not under threat?' I put it to the House that that practice was under threat under Labor and there is no reason to believe that, if Labor ever got back onto the Treasury benches, it would not be under threat again. I refer to the hypocrisy of programming questions here yesterday and a motion today so that the Opposition can go into the Torrens electorate with this holier than thou attitude. Members opposite want to parade that attitude on the streets of Torrens for the by-election. That is despite the former Government's bringing in a 20 per cent increase in rent over and above the CPI, and it is absolute hypocrisy in the extreme.

SPEED CAMERAS

Mr De LAINE (Price): Will the Minister for Emergency Services say whether any increase in revenue is expected to follow the introduction of new radar speed cameras? Has the Government's new policy of placing signs after motorists have passed through these units had any effect on the revenue received by the Government? It was reported in the *Advertiser* of 7 April that South Australian police are set to introduce new, high-tech digital speed cameras. The Acting Officer in charge of the Traffic Services Division, Chief Inspector Green, was reported as saying that the new cameras would streamline the operation and improve the detection rate. The article then stated:

It is understood the number of speeding tickets could at least double.

The Liberal Government claims the purpose of speed cameras is not to raise revenue but to improve road safety.

The Hon. W.A. MATTHEW: The question is in two parts. In reply to the first part as to whether or not the new policy of the Liberal Government has resulted in a reduction in the issue of speed detection notices and consequentially revenue, the answer is, 'Yes', there has been a reduction. I do not have the figures in front of me at this stage but, once they have been collated, I will advise the House. The honourable member also asked about the introduction of new laser cameras. In order to answer the member's question I think it is important to advise the House of the nature of the equipment to which he is referring.

The equipment, known as new digital speed cameras, is about to be used in Melbourne. South Australian police examined the equipment in 1993 and have discussed with me the possibility of introducing it into South Australia because the technology has a number of advantages over the existing equipment. The laser camera equipment can be safely mounted inside the vehicle. The electronic imaging requires no film or film processing, thereby saving the administrative costs of processing speed camera infringement notices. Information of infringements can be down loaded direct to the control processing computer or transmitted via a telephone or radio link enabling the process to be streamlined and far more cost effective.

Most important of all, because the laser beam employs a much finer operational angle and beam width, the instances of photographs being rejected as a result of numberplates being obscured by tow balls on vehicles, bike racks etc. will be reduced. One of the difficulties at the moment is that the rejection rate still remains quite high. People who have broken the law, despite the new system implemented by this Government, are not being fined because the equipment is not able to photograph their numberplate to determine accurately the guilty vehicle. As a consequence, it is fair to say that the new equipment would reduce the rejection rate, reduce the cost of processing the infringement notices and ensure that those who are infringing, despite the new safety measures and the new speed camera set up requirements put in place by this Government, will then be fined if this equipment comes into use. I think that offers a greater deterrent and ensures that road safety provisions are even more effective.

LAKE EYRE BASIN

Ms GREIG (Reynell): My question is to the Minister for the Environment and Natural Resources. Following the Government's commitment to allocate $1 million during its first two years in office to ensure the full protection of important areas within the Coongie Lakes region and within the heart of the Mound Springs, what action has been taken to fulfil this commitment, and has the Minister now had the opportunity to advise the Federal Government of South Australia's approach to protection of the Lake Eyre region?

The Hon. D.C. WOTTON: I am pleased to inform the House that we have now had a Federal Minister for Environment around long enough to enable me to get to see that particular Minister. The House would be aware that I have had three attempts at getting to see Federal Ministers of Environment. First, Ros Kelly, who disappeared the day that I went to see her.

Members interjecting:

The Hon. D.C. WOTTON: She was not game to hang around. The second was Senator Richardson, who was not there long enough for us to see—

An honourable member: What was he doing?

The Hon. D.C. WOTTON: One could well ask what he was doing! The third Minister in a very short period is the current Minister, Senator Faulkner.

An honourable member: How long will he last?

The Hon. D.C. WOTTON: I do not know how long he will last. I had the opportunity to meet with him a few days ago to put very clearly the position of this State in regard to world heritage listing of Lake Eyre. I was able to inform him that this Government had now allocated $1 million to be spent over two years to protect the more sensitive parts of the Lake Eyre Basin, particularly the Coongie Lakes and sections of the Mound Springs. Senator Faulkner gave us a pretty good hearing, but I had hoped to clear up this matter once and for all on the occasion that we visited the Minister.

Regrettably, he pointed out that because he was only a new Minister he would need time to consider the situation. He has agreed to do that, and he suggested that he will provide a considered reply. He is aware that I wrote previously to Ros Kelly and Senator Richardson and that I did not receive a reply from either of them. I hope he recognises the urgency of this situation, the uncertainty that is being caused, the problems that are being faced by pastoralists, particularly social problems, and the need to come back with a reply quickly. If he does not, I will be making further representation to him. As I said, the Government has allocated $1 million. I have had the opportunity to speak with the Federal Minister, and I left him in no doubt at all where the Government of South Australia stands on this issue.

HOUSING TRUST TENANTS

Mr CAUDELL (Mitchell): My question is to the Minister for Housing, Urban Development and Local Government Relations. What is the Government doing to encourage Housing Trust tenants and applicants to consider home ownership? Under the former Government the Housing Trust waiting list almost doubled to more than 43 000 people. Many constituents within Mitchell have put to me that it must be possible to ease this pressure on public housing.

The Hon. J.K.G. OSWALD: Home ownership, and particularly home ownership for medium to low income earners, is one of the principal planks of the Liberal Party in South Australia, and it is one that we believe in passionately. Prior to the election we understood from our research that the affordability of home ownership was on the rise. One of the most significant barriers to home ownership was the inability to get together a deposit. It was for this reason that the Liberal Party, as part of the election campaign, introduced its deposit assistance scheme to help people raise a deposit and then get into home ownership as quickly as possible.

There are many advantages to this. First, it helps young people and people on medium to low incomes realise the dream that everyone aspires to in this country, that is, home ownership. Secondly, it enables us, particularly in the public housing sector, to encourage people to purchase their rental properties so that they then have the ability to reinvest that money back into public housing stock in the areas of either rebuilt, new builds or refurbishing existing stock.

The scheme comprises two parts, which I will briefly describe. First, we will target households with a gross income of $500 or less per week and will reduce the deposit require-

ment by $1 000. The $1 000 will be advanced interest free by HomeStart, to be added to the normal loan entitlement of the customer. The Government has allocated some $2½ million to fund this scheme which is designated to assist some 2500 low income South Australian families. The Government also recognises that saving for a deposit can be just as difficult for some people on incomes marginally above $500 per week. For those people the Government is offering a second scheme whereby the minimum deposit will be 2½ per cent rather than the current five per cent. Repayments on the HomeStart loan will be set slightly higher at 27½ per cent of gross income in order to repay the reduced deposit over time.

Although the scheme has only just started, early inquiries have been encouraging. Before the launch on 6 April, the number of inquiries from new HomeStart borrowers averaged around 350 a week. Since the launch, weekly inquiries have averaged over 700 and HomeStart's hotline is still answering in excess of 120 calls each day, 50 per cent of which are inquiries about our new scheme. This is the first of many initiatives I plan as Housing Minister to reduce the long waiting lists that we have inherited from the previous Government.

OPPOSITION QUESTIONS

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

Leave granted.

The Hon. S.J. BAKER: Today we were unable to keep our promise to leave the Opposition with 10 questions; in fact, it ran dry at nine.

Members interjecting:

The SPEAKER: Order!

GRIEVANCE DEBATE

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

Mrs KOTZ (Newland): Federal tax increases continue to support disincentives to business and industry when the reverse should not only be put into practice but actively encouraged. Petrol tax increases introduced by the Federal Government in last year's budget immediately increased the tax levy by 3¢ as the first of a three part increase to be introduced in the following months. The latest increase occurred on 1 February adding a further 2¢ a litre on leaded petrol, 1¢ on unleaded and an automatic indexation amount of .18¢ a litre.

This insidious tax grab by the Federal Labor Government will be further increased by similar amounts in August this year. Federal tax on leaded petrol adds a total of 31.8¢ to every litre purchased by the consumer. State petrol tax has been maintained at current levels since 1992 and adds a further 9.1¢ per litre on a graded scale down to 4.3¢ per litre in outer rural areas of the State. The flow-on from these excessive petrol tax increases affects our fragile economy as business, industry and transport costs are forced to accelerate. All sections of the community will suffer from the repercussions as business, industry and transport pass on those costs to the consumer.

The man and the woman in the street will pay more for less at the petrol bowser and then will have to find extra dollars to purchase items produced by business, industry, manufacturing industry and primary producers in this State. Rural Australia will again suffer most, as the distances to transport products to markets and export points are greatest. If the purchasing power of our consumers is again reduced to increase the spending regime of an extravagant Federal Government, the result will force business and industry to reduce overheads by cutting back on their work force numbers, creating further unemployment and reducing even further the prospects of our young people finding jobs. In this area of unemployment, I think we all know that up to 40 per cent of our youth are unemployed.

The Federal Government, which actively induced the recession we had to have and created the unacceptable level of unemployment which has caused innumerable social and economic tragedies over the past decade, must take a more responsible and equitable approach to collection and distribution of taxpayers' dollars. The ongoing push of the Labor Government towards centralist control at the expense of the States and the people therein is an abuse of the power of the Federal Government. These self-interested political moves disadvantage the nation's approach to decrease unemployment levels and sabotage the recovery to economic stability, which is the fundamental requirement to gain the first footholds out of the recessionary effects brought about by the Federal Labor Government's induced recession.

The Federal Government can no longer take State money out of South Australia on an ever increasing level and at the same time decrease by substantial amounts Federal funding to this State. It is pure political hypocrisy for the Federal Labor Government to collect additional fuel tax dollars when Federal road funding grants have been slashed by 25 per cent and, to add greater insult to South Australian people, special funding grants specifically allocated for black spots have been abolished. That adds to this hypocrisy. In the March/April edition of *SA Motor*, a magazine produced in South Australia, an article stated:

> Tax on leaded petrol is nearly 9¢ a litre more than it was 18 months ago.

The article continued:

> The recent budget hikes are just revenue raising tax grabs. Every fuel station in Australia is virtually a branch of the tax office.

The article concluded:

> In terms of fuel taxes, enough is enough.

I certainly agree with those sentiments in terms of inequitable tax imposition and inequitable tax distribution to this State. Enough is most certainly enough. Since coming into office, the Labor Government has taken fuel tax excise revenue collections from $1 364 million per year in 1982-83 to $8 379 million this financial year, rising to an estimated $9 313 million in 1994-95.

Ms STEVENS (Elizabeth): I want to use this opportunity to put on record my extreme disappointment and concern at the decision of the University of South Australia to close its Salisbury campus. I was extremely disappointed that this House failed to support the motion of the member for Ramsay to condemn this act.

The University of South Australia has always prided itself on its strong commitment to equity and social justice, and it has done many things in that area. For example, it has special entry requirements for many of the courses, and that has

enabled a wide range of students to attend a university. It has particular courses for Aboriginal students. It has special programs operating with secondary schools in the north, such as University High School and the Pathfinders program. It has a strong commitment to community involvement and being involved with other education providers in the area. It has a child-care centre. It has an ethos of support and meeting client needs, which is unusual in universities.

Finally, it appointed a pro Vice Chancellor, Equity with a special role, I presume, of continuing that push. It needed to continue, because we all know that students in the north are least represented amongst the population of university students in South Australia. Students in eastern suburbs are three times more likely to attend universities than those in the north, so equity is an issue and it was good to see a university that was prepared to take it on. I have known hundreds of students, especially women, who have struggled very hard—students from poor backgrounds who have had to contend with poor conditions, part-time jobs and all sorts of hardships, struggling to get somewhere. Many of those women attended the University of South Australia at Salisbury undertaking courses such as liberal studies and education.

Young students from Elizabeth have found the transition to university difficult. I know of one particular young woman who started at Magill because she wanted to do journalism. She had to leave at 6.30 a.m. and catch two buses to go to Magill. She said that many of the students there had cars, an option that is not available to many students from the north. She almost dropped out on a number of occasions because of those problems. She also had to contend with part-time work. She actually has transferred now to Salisbury—from journalism to another course—and she has remarked upon the difference in that setting.

Another advantage of the Salisbury campus was the articulation with secondary and tertiary providers, for example, between secondary schools and TAFE. We were looking forward to working with that campus. Lastly, the demographics of the future show that there will be a remarkable increase in population in the north, and one would have expected Salisbury to be an obvious site for a university campus. Instead, the campus is to be closed—it will stand empty. I still cannot understand the reason: it does not make sense to me. I can understand the need to restructure, but why close the Salisbury campus? Why not build on the university of the north with two campuses: the Levels with the MFP and technology, and Salisbury doing the things it does really well and servicing the students from the north. Why not sell the Magill campus?

However, the decision has been contrary to that. Equity has gone out the window. There has been the dislocation of students, some of whom now have to attend up to three different campuses to complete their courses. I believe the real reason had more to do with status and competition with Adelaide University and the building of a new campus in Hindley Street. I am sorry that the opportunity to do something really outstanding in the north was lost, as the University of South Australia chose instead to play it safe and be like the others. I was very disappointed that the House did not support the motion, and I refer particularly to the member for Florey because, despite his very strong support indicated by his contribution, he was not there when the vote was taken.

Mr KERIN (Frome): Like the member for Elizabeth I, too, would like to speak about equality of opportunity in education. I refer to the Federal Government's blatant discrimination against the rights to further education of many young people in country areas. One set of figures I saw recently showed a disturbing and disgraceful situation where 9 per cent of country students go on to tertiary studies compared with 27 per cent of metropolitan students. I think this illustrates the lack of equity. A real and tragic result of Federal Government policy is the lack of opportunity afforded to our country youth to improve their lot.

Income poor families are being denied Austudy by the ridiculous assets means test, which completely ignores the reality that these families have no money to send their children to Adelaide tertiary institutions. This year it looked at if the Federal Government had come to its senses. It did implement but then withdrew a provision that students whose parents were self-employed or primary producers and held a health card would be exempt from the assets test. That would have overcome a lot of the problems in that it would have provided an opportunity to some of these income poor families. From that, I do not know what country students were supposed to deduce or what message it was supposed to send to them, but it showed a clear reluctance to address the issue of social justice and clearly was a case of discrimination against country students.

Austudy needs to be aimed at low income families. The basic exclusion of so many country students on the book value of non-performing assets is ridiculous. It is an anomaly, and it is an anomaly which is denying many young people in my electorate a future of which they are both capable and deserving. Recently I have spoken to many parents who feel extremely frustrated. They feel that they are letting down their families as they are not able to give their kids the opportunities they should be able to give them, because they cannot afford to pay for those opportunities. In this day and age we continue to hear that we should become the smart country and whatever else, but I think we are ignoring not only the rights of a lot of these young people in country areas but also the potential contribution they can make to our country.

The locations of tertiary institutions is a problem. They cannot be situated close to people, particularly people in country areas. They are in the large population centres and that, in itself, for country people is a disadvantage—but we concede that that is perhaps a necessary disadvantage. I feel sorry, too, for the kids at Salisbury who have to start early in the day, but they have a choice of living at home to do that or moving out. Country youth do not have that choice: they just have to move out. The fact is that they cannot live at home. Income poor families are battling to survive and keep a farm and everything else going, yet all of a sudden they are expected to house, clothe, feed and educate sons and daughters who need to move to the city for their education. Many of those families do not have the money. There are quite a few cases where those children are not able to come to the city because the parents just do not have the dough. So they are added to the unemployment statistics in country areas.

Earlier this year I wrote to all non-metropolitan members of Federal Parliament expressing my views on the issue. Thankfully, I received many replies. There has been a consistent condemnation of the current Austudy system and of the inbuilt discrimination of country students. One reply from an ALP member of Parliament was particularly critical

of the thinking in Cabinet and showed enormous frustration at the lack of will within his Party to do anything about it. Federal Government Ministers have constantly stated that Austudy is there to support full-time students from income poor families. I suggest that it is failing miserably to do that and that it continues to deprive rural students of a fair go.

Mr ANDREW (Chaffey): I grieve today in support of South Australian citrus growers, particularly citrus growers in my electorate who at the moment are suffering severely from unfair import competition. It is appropriate that I bring this matter before the House today, because this week in Perth the Australian Citrus Growers Federation is meeting for its annual conference to deliberate on and promote its options for improving the industry. It is also appropriate, because the release yesterday of the Government's report into rural debt unfortunately highlighted the Riverland, which is part of my electorate, as a problem area.

If the figures for the viticulture industry are taken out of that rural debt report—in other words they are generally excluded—and recognising that the citrus industry represents the major proportion of the horticulture industry (other than the viticulture industry) in the Riverland—I suggest in general each contributes about 40 per cent and the remaining 20 per cent comes from other horticultural products—the current poor State of the citrus industry is directly mirrored in the rural figures highlighted yesterday. The report stated that 32 per cent of Riverland borrowers are experiencing real difficulty in servicing their debt commitments at the moment or are in a difficult debt situation.

The problems of the citrus industry are complex. I point out, for the benefit of the member for Spence, that the contribution of the citrus industry is significantly more than the contribution made by most of the industries in his electorate. In less than five minutes it is difficult to do justice to this problem. The industry is facing growth in fresh juice products and has export prospects for quality fresh fruit of the right varieties. It should be noted by the House that the citrus industry is a long-term industry, and to have a viable future it needs to change to viable varieties. That cannot be done overnight because of the lead time that is required. The industry is continuing to suffer severe import competition from low cost countries such as Brazil. This, coupled with a progressive reduction in tariff support by the Federal Government, has reduced it to the order of 10 per cent.

The issue under scrutiny today is the Federal Government's involvement with the industry in the sales tax arena. The Federal Government is proposing further to penalise, discriminate and disadvantage the citrus industry. There has recently been a citrus working group—and a number of recommendations came out of that working group—as part of the Federal Government's horticultural task force inquiry into the horticulture arena, chaired by Senator Sherry from Tasmania.

I support the recommendations of that working party with respect to sales tax. I have already formally written to the Federal Minister for Primary Industries and Energy, Senator Bob Collins, on behalf of the citrus growers of South Australia in this regard.

Two aspects are relevant: currently, fresh orange juice has a sales tax imposition. Orange juice, defined as 'fresh juice' (in other words, not made from concentrate), should be exempted, not just because it is now generally regarded as a basic food item but because comparable products, for example, unflavoured milk, tea and coffee are currently sales tax exempt. I suggest that orange juice is substantially disadvantaged and discriminated against in this arena. It is time now for what I would call a 'level breakfast table' in policy regarding 100 per cent orange juice.

The Federal Government has already announced that as from January 1995 there will be a drop in the concessional rate of sales tax on commodities containing 25 per cent Australian products, so that there will be an effective increase in sales tax on those products from 11 to 21 per cent. Historically, it has been a real incentive to maintain the 25 per cent juice content in all fruit juice drinks, and this past incentive has resulted in a stable outlet for overrun fruit that would otherwise have been almost unmarketable, and has also facilitated a profitable outlet for fresh fruit, particularly for the export of early season market fruit. This component of the growers' produce will be subject now to even lower returns. It will be devalued to the cost of the cheapest import materials now available, and I support an appeal being made to the Federal Government to maintain the current system.

Mr CLARKE (Ross Smith): I refer to a question I asked and the answer that was given from the Minister for Industrial Affairs, as to whether or not he had offered and discussed separation packages with members of the Industrial Court and Commission of South Australia. That is a very serious matter, and the fact that he admitted that he has had discussions with all members of the Industrial Court (judges and commissioners) with respect to separation packages in itself constitutes an interference with the independence of the judiciary. This is absolutely inconsistent with the concept of judicial independence, because the dangling of a separation package carrot before judges could influence or be seen to be influencing their attitude to Government in matters before them. If the Government is in a position to affect the judicial holder's position by offering a separation package as an inducement to retire early then judicial independence is compromised. The Government—

Mr Quirke: Is that the separation of judges or the separation of powers?

Mr CLARKE: It is certainly not the separation of powers; it is very much the separation of judges. The Government could be seen to be influencing the judge in the independent exercise of his or her judicial functions. Much has been said about this matter by members of the Opposition, both in the House of Assembly and in another place, dealing with the Government's Industrial and Employee Relations Bill. The Minister's answer today clearly underscores our concern and the community's concern that the Government is absolutely intent on getting rid—

Mr Quirke: Of stacking it with their mates.

Mr CLARKE: Exactly—getting rid of members of the Industrial Court and Commission to create sufficient vacancies to appoint persons of their political persuasion to those influential positions in determining the rates of pay and conditions of working men and women in South Australia.

Mr Caudell interjecting:

Mr CLARKE: The member for Mitchell may well be crying crocodile tears, but Government members should remember this: if they have any regard for the doctrine of the separation of powers, that if a Government—

Mr Quirke interjecting:

The ACTING SPEAKER (Mr Bass): Order! The member for Playford will come to order.

Mr CLARKE: If a Government interferes with the independence of the judiciary in such a manner as the

Minister described today, then we are well on the path to truly executive Government, without reference either to the Parliament or to an independent judiciary. This matter would not be countenanced by the general community and by members opposite if a Labor Government had sought to influence the Supreme Court judges and entice them to retire early by offering them separation packages.

They would not have countenanced a newly elected Labor Government at a Federal level approaching Sir Garfield Barwick—when he was Chief Justice of the High Court of Australia—and others appointed to the High Court by previous conservative Federal Governments and dangling inducements to them to step down from their office so that new appointments could be made. Government members would not have countenanced that happening in respect of High Court judges—happening on the quiet, not publicly, not by way of a report to Parliament but by obtaining that information through a series of questions over time.

There can be only one reason for the Government wanting to get rid of judges: not to save money; not to say 'There is just not the workload. We want to scale down from four industrial commissioners to two because there is not the work and we want to save the money.' No, there is plenty of work, but it wants to appoint people of its own ilk. It will rue that course of action because once you take away the integrity of that institution and people appearing before that institution have no faith in the individuals arbitrating on matters affecting the interests of their members—and I include employers—then that institution is dead. It is as dead as a dodo and this Government, for its own tacky, political reasons, is prepared to trample right over the whole concept of judicial independence. The Government will rue the day, and members opposite should mark my words well.

Mr CAUDELL (Mitchell): Yesterday, I spoke about the financial mismanagement by the previous Government with respect to the South Australian Housing Trust, and I would like to speak more about that matter today, referring particularly to the member for Playford and his private member's motion on increases in rents for Housing Trust tenants, which is set down for 2 May.

Mr QUIRKE: I rise on a point of order, Sir. I suggest that the member for Mitchell is debating a matter that is before the House, and that is against the Standing Orders.

The ACTING SPEAKER: I caution the member for Mitchell. If the honourable member is raising that matter it should be only as a passing reference.

Mr CAUDELL: It was very passing. I would like to reflect on a statement made by the member for Playford yesterday in the grievance debate. He said:

> No-one in his constituency—and Mitchell Park, I understand, is in there with a large number of Housing Trust tenants—is weeping crocodile tears for the Housing Trust and how much it is owed. No-one is tearful because they think that someone else is not doing the right thing by the Housing Trust.

He is darn well right there, because it states that someone else is not doing the right thing by the Housing Trust. It was the former Labor Government that was not doing the right thing by the Housing Trust and the tenants who lived in those trust units.

Mr Quirke interjecting:

Mr CAUDELL: I cannot answer that interjection because it would be violating Standing Orders to debate a matter set down in this place for a later time. I refer to the debate that occurred—

Mr Quirke interjecting:

The ACTING SPEAKER: The member for Playford was warned not to interject while the member for Ross Smith was speaking and I would ask him not to interject now on the member for Mitchell, who has the call.

Mr CAUDELL: I would like to refer to a statement made by the Auditor-General in his latest report, which reflects on the financial mismanagement by the previous Government. The Auditor-General said:

> I am concerned that audit observations may not receive the appropriate level of consideration and attention by management particularly in the matter of assessment of the risk.

In relation to the assessment of the risk, I would like to refer to the reports that were brought down on the financial well-being of the South Australian Housing Trust. It would appear that the former Government knowingly allowed the financial records not to reflect the true situation with regard to the Housing Trust.

The first point in that consideration was the allowance of $15.7 million relating to the sale of assets being used to pay for the expenses. Indeed, the member for Giles once said that two houses were being sold to pay one person's wages. They were using the sale of assets to pay the bankcard, the interest and the wages.

Secondly, I refer to the $8.4 million included in current assets relating to debtors. It is well known that over $5 million of that $8.4 million is uncollectable at this stage and should have been included as an expense in the financial records. Instead of having a slight surplus, the Housing Trust should have been showing in excess of $16 million as a deficiency in operations. The member for Playford reflected on the Housing Trust. I quote from the Audit Commission report, as follows:

> Private rental levels have fallen in real dollar terms by around $12 a week on a two (or more) bedroom house since 1989, while SAHT rents [under his Government] have remained fairly stable under the consumer price index indexation approach to fee setting.

That means that the private housing rental market had gone down and the former Government increased the prices.

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

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (ADMINISTRATION) AMENDMENT BILL

Returned from the Legislative Council with amendments.

ACTS INTERPRETATION (MONETARY AMOUNTS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

DEBITS TAX BILL

Returned from the Legislative Council without amendment.

STAMP DUTIES (CONCESSIONS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill makes a number of amendments to Acts within the Attorney-General's portfolio.

Criminal Law (Sentencing) Act 1988

Recently, the Crown Solicitor has been asked to give advice on a number of matters where there has been a mistake made by the sentencing judge in imposing a sentence or non parole period. The Crown Solicitor is of the view that the only options are to imply into the sentencing remarks words to give effect to the judge's intention or to take the matter to the Court of Criminal Appeal.

It would seem to be a waste of resources to lodge an appeal where an administrative error has been made in sentencing. Rather it would be preferable if the Act allowed either the Director of Public Prosecutions or the defendant to call the matter back on before the sentencing judge.

Therefore the Bill amends the Act to enable the Director of Public Prosecutions or a defendant to call a matter back on before a sentencing judge where an administrative mistake is discovered in the sentence.

Recent amendments to the *Criminal Law (Sentencing) Act* provide for a Court to order the disqualification of a driver's licence or the suspension of a vehicle's registration for the non payment of a court fine relating to the use of a motor vehicle. Following an order by the Court, the Registrar of Motor Vehicles is required to issue a notice advising of the disqualification or suspension.

Amendments proposed in the Bill provide for the introduction of fees for the issue of the disqualification or suspension notices. The fees will be set by regulation at $19.00 .

A minor amendment is also made to the definition of "appropriate officer " to reflect the change in name from Clerk of Court to Registrar.

Director of Public Prosecutions Act 1991

By virtue of having primary responsibility for the operation of the system of administration of justice, it is the Attorney-General who is seen as the principal prosecuting authority for contempt of court. It is clear that the Director of Public Prosecutions can institute proceedings for contempt of court by way of information for trial by jury but contempt proceedings are usually instituted by *inter partes* summons under the Supreme Court Rules. It is not clear that the Director of Public Prosecutions has power to institute contempt proceedings in this way.

Since the office of Director of Public Prosecutions was established to insulate criminal prosecution decisions from the day-to-day concerns, political and otherwise, of the Attorney-General, it seems logical to include all types of contempt of court proceedings within the proceedings which the Director is empowered to institute.

Empowering the Director of Public Prosecutions to institute contempt proceedings will not derogate from the Attorney-General's traditional power to institute proceedings, which will subsist concurrently with the power vested in the Director.

Jurisdiction of Courts (Cross-vesting) Act 1987

The *Jurisdiction of Courts (Cross-vesting) Act 1987* established a scheme for cross-vesting of jurisdiction between Federal, State and Territory courts. The Act is complemented by reciprocal legislation in the Commonwealth and each State and Territory. The Australian Capital Territory has recently enacted such reciprocal legislation.

Part 3 of the Bill amends the South Australian principal Act to reflect the fact that the Australian Capital Territory now has its own legislation dealing with cross-vesting.

National Crime Authority (State Provisions) Act 1984

The Chairperson, National Crime Authority, has recommended amendments to the *National Crime Authority (State Provisions) Act* to bring the legislation up-to-date with the Commonwealth *National Crime Authority Act*.

The National Crime Authority has conducted a review of the legislation in each jurisdiction and has identified amendments to the *National Crime Authority Act* that have not been picked up in underpinning legislation. The Authority has identified a number of miscellaneous amendments required to the South Australian legislation.

The most significant amendments relate to the insertion of new Sections 18A and 18B. Section 18A will provide that a member of the Authority issuing a summons or notice may include a notation to the effect that disclosure of information about the summons or notice is prohibited except in certain circumstances. Section 18B creates an offence if disclosure is made contrary to the notation.

The other amendments to the Act are largely of a procedural nature.

Subordinate Legislation Act 1978

Section 10(3) of the *Subordinate Legislation Act* currently provides:

> "Except as is expressly provided in any other Act, every regulation shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is in session, or, if Parliament is not then in session, within fourteen days after the commencement of the next session of Parliament."

A session of Parliament is fixed by the Governor pursuant to section 6(1)*(a)* of the *Constitution Act 1934* and the session continues until Parliament is prorogued. On a number of occasions during a session of Parliament, the Houses of Parliament may be adjourned for periods greater than fourteen days. It is necessary for the House to be sitting to enable a regulation (which includes local government by-laws) to be laid before it. There is no procedure specified in legislation or standing orders which enables regulations to be laid before a House of Parliament other than when the House is actually sitting.

To overcome this problem, it is proposed to amend section 10 to provide that regulations must be laid before the House within six sitting days. Six sitting days corresponds approximately to the present fourteen days.

The Act is silent as to the effect of non-compliance with its provisions, whether because Parliament, although in session, has not sat within the required fourteen days or because regulations have not been forwarded to Parliament to be tabled. The case law is inconclusive as to whether non-compliance with section 10(3) leads to the invalidity of the regulation or by-law.

The legislation should make it clear whether non-compliance invalidates a regulation. There are arguments in favour of providing either that the regulations are invalid or that they are not. If regulations are to be invalid for non-compliance, they may be subject to challenge on the ground that they were not laid before Parliament as required by the *Subordinate Legislation Act*. If regulations are not to be invalid for non-compliance, then there could be regulations on the statute book which the Houses of Parliament have not had the opportunity to scrutinise and disallow.

Differing approaches have been taken in various Australian jurisdictions. The Commonwealth *Acts Interpretation Act*, for example, provides that if any regulations are not laid before each House, they cease to have effect. In New South Wales and Victoria, failure to comply does not affect the validity of the regulations. In Victoria, the Legal and Constitutional Committee may report the failure to both Houses and the regulations can be disallowed after each House passes a resolution to that effect within 12 days after the notice of the resolution.

The Government considers that the Parliament should have the opportunity to scrutinise and disallow all regulations and that the approach adopted in Victoria is an appropriate one. The Legislative Review Committee is a suitable vehicle to monitor the laying of regulations before the Parliament and to report the failure to the Houses of Parliament. To ensure that the Legislative Review Committee's report is dealt with, the amendment provides that notice of a resolution for disallowance should be given within six sitting days after the Legislative Review Committee has reported the failure to lay the regulations before both Houses of Parliament.

Supreme Court Act 1935

Sections 62H and 72 of the *Supreme Court Act 1935* provide for the gazettal and tabling of rules of court. The present provisions provide similarly to section 10 of the *Subordinate Legislation Act*

1978 that the rules must be tabled in Parliament within 14 sitting days.

The sections are amended to remove the provisions about gazettal and tabling—the provisions of the *Subordinate Legislation Act* will then apply, as they do to rules of court made under the *District Court Act* and the *Magistrates Court Act*.

Wrongs Act 1936

In a recent decision of the Full Court of the Supreme Court in *Morrison v SGIC*, Bollen J quoted from the judgment of Judge Lee in the District Court drawing attention to a defect in Section 35A(4) of the *Wrongs Act*.

In his judgment, Bollen J states that the case reveals what appears to be an oversight by the drafter. He quotes Judge Lee as follows:

> "Subsection (4) of Section 35A of the *Wrongs Act 1936* abolishes the defence of *volenti non fit injuria* in cases where a presumption of contributory negligence arises under subsection (1)*(j)* of the section. Subsection (1)*(j)* creates a presumption of contributory negligence in cases where the driver is impaired by alcohol and the injured person (not being a minor) is a voluntary passenger and is aware of the impairment. Doubtless, due to an oversight by the draftsman, the qualifying words 'not being a minor' deny to a minor the benefit of subsection (4). The plaintiff was a minor at the time of the accident. This means that the defendant's plea of *volenti non fit injuria* remains one of the issues for determination."

The amendment to Section 35A of the *Wrongs Act* ensures that the defence of *volenti non fit injuria* will no longer be available against minors.

I commend this Bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause provides that a reference in this Act to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2

AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 4: Insertion of s. 9A

This clause provides for the insertion of proposed section 9A which provides that a court that imposes a sentence on a defendant, or a court of coordinate jurisdiction, may, on application by the Director of Public Prosecutions or the defendant, make such orders as the court is satisfied are required to rectify any error of a technical nature made by the sentencing court in imposing the sentence, or to supply any deficiency or remove any ambiguity in the sentencing order. The Director of Public prosecutions and the defendant are both parties to an application under this proposed section.

Clause 5: Amendment of s. 61A—Driver's licence disqualification for default

This clause amends the principal Act to provide that the cost of issuing a notice of disqualification be added to the amount in respect of which the person is in default. It provides that this may be waived by the appropriate officer in such circumstances as he or she thinks just.

Clause 6: Amendment of s. 61B—Suspension of motor vehicle registration for default by body corporate

This clause amends the principal Act to provide that the cost of issuing a notice of an order suspending registration be added to the amount in respect of which the company is in default. It provides that this may be waived by the appropriate officer in such circumstances as he or she thinks just.

PART 3

AMENDMENT OF DIRECTOR OF PUBLIC PROSECUTIONS ACT 1991

Clause 7: Amendment of s. 7—Powers of Director

This clause gives the Director the additional power to institute civil proceedings for contempt of court.

PART 4

AMENDMENT OF JURISDICTION OF COURTS (CROSS-VESTING) ACT 1987

Clause 8: Amendment of s. 3—Interpretation

This clauses amends section 3 of the principal Act—

- by striking out the definition of "State" and substituting a new definition of "State" to include the Northern Territory and the Australian Capital Territory;
- by striking out the definition of "Territory" and substituting a new definition of "Territory" that does not include the Northern Territory or the Australian Capital Territory.

PART 5

AMENDMENT OF NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT

The amendments made to the principal Act in this Part are designed to keep the principal Act consistent (except for slightly different drafting styles between the Commonwealth and this State) with the *National Crime Authority Act 1984* of the Commonwealth ("the Commonwealth Act"). The majority of the amendments proposed are of a minor drafting nature; for example, throughout the Act, any reference to "an acting member" is deleted.

Clause 9: Amendment of s. 5—Functions under State laws

This clause amends section 5 of the principal Act by inserting after subsection (3) proposed subsection (3a) which provides that the Minister may, with the approval of the Inter-Governmental Committee—

- in a notice under subsection (1) referring the matter to the Authority, state that the reference is related to another reference; or
- in a notice in writing to the Authority, state that a reference already made to the Authority by that Minister is related to another reference.

Clause 10: Amendment of s. 6—Performance of functions

This clause amends section 6 of the principal Act by inserting in subsection (1) "or any person or authority (other than a law enforcement agency) who is authorised by or under a law of the Commonwealth or of a State to prosecute the offence" after "agency".

Clause 11: Amendment of s. 9—Co-operation with law enforcement agencies

This clause amends section 9 of the principal Act by inserting proposed subsection (2) which provides that in performing its special functions, the Authority may coordinate its activities with the activities of authorities and persons in other countries performing functions similar to the functions of the Authority.

Clause 12: Amendment of s. 12—Search warrant

Clause 13: Amendment of s. 13—Application by telephone for search warrants

Clause 14: Amendment of s. 15—Order for delivery to Authority of passport of witness

The amendments made by these clauses to the principal Act are of a minor drafting nature and, for the most part, delete references to "a member of the Authority" and substitute references to "a member".

Clause 15: Amendment of s. 16—Hearings

This clause amends section 16 of the principal Act. Subsection (3) is struck out and proposed subsections (3), (3a), (3b), (3c) and (3d) (which provide for the procedure of hearings by members of the Authority) are substituted.

Subsection (7) is struck out and the proposed substituted subsection (7) provides that where a hearing before the Authority is being held, a person (other than a member or a member of the staff of the Authority approved by the Authority) must not be present at the hearing unless the person is entitled to be present by reason of a direction given by the Authority under subsection (5) or by reason of subsection (6).

After subsection (9), proposed subsections (9a) and (9b) are inserted. Proposed subsection (9a) provides that subject to proposed subsection (9b), the Chairperson may, in writing, vary or revoke a direction under subsection (9).

Proposed subsection (9b) provides that the Chairperson may not vary or revoke a direction if to do so might prejudice the safety or reputation of a person or prejudice the fair trial of a person who has been or may be charged with an offence.

Clause 16: Amendment of s. 17—Power to summon witnesses and take evidence

Clause 17: Amendment of s. 18—Power to obtain documents

The amendments made by these clauses to the principal Act are of a minor drafting nature and, for the most part, delete references to "a member of the Authority" and substitute references to "a member".

Clause 18: Insertion of ss. 18A and 18B

This clause provides for the insertion of proposed sections 18A and 18B.

Proposed section 18A provides that the member issuing a summons under section 17 or a notice under section 18 must, or may (as the case may be as provided in proposed subsection (2)), include in it a notation to the effect that disclosure of information about the summons or notice, or any official matter connected with it, is prohibited except in the circumstances, if any, specified in the notation. If a notation is included in the summons or notice, it must be accompanied by a written statement setting out the rights and obligations conferred or imposed by proposed section 18B on the person who was served with the summons or notice. In the circumstances set out in proposed subsection (4), after the Authority has concluded the investigation concerned, any notation that was included under proposed section 18A in any summonses or notices relating to the investigation is cancelled by proposed subsection (4). If a notation made under proposed subsection (1) is inconsistent with a direction given under section 16(9), a notation has no effect to the extent of the inconsistency.

Proposed section 18B provides that a person who is served with a summons or notice containing a notation made under proposed section 18A must not disclose the existence of the summons or notice or any information about it or the existence of, or any information about, any official matter connected with the summons or notice. The penalty for a breach of this proposed subsection is a $2 000 fine or imprisonment for one year.

Proposed subsection (1) does not prevent the person from making a disclosure—

- in accordance with the circumstances, if any, specified in the notation; or
- to a legal practitioner for the purpose of obtaining legal advice or representation relating to the summons, notice or matter; or
- to a legal aid officer for the purpose of obtaining assistance under section 27 of the Commonwealth Act relating to the summons, notice or matter; or
- if the person is a body corporate—to an officer or agent of the body corporate to ensure compliance with the summons or notice; or
- if the person is a legal practitioner, to comply with a legal duty of disclosure arising from his or her professional relationship with a client or to obtain the agreement of another person under section 19(3) to the legal practitioner answering a question or producing a document at a hearing before the Authority.

It is an offence for a person to whom a disclosure has been made under this proposed section to disclose relevant information and the penalty is a fine of $2 000 or imprisonment for one year.

Proposed subsection (4) provides that a person to whom information has been lawfully disclosed may disclose that information—

- if the person is an officer or agent of a body corporate referred to in proposed subsection (2)*(d)*—to another officer or agent of the body corporate for the purpose of ensuring compliance with the summons or notice or to a legal practitioner or legal aid officer;
- if the person is a legal practitioner—to give legal advice, make representations, or obtain assistance under section 27 of the Commonwealth Act, relating to the summons, notice or matter; or
- if the person is a legal aid officer—to obtain legal advice or representation relating to the summons, notice or matter.

Proposed subsection (5) provides that proposed section 18B ceases to apply to a summons or notice after the notation contained in the summons or notice is cancelled by proposed section 18A(4) or 5 years elapse after the issue of the summons or notice, whichever is sooner.

Clause 19: Amendment of s. 19—Failure of witnesses to attend and answer questions

Clause 20: Amendment of s. 20—Warrant for arrest of witness

Clause 21: Amendment of s. 21—Applications to Federal Court of Australia

Clause 22: Amendment of s. 24—Protection of witnesses, etc.

Clause 23: Amendment of s. 25—Contempt of Authority

Clause 24: Amendment of s. 27—Powers of acting members of Authority

Clause 25: Amendment of s. 29—Protection of members, etc.

Clause 26: Amendment of s. 30—Appointment of Judge as member not to affect tenure, etc.

Clause 27: Amendment of s. 31—Secrecy

The remaining amendments made by these 9 clauses to the principal Act are of a minor drafting nature and are to keep the State Act consistent with the Commonwealth Act.

PART 6
AMENDMENT OF SUBORDINATE LEGISLATION ACT 1978

Clause 28: Amendment of s. 10—Making of regulations

This clause strikes out subsections (3) and (4) and substitutes 4 proposed subsections which provide that—

- except as is expressly provided in any other Act, every regulation must be laid before each House of Parliament within six sitting days of that House after it has been made;
- any failure to have a regulation laid before both Houses of Parliament does not affect the operation or effect of that regulation;
- the Legislative Review Committee may report any failure to comply with proposed subsection (3) to each House of Parliament.

Proposed subsection (5a) provides that (subject to this section) where—

- a regulation has been laid before each House of Parliament in accordance with proposed subsection (3); or
- a report has been made in respect of a regulation by the Legislative Review Committee in accordance with proposed subsection (5),

that regulation may be disallowed by resolution of either House of Parliament and will cease to have effect.

Proposed subsection (5b) provides that a resolution is not effective for the purposes of proposed subsection (5a) unless—

- in the case of a regulation that has been laid before the House in accordance with proposed subsection (3)—the resolution is passed in pursuance of a notice of motion given within 14 sitting days after the regulation was laid before the House; or
- in the case of a regulation that has been the subject of a report by the Legislative Review Committee in accordance with proposed subsection (5)—the resolution is passed in pursuance of a notice of motion given within six sitting days after the report of the Legislative Review Committee has been made to the House.

This clause provides for a consequential amendment to subsection (6) by striking out "subsection (4)" and substituting "subsection (5a)".

PART 7
AMENDMENT OF SUPREME COURT ACT 1935

Clause 29: Amendment of s. 62H—Rules of Court

This clause proposes to strike out subsections (5) and (6) of this section and to substitute a subsection which provides that rules of Court made under this section take effect from the date of publication in the *Gazette* or some later date specified in the rules.

Clause 30: Amendment of s. 72—Rules of Court

This clause proposes to amend section 72 by striking out subsection (4) (including the sentence following paragraph *(c)*) and substituting a subsection which provides that rules of Court made under this section take effect from the date of publication in the *Gazette* or some later date specified in the rules.

PART 8
AMENDMENT OF WRONGS ACT 1936

Clause 31: Amendment of s. 35A—Motor accidents

This clause amends section 35A of the principal Act by striking out subsection (4) and substituting a new subsection (4) that provides that the defence of *volenti non fit injuria* is not available against the injured person where—

- the injured person was (at the time of the accident) a voluntary passenger in or on a motor vehicle; and
- the driver's ability to drive the motor vehicle was impaired in consequence of the consumption of alcohol or a drug and the injured person was aware, or ought to have been aware, of the impairment.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 926.)

Mr ATKINSON (Spence): I declare an interest in this Bill. I was born in Australia in 1958 and am, therefore, an Australian citizen, but at my birth I was also a citizen of the Republic of Ireland by the operation of Ireland's citizenship law, under which people who have an Irish parent or grandparent are Irish citizens. That is why so many of the Republic of Ireland World Cup soccer team live in Britain and are coloured. Ireland is a small country with a small population and a high rate of immigration over the past 150 years. To embrace the Irish diaspora and to feel bigger and more important as a nation, the Irish Parliament, the Dail, passed its generous and all-embracing citizenship law in, I think, 1948. My recollection of the history of that law is that it was promulgated by a Fine Gael Government. So, I shall benefit by the Bill because it removes any chance of my being disqualified from sitting in the House of Assembly by the operation of the Constitution Act.

I am conscious of my Irish citizenship. It is possible that, owing to my father's having been born in the South Dublin village of Dalkey in 1923 while Ireland was a dominion of the United Kingdom, I am a citizen or eligible for citizenship of the United Kingdom, as is the Minister for Primary Industries. I have not pursued this possibility.

In 1982, I acquired an Irish passport. At that time I had just graduated in law and my purpose was to keep open the possibility of travelling to Ireland or some other European Community country and to exercise the right to work in one of those countries which the passport gave me. I have not had occasion to use my Irish passport, although I renewed it a couple of years ago. I tried to use the passport at Holyhead in Wales when boarding the ferry for Dun Laoghaire. However, I found that passports were not necessary at that point.

Indeed, the security officer who was stationed at that port regarded someone offering an Irish passport and volunteering his occupation as a member of Parliament as suspicious, and I was taken aside and interviewed, perhaps mistaken for a relative of Gerry Adams. The real test when one has dual passports is which queue one joins at Heathrow. Does one join the European Community passport holder queue and get through in 5 minutes, or does one join the other queue and use one's Australian passport? My travelling companion on my one trip overseas, Mr George Klein, can testify that I joined the other queue and waited for a very long time.

I have some sympathy for the point of view of the Hon. Mario Feleppa and the member for Giles who migrated to Australia from other countries and who are very committed to this country. Neither of them exercises his right to hold a non-Australian passport. They are very proud of being Australian citizens. I must say that, amongst Irish people, particularly second and third generation Irish people, there is a greater fondness for the old country than that felt by those who have actually lived there. I would be happy to relinquish my Irish passport if my parliamentary colleagues, my constituents and the public thought that it was inappropriate for members of Parliament to have dual passports.

I refer now to the text of the Bill and how it fits into the Constitution Act. The Bill before us affects section 31 of the Constitution Act, which currently provides for the vacation of seats in the House of Assembly, and then goes on to list a number of events which would cause a member to be disqualified from sitting in the Assembly. Among the existing disqualifications are:

(b) takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power;

(c) does, concurs in, or adopts any act whereby he may become a subject or citizen of any foreign state or power;

(d) becomes entitled to the rights, privileges or immunities of a subject or citizen of any foreign state or power;

(g) is attainted of treason.

I suppose some members opposite might think that being a citizen of the Irish Republic is somehow treasonable to Her Majesty, but I trust they will not give voice to their private opinions.

If any of those things occur, the Constitution provides that 'his seat in the House of Assembly shall thereby become vacant'. The Bill before us deletes '(d) becomes entitled to the rights, privileges or immunities of a subject or citizen of any foreign state or power' and then adds new subsection (2) to provide that 'the seat of a member of the House of Assembly is not vacated because the member acquires or uses a foreign passport or travel document'. I understand that all Parties represented in the Parliament support this amendment.

The Hon. H. Allison: Hear, hear!

Mr ATKINSON: I hear the member for Gordon agreeing with that, as well he might, because as I understand it he holds a UK passport—

The Hon. H. Allison: It's my birthright.

Mr ATKINSON: And, as he says, his passport and UK citizenship are his birthright. The Minister for Primary Industries is eligible for a UK passport in the same way as I am eligible for an Irish passport.

The Hon. M.D. Rann: I have three citizenships.

Mr ATKINSON: We have a further confession from the Deputy Leader of the Opposition, who says he has three citizenships, and I think there are many other members of both Houses who, when this controversy broke about 18 months ago, did not own up to their vulnerability to the High Court judgment in the Cleary case. I owned up, along with the then member for Mount Gambier and the member for Victoria, but other members of the House who I know are entitled to foreign citizenship were strangely silent. Indeed, one of them, the former member for Peake, was joking about my imminent departure from the Parliament owing to my Irish citizenship when I asked him where his parents were born, and he told me that his father was born in Newcastle upon Tyne, which meant that he was also caught by the operation of the literal interpretation of the Cleary case.

A further amendment to this section is the proposed addition of paragraph (ab), which provides that if any member of the House of Assembly is not or ceases to be an Australian citizen his seat in the House of Assembly shall thereby become vacant. This addition worries me a little, because there must be many thousands of voters on the House of Assembly electoral roll who are not Australian citizens but who were British subjects and entitled to vote before 1984. Being on the House of Assembly roll, they are quite logically eligible to stand for Parliament. No-one is owning up to being a British subject without being an Australian citizen, but it is possible, and I would have thought that, particularly given the swollen state of the Liberal Party benches, the Attorney-General would have made some inquiries about the effect of this new paragraph before passing it into law.

The Australian and South Australian Constitutions were enacted when there was no such thing as Australian citizenship. These clauses in the Constitution that were the subject of the Cleary case were intended to allow everyone who was a British subject, that is, who was born in the British Empire,

to stand for Parliament if they lived in Australia. It was intended to exclude migrants from outside the British Empire who had not become naturalised British subjects. The reference to allegiance to foreign princes and powers in the 1934 South Australian Constitution was not meant to refer to British passport holders or, I might add, to migrants from the Irish Free State because, although independent, Ireland was part of the British Empire at that time.

So, I agree with the member for Gordon, who would argue that the part about allegiance to foreign princes and powers just does not apply to people who have dual citizenship of great Britain and Ireland, and it was never intended to operate that way. Indeed, many of our famous Australian politicians were born in Britain and other countries. Billy Hughes was from Wales, Andrew Fisher was from Scotland and King O'Malley, although he claimed to be from Canada, was almost certainly from the United States of America and therefore ineligible to stand under these rules—but he got by.

The Hon. M.D. Rann interjecting:

Mr ATKINSON: The Deputy Leader interjects to ask whether it affected King O'Malley's super. He certainly lived to a ripe old age, after supporting the Commonwealth Bank Bill when he was a Minister in 1911. During the 1949 controversy about nationalisation of the banks, Arty Fadden, the then Country Party leader, said that King O'Malley would be turning in his grave if he could see the bank nationalisation Bill. An intrepid reporter found King O'Malley living in obscurity in Albert Park in Melbourne, and he certainly supported the bank nationalisation Bill.

I can understand that it could be argued that the Federal Parliament, having responsibility for foreign affairs, immigration and defence, should not contain dual citizens because there could be a conflict of interest. That is drawing a long bow. The same argument does not apply to the State Parliament, where I think there is no potential conflict of interest.

One of the subsidiary issues before the High Court in the Cleary case was whether the Labor candidate Bill Kardamitsis and the Liberal candidate John Delacretaz were eligible to run in the Wills by-election. One was born in Greece and the other in Switzerland. Both had become Australian citizens and, as part of the citizenship ceremony, had taken oaths renouncing all other allegiances. A majority of the High Court said that as the laws of Greece and Switzerland did not allow native-born people to renounce their citizenship, except by a special procedure which neither Kardamitsis or Delacretaz had followed, both were entitled to the privileges and immunities of a foreign power and were therefore disqualified from standing for Parliament.

The High Court minority said that the entitlement of Australians to run for Parliament should not be decided by the law of a foreign power. The minority said that under international law the tests, when there were competing citizenships, were: where does the person habitually reside, where are his family ties, where does he participate in public life and what are his children? The answer to every one of those questions, applied to Kardamitsis and Delacretaz, was that they were Australian.

If we apply that test to each member of the South Australian Parliament, the answer is that they are Australians. So, it follows that the Opposition supports the amendments to the Constitution Act. We think they are quite sensible. Let me move to the other part of the Bill that deals with the matter of holding an office of profit under the Crown. Members will recall that after the Wills by-election, upon the retirement of the former Prime Minister, Bob Hawke, a ballot was contested by, among other candidates, an Independent Labor candidate, Phil Cleary, who was a school teacher and the Labor candidate Bill Kardamitsis and the Liberal candidate John Delacretaz. The latter two I have referred to earlier.

As well as Kardamitsis and Delacretaz being ruled out, Cleary was ruled out by the High Court majority on the basis that, being a school teacher employed by the State of Victoria, he held an office of profit under the Crown and was therefore ineligible to stand. The seat of Wills was balloted again at the general election which followed not long after. This part of the Bill that we are now considering eliminates the provisions relating to an office of profit under the Crown so that it would no longer be a conflict which would disqualify a member of the House of Assembly or the Legislative Council.

The disqualification from holding an office of profit under the Crown was introduced by Parliament during or shortly after the reign of the Stuart kings. The reason was that it was a common practice of the Stuart kings to put together parliamentary majorities by offering members of the House of Commons pensions and employment from the Crown. The Whig tendency in the Parliament was horrified by the advantage this gave their Tory opponents who were aligned to the Stuart royal family, and therefore the prohibition on holding an office of profit under the Crown was introduced into what passes for the British Constitution.

It was a useful and necessary provision at that time but, in the succeeding centuries, the scope of Government operations has grown so great, particularly public employment and universal social security, that many more people are caught by the notion of office of profit under the Crown and, were it applied strictly, probably more than half the public would be ineligible to sit in Parliament. It follows that the Opposition agrees with the changes to this provision in the Constitution proposed by the Government, but it may be that the old abuses will come back when the provisions are removed, and one day we may be looking at restoring these clauses to our Constitution. With those reservations the Opposition supports the Bill.

Mr SCALZI (Hartley): There are two aspects to consider in the Bill. First, the legal one and, secondly, the moral one, at least that is the case for me in commenting on the Bill. I do not wish to comment on any individual member or judge them on their commitment to the community or their office in raising this matter. Perhaps we can detach ourselves for a moment from the specifics before us, that is, the legal consequences and the possibility of losing one's seat because a member is found to (a) hold a foreign passport or (b) be a citizen of another country, or another country claims them as its citizen. The Bill before us is obviously trying to close the possible loophole and create some certainty not only on this matter but also in respect of entering into a contract with the Crown.

I understand the Bill's purpose fully, and I fully support the legal position. It makes one's position clear. What concerns me is that, in making the legal position clear, are we weakening the value of Australian citizenship in the moral sense? What concerns me as a member of Parliament is that, in trying to ensure that nothing is taken away from members as individuals, in the eyes of some people we might be taking something away from the value of Australian citizenship by holding dual citizenship, a foreign passport or both. As a member of Parliament I cannot morally justify travelling on

any other passport but an Australian passport, but that is not to say that I am not proud of my place of birth or my background. I cannot justify holding other citizenship. I am saying this as a member of Parliament. If I did that, I would consider that I had undervalued my commitment to my Australian citizenship. I feel strongly about this issue because I became a citizen out of choice.

When I applied for and was granted citizenship, I gave it great thought and consideration. I felt privileged and honoured to be granted citizenship of this great country and great democracy. As a member of Parliament I now feel even more honoured and privileged to have been elected to this House to represent the community in which I grew up. For me there will be no need for such legislation or amendments because I would not apply for other citizenship or another passport. I am privileged to travel on an Australian passport.

The benefits that could be realised by me if I did hold another passport or if I held dual citizenship are of no relevance when I compare them to the importance of my commitment to being an Australian. As a member of Parliament there should be no question of commitment and no benefits that could rate of such importance. In conclusion, as I said, I do not wish to take anything from anyone, particularly not from any member, but as members of Parliament I believe we should ask ourselves this question: are we taking something away from Australian citizenship when we apply for a foreign passport or dual citizenship? Whilst I accept this Bill for legal and practical reasons, morally I question the need for any member of Parliament to apply for or hold a foreign passport or dual citizenship, although I am well aware that members from both sides of politics are affected by the Bill.

How will such a provision be perceived by the general community? Ultimately, these questions will have to be answered at a Federal level, because citizenship and passports are in the realm of Federal politics. I put on the record that as a State member I do not see any need to apply for a foreign passport or dual citizenship, but I see it as a moral obligation to set an example and put my commitment to Australia beyond question.

Mr WADE (Elder): I support this Bill. The reason behind the amendment is to protect the positions of State members of Parliament who acquire or use a foreign passport or travel document. This amendment removes an anomaly whereby a Parliamentarian could automatically vacate his or her seat if a dual passport was retained or obtained. Can we continue to single out politicians and deny them the opportunity to retain dual passports and their jobs when other citizens do not have this restriction placed upon them?

Australia is a melting pot of cultures and peoples. We are a young nation by western standards. For example, Melbourne has the largest Greek population outside Athens. We are a nation of immigrants and first and second generation descendants. At this point in our history, we need to recognise the skills and abilities brought to this country. We do not wish to deny these skills in our Parliament just because a person not born in Australia has chosen to become a citizen and maintain a passport to which he or she is entitled by birth right.

However, to build a strong nation with an identity of its own we must start the long process of self actualisation. To be Australian is to be committed to the welfare of this nation ahead of all others. There must come a time when those who have their feet firmly in both camps must decide whether they are 100 per cent committed to this nation of ours. There will come a time when our community of nationalities will be of such maturity and attitude that it will have, as its citizens and wish to have as its citizens in or out of government, only those persons who have no allegiance, real or on paper, to any other nation except Australia.

I support this Bill during the transitional stage of our nation's development. I support it because it removes an anomaly. As a naturalised Australian, I have one passport and one country. That country is Australia.

The Hon. S.J. BAKER (Deputy Premier): I thank all members for their valuable contributions. In particular, I thank the member for Spence for the historical background that he provided to the Parliament. The member for Hartley made a very important statement about what is law and what is moral and the member for Elder expressed the wish of all people in Australia to be at one and not be divided by previous ties. That may well occur at some stage as a result of deliberations by the Commonwealth so that, once you become an Australian citizen, you are constrained to one passport, as occurs in a number of other countries in the world. However, the question before the House is not one of morals or of what is in the future: it is a question of what is now.

As members would appreciate, we do not wish people to be ruled out of parliamentary performance or election simply because of the fact that they, like many other citizens of this country, have more than one passport. We will debate the moral and practical issues at a Federal level at a later date. We do not wish any member of Parliament, having been elected to this place, suddenly to find that they are no longer able to serve in this Parliament because a court on appeal rules that that person is ineligible because there may be some belief that the mere existence of a passport suggests divided allegiances between the country that person is serving, that is, Australia, and that person's country of birth. I understand that the Deputy Leader of the Opposition has previously been a citizen of two countries. We do not wish that restriction to be placed on any parliamentary involvement. We do not wish a member suddenly to be disqualified from membership of this House on that technicality.

The Bill is quite simple. It makes that part of the constitution quite clear, providing that the mere existence of dual citizenship or ownership of a dual passport will not prevent that member either from standing for or being elected to the Parliament. I am pleased with the support that that has received.

On the issue of members' interests, as members would know from the second reading explanation, the difficulty is where the provision starts and ends and what is benefit from the Crown. It is too difficult to interpret. It places at risk members of Parliament who, for a variety of reasons, may become innocent victims when they are deemed to have gained some benefit from the Crown simply because they have been doing what other citizens have been doing. There have been a number of examples where this has been the case and potential conflicts have been involved. Therefore, the Bill deletes that section of the Act, not because we do not believe in standards and not because we do not believe it is important that there shall be no conflict or gain from the Crown through a member's performance but simply because a member can be disqualified for the most innocent reasons if somebody should take up that issue.

It is quite clear that some thought will have to be given to how we can prevent some of the excesses that occur in other countries where members of the Crown or of elected or non-elected Parliaments or Governments bestow favour on those members who are making the decisions through the parliamentary process. This is a matter that I believe needs more thought. The legislation should provide guidelines to make quite clear that no member of Parliament shall get special benefit from the Crown. It probably requires a great deal more thought than we can give at the moment. We do not wish to put any member at risk as a result of that provision. Those sections of the existing Act have been removed.

There is a further amendment which was inserted in another place, which we will deal with in Committee but with which the Government disagrees. I thank all members for their contribution.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

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

Page 1, lines 13 and 14—Leave out 'Statutes Amendment (Constitution and Members Register of Interests) Act 1994' and insert 'Constitution (Members of Parliament Disqualification) Amendment Act 1994.'

I will address the principal issue that is involved here. The mere change of the title does not indicate the intent of the set of amendments. I will explain it very briefly. When we reach the particular part of the Act which we wish to amend, it will be quite clear why we are amending the short title. In another place, it was deemed fit to include a requirement about the particulars of contract that members or persons related to those members may have with the Crown or an agency of the Crown during the year in which members have to file a return.

I will address the issue in more detail when we reach that clause, but the provisions cause many problems and difficulties and could have unwanted consequences, basically for two reasons. First, there is no reason why a particular amount such as the $5 000 has a certain value or a value in the legislation. Secondly, and importantly, with respect to a member or a member's spouse or dependent children, details of contracts with the Crown or an agency of the Crown that exceed $5 000 would have to be revealed under these provisions. That provision requires a lot more thought, because it relates to the issue of how we define 'special privilege', and everybody would agree that we should not have members of Parliament getting a special benefit from the Crown.

We are then asking members to provide to the Parliament details that may break contractual agreements which had been entered into honourably and which may not assist in terms of this provision but may cause some significant difficulty. We understand why the amendment has been moved. However, it does not do what I believe members were seeking to achieve when they moved that amendment in another place. We will reject that amendment, and that is why the short title concentrates the attention of the Bill on one particular issue, that is, disqualification.

Amendment carried; clause as amended passed.

Clauses 2 and 3 passed.

Clause 4—'Vacation of seat in Council.'

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

Heading to part 2, page 1, lines 20 and 21—Leave out all words in these lines.

Mr ATKINSON: Mr Acting Chairman, it is splendid to see someone with the parliamentary knowledge and experience of yourself in the Chair, and I could not let this opportunity go by without asking a question—

The ACTING CHAIRMAN (Mr Brindal): The member for Spence will confine his remarks to the clause.

Mr ATKINSON: —so I might enter into dialogue with you. Has the Minister's Party asked itself whether any of its members of Parliament are British subjects who are not Australian citizens?

The Hon. S.J. BAKER: I am not aware of anyone in my Party who is not an Australian citizen but, if that should be the case, I will report it back to the Parliament. We do have a date to be fixed by proclamation. As far as I am aware, all members of the Parliament on this side of politics are Australian citizens. Again, as far as I am aware, I believe that that is required. The member for Spence suggests that it is not. It may be required only in the Australian Constitution. It may be a leftover from colonial days. As far as I am aware, there is no person on this side of politics in either House of Parliament who is other than an Australian citizen.

The ACTING CHAIRMAN: I remind the member for Spence that this House does have a Question Time, and questions should be related to the clause.

Mr ATKINSON: The question is intimately related to the clause.

The ACTING CHAIRMAN: The Chair will decide that.

Mr ATKINSON: It would be a celebrated consequence of the enacting of this clause if a member of this House were found to be in that class of Australian permanent residents who were British subjects, who came to Australia during the wave of post war migration, and who were entitled to be enrolled on the House of Assembly electoral roll but did not go through a naturalisation ceremony. Such a person would be disqualified from Parliament by the operation of this clause, so I have to inform you, Mr Acting Chairman, that the question is of the utmost relevance to the clause.

Earlier, when I was distracted about the matter of King O'Malley, I neglected to mention that we have not yet had an Australian Prime Minister who, at the time of his birth, was an Australian citizen. Australian citizenship is a relatively new concept. It was introduced in 1949. Before that, people who were born in Australia were born British subjects, so I just mention that for the edification of the Acting Chairman.

Amendment carried; clause as amended passed.

Clause 5—'Vacation of seat in Assembly.'

Mr ATKINSON: Mr Acting Chairman, I must apologise to you. My remarks to clause 4 were, in fact, directed at clause 5. I just wanted to make that clear to you.

The ACTING CHAIRMAN: So long as the honourable member realises his mistake, no harm is done.

Clause passed.

Clause 6 passed.

Clause 7—'Contents of returns.'

The Hon. S.J. BAKER: I oppose this clause. Although the Government opposes this clause it understands the thinking behind it. Under the register of interests that is required to be provided by members of Parliament certain contractual arrangements currently have to be revealed. For example, anyone who has a mortgage with a bank of over a certain amount has to provide that information in the register of interests. Of course, a mortgage with the State Bank comes under that category.

Mr Atkinson interjecting:

The Hon. S.J. BAKER: Yes, it is. I always list my property when I am talking about interests, and my bank owns me. What we are saying is that we currently have to disclose mortgages over a particular value, where I think the interest paid is over $500—and it is so long since I have looked at it I would need to take advice on that matter.

If the clause were to stand we would need new disclosures. For example, a business which supplies goods to the Crown or agency over a value of $5 000 would need to be disclosed in the member's register of interest. This means that any contractual arrangement relating to the member, the member's spouse or dependent child would have to be revealed even though that contract—we would presume and hope—had been made on competitive terms, and the member, member's spouse or dependent child received no special advantage.

A member will no longer be able to merely name a business or professional practice as an income source: he or she will also have to detail contracts with the Crown that that business or professional practice entered into. This information will have to be supplied for persons related to a member or the member's family. We are including other people besides just the member, and that includes the spouse or putative spouse, children under 18 years, family companies and family trusts. Hitherto, the member did not have to be concerned about the matter of people with whom family members entered into contracts in the course of any business they ran. The situation now is quite different. If a member's spouse runs a business and that business provides stationery to a Government department, under existing rules that person would not have to put that detail into the register of interest.

What we were trying to do was avoid the inadvertent—I make that quite clear—breach of section 49 of the Act. I suspect that, if the provisions we are attempting to amend prevailed and everyone's affairs were gone into in great detail, we could find a number of examples where there has been a technical but certainly not a moral breach of the Act. That is why we had the amendments under clause 6, to take away that potential.

However, now we have another suggested clause by the Democrats which places a new onus on members of Parliament who may not be aware of the contractual arrangements that are made by family businesses about which they have no intimate knowledge. I think of country members who are running farms and who may have an oil business that might be providing petroleum products to the Highways Department or another Government agency. There is a large range of areas where members of Parliament, or more importantly their close relatives—the spouse or children—may make a contract to provide certain goods and services and inadvertently breach the Act.

The reason we deleted these clauses was to avoid this potential problem. What the amendment does is create a new hazard under the Act which, presumably if it is interpreted to the extent provided in the Bill—and very explicitly provided in the Bill—will create a hazard and in fact place members of Parliament at risk. Although it is against the spirit of the changes that have taken place we can appreciate the reasons why it has been inserted into the legislation in another place, and it is because there is a desire by all members of Parliament to ensure that no member of Parliament receives special privilege from the Crown.

This matter creates two areas of difficulty: first, the nature of a business contract; and, secondly—and probably more importantly—a problem involving someone who may have inadvertently breached the Act, which it is quite easy to do. I and the Government oppose the clause, but I do understand why the provision was inserted. Perhaps in the intervening period we can look at some other way of covering the area involved in this amendment.

Clause negatived.

Long title.

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

Page 1, lines 6 and 7—Leave out 'and the Members of Parliament (Register of Interests) Act 1983.'

Amendment carried; long title as amended passed.

Bill read a third time and passed.

WORKCOVER CORPORATION BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1 (clause 2)—After line 17 insert new subclause as follows:

'(2) However—

(a) the day fixed for the commencement of this Act must be the same as the day fixed for the commencement of the Workers Rehabilitation and Compensation (Administration) Amendment Act 1994 and the Occupational Health, Safety and Welfare (Administration) Amendment Act 1994; and

(b) all provisions of this Act must be brought into operation simultaneously.

No. 2. Page 2, lines 16 to 20 (clause 5)—Leave out subclause (2) and insert new subclause as follows:

'(2) The Board consists of nine members appointed by the Governor of whom—

(a) at least two (one being a suitable representative of small businesses—including farming) must be nominated by the Minister after consulting with associations representing the interests of employers; and

(b) at least two must be nominated by the Minister after consulting with the UTLC; and

(c) at least one must be a person experienced in occupational health and safety;

(d) at least one must be experienced in rehabilitation.

(2a) At least three members of the board must be women and at least three members must be men.'

No. 3. Page 2, lines 30 and 31 and page 3, lines 1 to 3 (clause 6)—Leave out paragraphs (b), (c) and (d) and insert new paragraphs as follow:

'(b) mental and physical incapacity to carry out duties of office satisfactorily, or

(c) neglect of duty; or

(d) dishonourable conduct.'

No. 4. Page 3, (clause 6)—Line 8 insert new paragraph as follows:

'(da) is found guilty of an offence against section 8 (disclosure of interest); or'.

No. 5. Page 3 (clause 6)—After line 9 insert new subclause as follows:

'(4) On the office of a member of a Board becoming vacant, a person must be appointed, in accordance with this Act, to the vacant office.'

No. 6. Page 5, line 2 (clause 11)—Leave out 'five' and insert 'six'.

No. 7. Page 6—After line 2 insert new clause as follows:

11A. The Corporation's primary objects are—

(a) to reduce, as far as practicable, the incidence and the severity of work-related injuries; and

(b) to ensure, as far as practicable, the prompt and effective rehabilitation of workers who suffer work-related injuries; and

(c) to provide fair compensation for work-related injuries; and

(d) to keep employers' costs to the minimum that is consistent with the attainment of the objects mentioned above.'

No. 8. Page 6, lines 9 and 10 (clause 12)—Leave out paragraph (b) and insert new paragraph as follows:

'(b) to provide resources to support or facilitate the formulation of standards, policies and strategies that promote occupational health, safety or welfare; and'.

No. 9. Page 6 (clause 12)—After line 17 insert new paragraphs as follow:

'(ea) to encourage consultation with employers, employees and registered associations in relation to injury prevention, rehabilitation and workers compensation arrangements; and

(eb) to encourage registered associations to take a constructive role in promoting injury prevention, rehabilitation, and appropriate compensation for persons who suffer disabilities arising from employment; and'.

No. 10. Page 6, line 19 (clause 12)—After 'to foster a' insert 'consultative and'.

No. 11. Page 6, line 29 (clause 12)—After 'promote' insert 'research,'.

No. 12. Page 7 (clause 12)—After line 5 insert new paragraph as follows:

(ja) to monitor the enforcement of codes of practice and standards of occupational health, safety and welfare; and'.

No. 13. Page 7, line 6 (clause 12)—Leave out 'with the approval of the Minister,'.

No. 14. Page 7, lines 28 to 30 (clause 13)—Leave out paragraph (b).

No. 15. Page 8, lines 9 to 11 (clause 13)—Leave out subclause (3) and insert new subclauses as follow:

'(3) The Corporation—

(a) must not enter into a contract or arrangement involving the conferral of substantial powers on, or the transfer of substantial responsibilities to, a private sector body unless the contract or arrangement is authorised by regulation; and

(b) if so required by the Minister, obtain the Minister's approval for appointing an agent or engaging a contractor.

(3A) A regulation made for the purposes of subsection (3)(a) cannot come into operation until the time for disallowance has passed.'

No. 16. Page 8 (clause 15)—After line 31 insert new subclause as follows:

'(3) The Corporation must allocate sufficient resources to ensure that the Committees established under this Act, the Workers Rehabilitation and Compensation Act 1986, and the Occupational Health, Safety and Welfare Act 1986 can operate effectively.'

No. 17. Page 9, lines 2 to 4 (clause 16)—Leave out paragraph (a) and insert new paragraph as follows:

(a) may be made—

(i) to a member of the board;

(ii) to a committee established by the corporation or by or under an Act;

(iii) to a particular officer of the corporation, or to any officer of the corporation occupying (or acting in) a particular office or position; or

(iv) to a public authority or public instrumentality.'

No. 18. Page 10, lines 28 and 29 (clause 18)—Leave out subclause (6) and insert new subclause as follows:

'(6) An auditor's statement made in the course of carrying out duties involved in, or related to, the audit of the corporation's accounts is protected by qualified privilege.'

No. 19. Page 11 (clause 19)—After line 2 insert new paragraph as follows:

'(ab) information required under the Workers Rehabilitation and Compensation Act 1986 and the Occupational Health, Safety and Welfare Act 1986;'.

No. 20. Page 12, line 29 (clause 21)—Leave out 'loss of' and insert 'prejudice to'.

No. 21. Page 12, line 29 (clause 21)—Leave out 'leave' and insert 'employment'.

No. 22. Page 15, line 13, clause 2(2)(Schedule)—After 'will occur' insert 'without reduction in remuneration and'.

No. 23. Page 15, lines 17 to 19, clause 2(4)(Schedule)—Leave out subclause (4) and insert new subclause as follows:

'(4) A person who is transferred to the corporation under subclause (1)(c)—

(a) continues, while he or she remains an employee of the corporation, to be entitled to receive notice of vacant positions in the Public Service and to be appointed or transferred to such positions as if he or she were still a member of the Public Service; and

(b) must not be disadvantaged in any other way by the transfer.'

Amendment No. 1:

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

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

In essence the amendment says that all three Bills and their provisions must be brought into operation on the same day, and the Government supports that.

Motion carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be disagreed to but that the following alternative amendment be made in lieu thereof:

Clause 5, page 2, lines 16 to 20—Leave out subclause (2) and insert new subclauses as follows:

(2) The Board consists of nine members appointed by the Governor of whom—

(a) at least two must be nominated by the Minister after consulting with associations representing the interests of employers (including employers involved in small business and farming); and

(b) at least two must be nominated by the Minister after consulting with associations representing the interests of employees (including the UTLC), and

(c) at least one must be a person experienced in occupational health and safety; and

(d) at least one must be a person experienced in rehabilitation.

(2a) At least three members of the Board must be women and at least three members must be men.

In essence this amendment relates to the number of members on the board. The Government accepts the view that there should be nine members instead of seven. It accepts that two must be nominated by the Minister, after consulting associations with employer interests; that two must be nominated by the Minister, after consulting associations representing the unions, including the UTLC; that at least one member must be a person experienced in occupational health and safety; that at least one member must be experienced in rehabilitation; and, finally, that at least three members must be men and three members must be women. The Government agrees and notes that some changes have been made but in principle the Government believes that this new amendment adequately satisfies the conditions of the new board, as far as the Government is concerned.

Mr CLARKE: The Opposition supports the amendments made by the Legislative Council and opposes the Government's alternative with respect to clause 5. The reason is basically that the Government constantly wants to go about reducing the role of registered associations representing the interests of employees. It is a nonsense to suggest that the Minister, after consulting with associations representing the interests of employees—and then he adds in parenthesis, including the UTLC—should appoint persons from associations that are not registered organisations. Registered associations within South Australia, all bar one that I am aware of, are affiliates of the UTLC.

It is an appropriate peak body, running extensive training courses in occupational health and safety courses. It is the peak body through which all information flows from all

unions across all industries with respect to occupational health and safety matters, and in particular WorkCover issues, as members of Parliament would be aware because of the lobbying and the intense work of the Trades and Labor Council in protecting the interests of all workers, whether or not they be union members. I am not aware of any non-registered association representing the interests of employees in South Australia that is even within cooee of any registered association, in terms of competencies or having employees with sufficient skill or standing to be able to contribute to the board of WorkCover.

The other point is that in the Government's proposals with respect to subclause (2)(a), small businesses and farming may not get a guernsey on the board as they would under the amendment proposed in another place, because it reads:

> at least two must be nominated by the Minister after consulting with associations representing the interests of employers (including employers involved in small business and farming);

Representatives of small business and the farming community will almost inevitably be killed in the rush by employer organisations, such as the Employers' Chamber, the Motor Traders Association, the Retail Traders Association, and the like, which will want to elbow their way into involvement on the board. I thought this Government was about looking after the interests of small business. The amendments put forward in another place ensure that at least one out of the nine members of the board is from small business or the farming community and represents their interests. For those reasons the Opposition would support the original amendment.

The Hon. G.A. INGERSON: Clearly, when the Government brought this Bill before the House it was our view that the board would no longer be merely a representative board but that it would be a board prepared to manage in excess of $800 million worth of assets, and that is the reason why we have argued and supported this amendment. Secondly, it is arrant nonsense to say that small businesses and farming will not be involved, because they receive special mention. If we say, 'including employers involved in small business and farming', they cannot be left out; it means that they have to be considered. Under this Bill they have special consideration.

There is nothing in here about large or medium size business, but there is about small business and about farming. One could not be more specific than that. As far as the UTLC is concerned, that organisation does not happen to represent the biggest union involved in the retail industry—the SDAE. As the honourable member opposite would know, the retail industry is a very significant player in the State jurisdiction. What we are saying is that all unions, whether or not they be an affiliated member of the UTLC, will be consulted. I would have thought that members opposite would want us to consult everybody.

The Opposition wants us—because a group of their mates, or former mates have deserted the UTLC—to leave them out. That is arrant nonsense. For those reasons we support the motion as moved.

Motion carried.

Amendment Nos 3 to 8:

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

> That the Legislative Council's amendments Nos 3 to 8 be agreed to.

These amendments are straightforward and I ask the Committee to accept them.

Motion carried.

Amendment No. 9:

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

> That the Legislative Council's amendment No. 9 be agreed to with the addition of the following amendments:
>
> New paragraph (ea)—Leave out 'registered associations' and substitute associations representing the interests of employers or employees'.
>
> New paragraph (eb)—Leave out 'registered associations' and substitute 'associations representing the interests of employers or employees'.

This amendment requires consultation to occur with employees but not only registered associations. Again, the Government is saying that if there is a consultation process it ought to be genuine and everybody ought to be included, and by including associations representing the interests of employers or employees that are not registered—and there are many at present, and in my view there will be many more in the future—we need to cover that option. It does not in any form remove the role of registered associations; it includes everybody in the whole area of consultation.

Mr CLARKE: The Opposition is opposed to the Minister's amendment and would support the amendment put forward in another place with respect to this matter. The Government is intent on reducing the role and standing of registered associations with respect to many things involving industrial relations, and this is but one of them. Registration of associations ought to be encouraged because they would then come within the ambit of the Industrial Relations Act and have responsibilities and obligations to their members and the community. Parliament has little, if anything, to do with associations which are not registered under the Industrial Relations Act but are merely incorporated under the Incorporations Act. Industrial relations, whether it be membership, the election of officers by secret postal ballot or otherwise and how often they are elected, financial returns, and things of that nature, are closely scrutinised with respect to registered associations. Non-registered associations have no such obligations.

In sensitive areas like WorkCover, I should have thought it would be sensible for the Government to encourage registered associations as against non-registered associations. In any event, the original amendment (ea) refers to encouraging consultation with employers, employees and registered associations. It does not exclude employees who are not members of registered associations, but it properly recognises the pre-eminent role of registered associations in these important issues.

The Hon. G.A. INGERSON: I think the ACTU is interested in promoting enterprise unions. I should have thought that the promotion of enterprise unions was a very important issue, because—

Mr Clarke interjecting:

The Hon. G.A. INGERSON: You have been promoting enterprise agreements. To say that you are not interested in enterprises is quite staggering. That is what the push from the ACTU and the UTLC is all about: getting in at the enterprise level and negotiating conditions that apply to the enterprise. If a group of people form an enterprise union, we believe that they should be encouraged. It is part of the whole ambit of the enterprise agreement concept. We are not leaving out registered associations; we are just saying associations representing the interests of employers and employees. They can be registered or not. The registered ones are in, and the non-registered ones are in.

I would point out that if you are an association you are required to be registered under the Incorporations Act. So you can be an incorporated body but not a registered body. There are some specific rules for incorporated bodies which still have to be complied with. We believe that this is part of the push to get into the enterprise agreement area, and the consultation process, as far as we are concerned, should be as wide as possible. We would argue that this amendment should be agreed to.

Motion carried.

Amendments Nos 10 to 14:

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

That the Legislative Council's amendments Nos 10 to 14 be agreed to.

Motion carried.

Amendment No. 15:

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

That the Legislative Council's amendment No. 15 be disagreed to but that the following alternative amendment be made in lieu thereof:

Clause 13, page 8, lines 9 to 11—Leave out subclause (3) and insert new subclauses as follows:

(3) The corporation may only enter into a contract or arrangement with a private sector body involving—

(a) the conferral of power on the body to manage claims (including to provide rehabilitation services and to manage or implement other programs designed to assist or encourage workers who have suffered compensable disabilities to return to work), or to collect levies; or

(b) the conferral of other substantial powers on, or the transfer of substantial responsibilities to, the body,

to the extent that the contract or arrangement is authorised by regulation.

(3a) However—

(a) subsection (3) does not apply—

(i) if the contract or arrangement is with an exempt employer under the Workers Rehabilitation and Compensation Act 1986, or a person who has been appointed as a rehabilitation provider or rehabilitation adviser under that Act; or

(ii) if the contract or arrangement is with a registered employer under the Workers Rehabilitation and Compensation Act 1986 and entered into as part of a pilot scheme (involving a representative sample of not more than 20 registered employers) relating to a proposal to allow employers to manage claims brought by their own workers under that Act; and

(b) a regulation made for the purposes of subsection (3) cannot come into operation until the time for disallowance has passed.

The amendment allows private insurers to be introduced into the scheme. It enables the new board, when constructed, to enter into discussions with private insurance companies, but it does not allow the board to implement those discussions until a regulation has been created, been before Parliament and, in essence, time for disallowance has occurred. It recognises that the new board should have the ability to enter into negotiations, to form a regulation and to bring it before Parliament so that Parliament has time to look at it before it is implemented.

We have agreed to that because there will probably be 12 months in which the process can take place. We wanted to make sure that the new board could get on with the job and begin the process of involving private insurers. However, because it is such a significant change from the existing monopoly, we recognise that Parliament may want to look at the method of implementation and the rules that may be attached to the involvement of private insurers.

We have also talked about the need for the management of claims and the claim process, levies, rehabilitation and return to work processes being part of the negotiation. Finally, we have also agreed as part of this process that a pilot scheme should be set up to enable at least 20 employers to consider how they could self manage their own claims. We believe that that process, because it is a significant change from the present scheme, needs monitoring, and we recognise that Parliament is the place where it should be monitored. We think that a target number of 20 companies which want to enter into this self managed scheme would be a convenient way to look at that process.

This is an important part of our whole thrust in improving the efficiency of WorkCover. As the Audit Commission report has clearly said, we need more competition in the management of claims, rehabilitation and return to work processes. The IAC inquiry, the Federal inquiry, also strongly recommended the need for more competition in the management of claims. We have recognised that we can do that, with the proviso that the Parliament will have to look at the final implementation before it takes place.

Mr CLARKE: The Opposition is totally opposed to the Government's amendment. As the Minister rightly said, this is probably the single most important point in the Bill, because it puts at risk WorkCover's right as a single insurer. We have already gone down the road of other insurance companies in the past handling insurance claims. Pre-WorkCover in 1986 they made a hash of it. When WorkCover contracted out its work to SGIC to handle claims for about three years, it made a diabolical mess of it. The reason why private insurance companies and insurance companies generally, public or private, cannot handle workers compensation effectively is that a scheme such as WorkCover has ongoing benefits. The Minister, in his second reading explanation, said that it is the Government's intention in the August session to look at and substantially change the benefits which are payable to workers under the WorkCover scheme.

That is where the insurance companies will come into play. They are not interested in handling WorkCover's claims as they are currently constituted, because they have a long tail on them. Once the Government introduces its anticipated legislation in August this year, which will effectively push people off WorkCover benefits after six months, as in Victoria and New South Wales, private insurance companies will be quite happy to do it, because that is a simple process. At the end of six months, they do not talk about rehabilitating the injured worker, looking after them or trying to get them back into the work force, because it is a simple exercise to program the computer to stop benefits so the worker will fall onto the social security system.

I am interested in the Minister's comments about the Audit Commission with respect to WorkCover and opening it up to competition. When it suits the Government, the Audit Commission's report is holy writ, but when it deals with increasing Housing Trust rentals to market rates and the like, the Premier describes it an as an ambit claim. You cannot be a little bit pregnant. Either the Audit Commission report means something and is embraced by the Government or it is not. It cannot pick and choose bits and pieces as it sees fit. The introduction of pilot schemes would be a disaster with respect to 20 registered employers operating in that scheme. It will further undermine the single insurer concept, and again

we have only to go back to before 1986 when we had all these private insurance companies operating in this field: in the manufacturing industry in this State, private manufacturers were paying in excess of 20 per cent of payroll in insurance premiums. As soon as WorkCover was introduced, it was reduced to an average broad banded levy rate of 7.5 per cent.

What will happen under this scheme if we allow private employers to manage their own claims? They will administer the scheme purely on a cost basis rather than looking at it in total as WorkCover is required to do, that is, the rehabilitation of workers, the prevention of injuries, and looking at the total scheme. I know what will happen. An accountant in a company can count numbers only when it comes to dollars and cents, and they will simply administer claims on what it costs the company. Determining what efforts they should make to prevent the injuries from occurring in the first place and seeking to get injured workers back into the workplace will be the least of their considerations; it will simply be how fast they can kick people off workers compensation. That was our unfortunate history with private workers compensation insurance prior to 1986. The Government's amendment opens the door for that to happen again, and that is something to which the Opposition is strenuously opposed.

The Hon. G.A. INGERSON: I think we have to send some of these new boys on the block up to New South Wales to find out how the levies are set, because in their system, where the private insurers are involved and the authority sets the levies, you cannot get the private insurance companies to set the levy, because it is done for them. If the member opposite would take himself back a couple of weeks and read the second reading explanation, he would see that I said that the new authority will set the levies; full stop. We will not be returning to a system such as the old private insurance scheme where the levy was set on the going rates as they applied. We will continue to support a subsidised scheme in this State as long as we can afford to do so. It is my view that they should be part of the rules that will be given to the new board: we have publicly said that. I restate that here so that there is no question at all about the way we see the fees being set.

Another point that is important in this area of competition is that it is not only the State Audit Commission report that states that Government monopolies have to be put into the line of more competition. The industry inquiry of the Federal Labor Government says that. The industry inquiry of Hillmer, which the Federal Labor Government adopted, stipulates that every Government monopoly must be subjected to competition—not may be, but must be. We have been instructed by the Federal Government that every single State monopoly in every State of Australia must be subjected to competition within the next 12 months. So, it is not a matter of our being philosophically pushed to do it ourselves (which we are, and I have no compunction in saying that), but through the Hillmer report, which it intends to legislate in the Federal Parliament, the Federal Labor Government will insist that we do it. So, the ideological claptrap of staying as a monopoly has gone.

The sooner the Labor Party and unions in this State sit down with their Federal colleagues and bring themselves up to date with reality the better it will be for South Australia and this Parliament. We will then be able to get on with some very sensible debates, agreeing to disagree on matters of importance like this, instead of trotting out the same ideological claptrap that monopolies are the way to go. Your Federal Party, not the Liberal Party, is legislating every State monopoly out of existence. It is the Federal Labor Government, headed by superman, that bloke who yesterday threw another huge package of money at solving the unemployment problem but who has not bothered to deregulate the labour market, which is the major single hiccup in our national economy. It is his Government that is legislating Hillmer, which stipulates that Government monopolies remain no longer. Whilst we are ahead of Keating on this issue, he is standing right behind us, saying, 'If you do not do it I will force you to do it by legislation.' The game is over. We have to become competitive, and this is the way we believe we can do it.

Motion carried.

Amendment No. 16:

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

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

The Legislative Council is arguing in its amendment that the corporation needs to allocate sufficient resources to ensure that the committees are established. It was the original intention of the Government to do that out of the department and resource it that way, but we are easy, as long as sufficient resources are available for the committees. It is our commitment that these advisory committees are there to do the job, that is, to advise the Minister in relation to workers compensation and occupational health and safety. We support the argument of plenty of resources being made available to those committees.

Motion carried.

Amendment No. 17:

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

That the Legislative Council's amendment No. 17 be disagreed to but that the following alternative amendment be made in lieu thereof:

After subparagraph (iv) of proposed new paragraph (a) insert—

(v) to a private body in connection with a contract or arrangement authorised under section 13(3).

This amendment is consequential on the private insurers amendment that we moved earlier, and all the arguments I put then apply here.

Mr CLARKE: As the Minister says, the amendment is consequential following the passage of an earlier amendment proposed by the Government. For those same reasons, the Opposition is implacably opposed to the amendment.

Motion carried.

Amendments Nos 18 to 22:

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

That the Legislative Council's amendments Nos 18 to 22 be agreed to.

Amendment No. 18 relates to the auditor's statement, and we support that the auditor's statement needs to be protected from qualified privilege. Amendments Nos 20 and 21 are related to the transfer of staff from the Occupational Health and Safety Commission to the new WorkCover Corporation and we support those changes.

Motion carried.

Amendment No. 23:

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

That the Legislative Council's amendment No. 23 be agreed to with the following amendment—

Leave out paragraph (b) of proposed new subclause (4).

First, the amendment to subclause (4)(a) contains the exact words that we put forward. Paragraph (b) was inserted by the Legislative Council. While we agree that people who transfer from the Occupational Health and Safety Commission to the

corporation need to have their right to apply for vacant positions in the Public Service maintained—we accept that: they can be so transferred because they have been taken out of a public sector commission and moved to a new corporation with its own award—paragraph (b) stipulates that they 'must not be disadvantaged in any other way by the transfer', so that means that any disadvantage in any form cannot occur.

We have 12 public sector employees who *ad infinitum* can never be placed in a position of disadvantage. It might be that they are put into a room without a window and they can argue that they are disadvantaged and so they might have to be moved. Perhaps they are to be relocated to another part of WorkCover or they might apply for a position in the Public Service and they can argue that they cannot be disadvantaged in any form. The Government is not willing to accept that. All Governments must have the flexibility to move staff, according to performance arguments, anywhere within the criteria of Government. While we agree with the first provision under which people should be able to maintain their rights, to suggest that they must not be disadvantaged in any other way by the transfer is a position we cannot accept.

Mr CLARKE: The Opposition is opposed to the Government's amendment to the Legislative Council's amendment. As the Minister said, there are 12 public servants now employed by the Occupational Health and Safety Commission. When the then Government gave the commission statutory life they were employed and now we have a decision by Government (true, another Government) to abolish the commission for its own reasons and those public servants should not be disadvantaged simply because they were employed on one day in connection with the establishment of the separate Occupational Health and Safety Commission, the Government then deciding not to have a separate Occupational Health and Safety Commission but to incorporate it within WorkCover. Those 12 officers should not be disadvantaged in any other way through that transfer.

The Minister has made great play that they should not be disadvantaged in any other way by the transfer as meaning that, if they are placed in a room without windows, they are disadvantaged and would be able to argue that they should be placed in a room with a window, if that was a condition they enjoyed in the old commission. However, that is not the case. The words are 'must not be disadvantaged in any other way by the transfer'. The action is the transfer of employment from the Occupational Health and Safety Commission to the WorkCover board. Once they go to the board and are not performing to a standard or if they fall below standard, are counselled and are dismissed, that arises from their own action or inaction in the way they carry out their job.

If they are dismissed or reprimanded, it is a result of their own actions, but the purpose of the original amendment is to make sure that those persons are not disadvantaged simply by reason of the Government's decision to transfer their employment from the Occupational Health and Safety Commission to the WorkCover board. It has nothing to do with whether they work in a room with or without windows. The Minister has put forward a furphy.

The Hon. G.A. INGERSON: We have already guaranteed that there will be no remuneration prejudice. That is a good guarantee from the Government in today's climate: if people are transferred not only can they apply for public sector positions when they are no longer in it but their remuneration is guaranteed. I am advised that all their accrued rights as public servants are retained. That is a pretty good deal. If any restructuring gives different responsibilities in the new corporation, this clause prevents that. I am staggered that members opposite would believe that any future Government has to provide exactly the same structure and people in exactly the same positions for ever and a day. That is just cuckoo land stuff. We have given these staff excellent transfer rights and they are probably better rights than any other public servants transferred tomorrow or yesterday by any Government have got or will get.

Mr WADE: Over the years I have been involved in a number of transfers of people between companies or involving companies that have been taken over by the companies for which I have worked. I am bothered by that paragraph in a profound way. I refer to the word 'disadvantaged'. For example, we moved a woman from one company to another in the same position and she kept all her accrued rights. She had worked an Apple computer with one other lady in her office. She then moved to an office with four people and moved to an IBM system which was the base on which that company worked.

Through her union she claimed she had been disadvantaged because she moved from one type of computer program to another and believed she could not handle it. She moved from an office containing just one other person to an office that she shared with three others. The objective of the exercise was not just to retrain the person but there was an insistence for some kind of cash remuneration for the disadvantage she suffered. The words as they are, regardless of their spirit—'must not be disadvantaged in any other way by the transfer'—are too broad and 'disadvantaged' is not defined as it relates to the company or the person. In its present form, it is totally unacceptable based on my experience.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (ADMINISTRATION) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1 (clause 2)—After line 15 insert subclause as follows:-

'(2) However—

(a) the day fixed for the commencement of this Act must be the same as the day fixed for the commencement of the *WorkCover Corporation Act 1994* and the *Occupational Health, Safety and Welfare (Administration) Amendment Act 1994;* and

(b) all provisions of this Act must be brought into operation simultaneously.'

No. 2. Page 2, lines 21 to 30 (clause 4)—Leave out paragraph *(c)* and insert paragraph as follows:-

'*(c)* by striking out from subsection (1) the definition of "journey";'

No. 3. Page 3, line 17 (clause 4)—Leave out "or on the recommendation of the Corporation".

No. 4. Page 3, lines 27 to 29 (clause 5)—Leave out subsection (2) and insert subsection as follows:—

'(2) The Advisory Committee consists of ten members appointed by the Governor of whom—

(a) one (the presiding member) will be appointed on the Minister's nomination made after consultation with associations representing employers and the UTLC; and

(b) four (who must include at least one suitable representative of registered employers and at least one suitable representative of exempt employers) will be appointed on the Minister's nomination made after

consultation with associations representing employers; and

(c) four will be appointed on the Minister's nomination made after consultation with the UTLC; and

(d) one will be an expert in rehabilitation.'

No. 5. Page 3, lines 30 and 31 (clause 5)—Leave out proposed subsection (3).

No. 6. Page 4 (clause 5)—After line 11 insert new paragraph as follows:-

'*(ba)* to investigate work-related injury and disease;'

No. 7. Page 4, lines 28 to 35 and page 5, lines 1 to 27 (clause 5)—Leave out proposed sections 9 to 11 and insert proposed sections as follow:—

'Terms and conditions of office

9. (1) A member of the Advisory Committee will be appointed on conditions, and for a term (not exceeding three years), determined by the Governor and, on the expiration of a term of appointment, is eligible for re-appointment.

(2) The Governor may remove a member from office for—

(a) breach of, or non-compliance with, a condition of appointment; or

(b) mental or physical incapacity to carry out duties of office satisfactorily; or

(c) neglect of duty; or

(d) dishonourable conduct.

(3) The office of a member becomes vacant if the member—

(a) dies; or

(b) completes a term of office and is not re-appointed; or

(c) resigns by written notice addressed to the Minister; or

(d) is found guilty of an offence against subsection (5) (Disclosure of Interest); or

(e) is removed from office by the Governor under subsection (2).

(4) On the office of a member of the Advisory Committee becoming vacant, a person must be appointed, in accordance with this Act, to the vacant office.

(5) A member who has a direct or indirect personal or pecuniary interest in a matter under consideration by the Advisory Committee—

(a) must, as soon as practicable after becoming aware of the interest, disclose the nature and extent of the interest to the Committee; and

(b) must not take part in a deliberation or decision of the Committee on the matter and must not be present at a meeting of the Committee when the matter is under consideration.

Penalty: $8 000 or imprisonment for two years.

Allowances and expenses

10. (1) A member of the Advisory Committee is entitled to fees, allowances and expenses approved by the Governor.

(2) The fees, allowances and expenses are payable out of the Compensation Fund.

Proceedings etc., of the Advisory Committee

11. (1) Meetings of the Advisory Committee must be held at times and places appointed by the Committee, but there must be at least one meeting every month.

(2) Six members of the Advisory Committee constitute a quorum of the Committee.

(3) The presiding member of the Advisory Committee will, if present at a meeting of the Committee, preside at the meeting and, in the absence of the presiding member, a member chosen by the members present will preside.

(4) A decision carried by a majority of the votes of the members present at a meeting of the Advisory Committee is a decision of the Committee.

(5) Each member present at a meeting of the Advisory Committee is entitled to one vote on a matter arising for decision by the Committee, and, if the votes are equal, the person presiding at the meeting has a second or casting vote.

(6) The Advisory Committee must ensure that accurate minutes are kept of its proceedings.

(7) The proceedings of the Advisory Committee must be open to the public unless the proceedings relate to commercially sensitive matters or to matters of a private confidential nature.

(8) Subject to this Act, the proceedings of the Advisory Committee will be conducted as the Committee determines.

Confidentiality

12. A member of the Advisory Committee who, as a member of the Committee, acquires information matter of a commercially sensitive nature, or of a private confidential nature, must not divulge the information without the approval of the Committee. Penalty: $4 000.

Immunity of members of Advisory Committee

13. (1) No personal liability attaches to a member of the Advisory Committee for an act or omission by the member or the Committee in good faith and in the exercise or purported exercise of powers or functions under this Act.

(2) A liability that would, but for subsection (2), lie against a member lies instead against the Crown.'

No. 8. Page 6 (clause 6)—After line 20 insert the follow:-

'*(d)* attendance at an educational institution under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; and

(e) attendance at a place to receive a medical service, to obtain a medical report or certificate (or to be examined for the purpose), to participate in a rehabilitation program, or to apply for, or receive, compensation for a compensable disability.'

No. 9. Page 6, lines 21 to 26 (clause 6)—Leave out proposed subsection (4) and insert proposed subsection as follows:-

'(4) However, a disability does not arise from employment if it arises out of, or in the course of, the worker's involvement in a social or sporting activity, except where the involvement forms part of the worker's employment or is undertaken at the direction or request of the employer, or while using facilities provided by the employer.'

No. 10. Page 6, lines 27 to 33 (clause 6)—Leave out proposed subsections (5) and (6) and insert proposed subsections as follow:-

'(5) A disability that arises out of, or in the course of, a journey arises from employment only if—

(a) the journey is undertaken in the course of carrying out duties of employment; or

Examples—

- *A school employee is required to drive a bus taking school children on an excursion and has an accident resulting in disability in the course of the journey.*
- *A worker is employed to pick up and deliver goods for a business and has an accident resulting in disability in the course of a journey to pick up or deliver goods for the business or a return journey to the worker's place of employment after doing so.*

(b) the journey is between—

(i) the worker's place of residence and place of employment; or

(ii) the worker's place of residence or place of employment and—

- an educational institution the worker attends under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; or
- a place the worker attends to receive medical treatment, to obtain a medical report or certificate, to participate in a program of rehabilitation, or to apply for or receive compensation for a compensable disability,

and there is a real and substantial connection between the employment and the accident out of which the disability arises.

Examples—

- *A worker is employed to work at separate places of employment so that travelling is inherent in the nature of the employment and has an accident while on a journey between the worker's place of residence and a place of employment.*
- *A worker must, because of the requirements of the employer, travel an unusual distance or on an unfamiliar route to or from work and has an accident while on a journey between the worker's place of residence and a place of employment.*
- *A worker works long periods of overtime, or is subjected to other extraordinary demands at work, resulting in physical or mental exhaustion, and has, in consequence, an accident on the way home from work.*

- *A worker becomes disorientated by changes in the pattern of shift work the worker is required to perform and has, in consequence, an accident on the way to or from work.*

(6) The journey between places mentioned in subsection (5)*(b)* must be a journey by a reasonably direct route but may include an interruption or deviation if it is not, in the circumstances of the case, substantial, and does not materially increase the risk of injury to the worker.'

No. 11. Page 7, lines 1 to 18 (clause 6)—Leave out proposed section 30A and insert proposed section as follows:-

'Stress-related disabilities

30A. A disability consisting of an illness or disorder of the mind caused by stress is compensable if and only if—

(a) stress arising out of employment was a substantial cause of the disability; and

(b) the stress did not arise wholly or predominantly from—

(i) reasonable action taken in a reasonable manner by the employer to transfer, demote, discipline, counsel, retrench or dismiss the worker; or

(ii) a decision of the employer, based on reasonable grounds, not to award or provide a promotion, transfer, or benefit in connection with the worker's employment; or

(iii) reasonable administrative action taken in a reasonable manner by the employer in connection with the worker's employment; or

(iv) reasonable action taken in a reasonable manner under this Act affecting the worker.'

No. 12. Page 7, lines 30 to 33 (clause 6)—Leave out paragraph *(b)* and insert paragraph as follows:-

'*(b)* the influence of alcohol or a drug voluntarily consumed by the worker (other than a drug lawfully obtained and consumed in reasonable quantity by the worker).'

No. 13. Page 7 (clause 6)—After line 33 insert subsection as follows:-

'(3) Subsection (2) does not apply in a case of death or serious and permanent disability.'

No. 14. Page 8, lines 4 and 5 (clause 7)—Leave out subsection (1).

No. 15. Page 8, line 6 (clause 7)—Leave out "However, if" and insert "Where".

No. 16. Page 8, lines 11 to 13 (clause 7)—Leave out subsection (3) and insert subsection as follows:-

'(3) A regulation made on the recommendation of the Advisory Committee may extend the operation of subsection (2) to disabilities and types of work prescribed in the regulation.'

No. 17. Page 8, lines 28 to 34 and page 9, lines 1 to 15 (clause 9)—Leave out the clause and insert new clause as follows:-

'Substitution of s.42

9. Section 42 of the principal Act is repealed and the following section is substituted:

Commutation of liability to make weekly payments

42. (1) A liability to make weekly payments under this Division may, on application by the worker, be commuted to a liability to make a capital payment that is actuarially equivalent to the weekly payments.

(2) However, the liability may only be commuted if—

(a) the incapacity is permanent; and

(b) the actuarial equivalent of the weekly payments does not exceed the prescribed sum[1].

(3) The Corporation has (subject to this section) an absolute discretion to commute or not to commute a liability under this section, and the Corporation's decision to make or not to make the commutation is not reviewable (but a decision on the amount of a commutation is reviewable).

(4) If the Corporation decides to make a commutation and makes an offer to the worker, the Corporation cannot, without the agreement of the worker, subsequently revoke its decision to make the commutation.

(5) In calculating the actuarial equivalent of weekly payments, the principles (and any discount, decrement or inflation rate) prescribed by regulation must be applied.

(6) A commutation discharges the Corporation's liability to make weekly payments to which the commutation relates.

Notes—

1. The reference to the prescribed sum is a reference to the prescribed sum for the purposes of Division 5—*See s.43(11).*'

No. 18. Page 9, lines 21 to 34 (clause 10)—Leave out subsections (14) to (18) and insert the following:-

'(14) A liability to make weekly payments under this section may, on application by the person entitled to the weekly payments, be commuted to a liability to make a capital payment that is actuarially equivalent to the weekly payments.

(15) However, the liability may only be commuted if the actuarial equivalent of the weekly payments does not exceed the prescribed sum[1].

(16) The Corporation has (subject to this section) an absolute discretion to commute or not to commute a liability under this section, and the Corporation's decision to make or not to make commutation is not reviewable (but a decision on the amount of a commutation is reviewable).

(17) If the Corporation decides to make a commutation and makes an offer under this section, the Corporation cannot, without the agreement of the applicant, subsequently revoke its decision to make the commutation.

(18) In calculating the actuarial equivalent of weekly payments, the principles (and any discount, decrement or inflation rate) prescribed by regulation must be applied.

(19) A commutation discharges the Corporation's liability to make weekly payments to which the commutation relates.

Notes—

1. The reference to the prescribed sum is a reference to the prescribed sum for the purposes of Division 5—*See s.43(11).*'

No. 19. Page 10—After line 2 insert new clause as follows:-

'Amendment of s.53—Determination of claim

11A. Section 53 of the principal Act is amended by inserting after subsection (7) the following subsection:

(7A) For the purposes of subsection (7), an appropriate case is one where—

(a) the redetermination is necessary to give effect to an agreement reached between the parties to an application for review or to reflect progress (short of an agreement) made by the parties to such an application in an attempt to resolve questions by agreement; or

(b) the claimant deliberately withheld information that should have been supplied to the Corporation and the original determination was, in consequence, based on inadequate information.'

No. 20. Page 12, lines 5 to 8 (clause 20)—Leave out paragraph *(a)*.

No. 21. Page 12 (clause 22)—After line 30 insert the following:-

'and

(c) the amendment made by section 11A applies as from 24 February 1994.'

Consideration in Committee.

Amendments Nos 1 to 3:

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

That the Legislative Council's amendments Nos 1 to 3 be agreed to.

The first amendment relates to bringing in these three Acts simultaneously. The second one strikes out a definition as it relates to journey, and the third amendment relates to consultation regarding the advisory committees.

Motion carried.

Amendment No. 4:

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

That the Legislative Council's amendment No. 4 be disagreed to and that the following amendment be made in lieu thereof:

Clause 5, page 3 lines 27 to 29—Leave out subsection (2) and insert new subsections as follows:

(2) The advisory committee consists of nine members appointed by the Governor of whom—

(a) three (who must include an expert in rehabilitation) will be appointed on the Minister's nomination made after consulting with associations representing employers and with associations representing employees (including the UTLC); and

(b) three (who must include at least one suitable representative of registered employers and at least one suitable representative of exempt employers) who will be appointed on the Minister's nomination made after consulting with associations representing employers; and

(c) three will be appointed on the Minister's nomination made after consulting with associations representing employees, including the UTLC.

(3) One member[1] of the committee must be appointed[2] by the Governor to preside at meetings of the committee.

[1.] The member is referred to in this Act as the 'presiding member' of the committee.

[2.] The appointment must be made from among members appointed under subsection (2)(a).

We believe that the advisory committees should be totally tripartite. Here is a perfect example of the Government recognising that. Three would be appointed directly on the Minister's nomination, three nominated from employers and three from employees. The same sets of rules ought to apply and that is that the associations, both employer and employee, should be consulted and, if there are any other associations that represent either employers or employees that are not registered, they also ought to be consulted. We argue that this new advisory committee would work in the best interests of everybody in the industry. The final point I make is that the presiding person would be appointed by the Governor which, in essence, means appointed on reference from the Minister.

Mr CLARKE: The first thing I say, and I am not doing it in a complaining way in this sense but as a statement of fact, is that I did not get the Government's response to the Legislative Council's amendments until just a few moments before we sat. I have not had much of a chance to study the Government's response, but I will do the best I can in the time available.

The Hon. G.A. Ingerson interjecting:

Mr CLARKE: Unlike the Minister, I do like to read my own work and I have a few comments to make with respect to this amendment. It seems to me that the Minister is denigrating the role of the UTLC as the peak council of trade unions in this State. It is amazing that over the years the Government, when it was in Opposition and when it was formally in Government, used to always scream to the union movement, 'Why can't you get your act together?' This would happen if there were demarcation disputes or if work was held up on a particular work site or whatever. 'Why not invest the peak council with sufficient power to represent all the interests?' Employers would say, 'I do not want to deal with 16 unions around a table over this contention. I want to deal with a peak organisation that can represent all the interests so that I can save time and be more efficient.'

Again, we have the Government saying that it will talk to the UTLC about seeking nominations from those persons but going outside with respect to other associations—and not just other registered associations that are not affiliated to the UTLC. I know that the Minister has referred to one large registered association in South Australia that is not affiliated to the UTLC but is affiliated to the ACTU. I can perhaps accept some of his arguments if the wording was that it would be with registered associations and the UTLC: that would include that organisation. Proposed new subsection (2)(b) provides:

. . . (who must include at least one suitable representative of registered employers and at least one suitable representative of exempt employers). . .

Is the reference to 'registered employers' a reference to registered employers associations or to the registered employers under the WorkCover Act? I leave my comments there, and the Opposition will support the Legislative Council's amendment.

The Hon. G.A. INGERSON: That reference is to registered and exempt employers under the Workers Compensation Act. I point out, with all this weeping, crying and lamenting from the honourable member opposite about the poor old UTLC, that there is no reference in here to the South Australian Employers Association. I thought that was a fairly important peak body. The Government has gone out of its way to understand the concern, care and worry of the UTLC in being left out by name. We have gone over the top to make sure it gets listed.

All jokes aside, an association represents employers or employees. We would not go into any consultation without talking to the South Australian Employers Association and we will not go into any consultation without talking to the UTLC. There just happens to be a lot of bodies on both sides—employers and employees—that do not belong to those organisations. There is only one that does not—the STA. We estimate the STA has the opportunity to be involved with about 80 000 employees. That is a fairly significant opportunity for a union. It is a big union potentially and it is a fairly large union in fact, relative to lots of others. I just find it to be the typical ALP 'looking after their mates and whingeing' attitude whenever they get a mention. I ask that this very good amendment be accepted by the Committee.

Motion carried.

Amendments Nos 5 and 6:

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

That the Legislative Council's amendments Nos 5 and 6 be agreed to.

Motion carried.

Amendment No. 7:

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

That the Legislative Council's amendment No. 7 be agreed to with the following amendment:

New section 11 (1), clause (1)—After 'least' insert 'six meetings per year.'

Delete '$4 000' and insert '$1 000'.

These amendments enable the advisory committee to be set up to meet at least six times per year. We believe that that sets a reasonable minimum requirement as far as the committee is concerned. It is clearly provided that the committee can meet more often if required. In the first 12 months that will probably be the case, because there will be a considerable amount of work to be done in this area when we consider the potential involvement of private insurers and other areas of occupational health and safety regulations, and so forth. We believe there should be at least six meetings per year.

New section 12 deals with confidentiality as it relates to the committee. It is our view that commercially sensitive and privately confidential information should be kept in that form, unless the committee classifies otherwise. We also believe that, if you are going to include a confidentiality clause, a penalty ought to be introduced down the line if anyone breaches that confidentiality. The penalty currently provided is $4 000; we believe that $1 000 is a reasonable penalty for a breach of confidentiality of what might be very important commercially sensitive or private material.

Mr CLARKE: As I said earlier, I only just received the Government's response to these amendments and I am just trying to work my way through them. With respect to the number of meetings per year being changed from one per month to at least six per year, at first glance I do not have a

great deal of opposition to that. I believe that the work will be such that it will require at least one meeting per month. The advisory committee will play a very important role, now that the role of WorkCover has been changed substantially—we would suggest to its detriment—by the Government's amendments, but so be it. The Government has enacted that legislation and we have to live with it and make the best of it.

The advisory committee will play a significant role and it is important that its role be not understated by having lengthy breaks between meetings. From time to time its views can be ignored by the Minister when meetings become irregular. Six meetings per year would mean at least once every two months. That is certainly not as bad as the Government's original proposal, and I can probably live with it.

However, with respect to new section 11(7), the difference seems to be that the Legislative Council amendment provides for the advisory committee meetings to be open to the public, unless proceedings relate to commercially sensitive or private and confidential matters. Under the Government's amendment, the advisory committee can decide for itself whether it will open its proceedings to the public, although there is an express bar if there are commercially sensitive matters to be discussed at that meeting. I would have thought that the Minister could agree to the Legislative Council's amendments in that area, simply because, if matters are not commercially sensitive, why should the advisory committee's deliberations be open to the public and be subject to the discretion of that committee as to whether or not members of the public should be able to present themselves before it, hear what is going on and educate themselves as to the affairs of WorkCover?

It would be far better to have accepted the Legislative Council's original proposals. On the matter of a breach of confidentiality, I note the difference in penalty from $4 000 to $1 000 but from a very quick reading of the Legislative Council's amendment, it seems very similar to that of the Minister's. However, I am sure (because it has been drafted differently) that there must be a sting in the tail somewhere, and I am just trying to divine where it is. Other than reducing the penalty, which speaks for itself, why has the Minister changed the style and format with respect to confidentiality in clause 12?

The Hon. G.A. INGERSON: The basic change is that, instead of the individual member of the committee deciding whether or not the matter in question is confidential, we have said that the committee itself will classify whether it is confidential. That is the principal change. As far as it relates to the advisory committee being open, it is an advisory committee to the Minister as it relates to workers compensation. There is nothing provided anywhere that does not allow the advisory committee to bring in experts at any stage to give it advice.

All we are saying is that the statutory requirement involving the number of people who ought to be on that committee is limited to nine, made up of a certain mix. As to individuals not being able to know what is going on in that committee, I do not think it is a major issue because, with the unions, employers and the Government involved, I think we have provided every possible opportunity for everybody in town to know. As to matters that are not confidential, I would be quite surprised if the town does not know before the advisory committee knows. That seems to be fairly much the normal practice with most advisory committees.

Mr CLARKE: In relation to the proceedings being open to the public, the Minister said that the unions will be involved in terms of the numbers, and that is true, except that the UTLC may not be involved. Whilst the Minister may consult with the UTLC about its nominees to the advisory committee, because of the way the Bill is drafted the UTLC is not guaranteed a guernsey. Is the Minister saying that the three employee representatives will be drawn from affiliates of the UTLC?

The Hon. G.A. INGERSON: I know that the honourable member is very concerned about his mates who give him the funds and enable him to get out and stir up all this nonsense that has been stirred up in the electorate of Torrens this past week. We will be consulting with the dearly beloved at the UTLC and the Employers Federation. The honourable member will be very surprised at the format of this committee. I assure him that it will be a very good advisory committee.

Motion carried.

Amendment No. 8:

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

That the House of Assembly agrees with amendment No. 8 made by the Legislative Council and makes the following consequential amendments to the Bill:

Clause 4, page 3, line 13—Leave out paragraph (g) and substitute the following paragraph:

(g) by striking out from subsection (1) the definition of 'unrepresentative disability' and substituting the following definition: 'unrepresentative disability' means a disability arising from an attendance or journey mentioned in section 30(3) or (5);.

Leave out clauses 11, 14 and 15 of the Bill.

In agreeing to reinsert some of the journey accidents, it is necessary for us to reinsert the definition of 'unrepresentative disability', the reason for that being that unrepresentative disability is not used in calculating the levy; so, as a consequence of our saying initially that all journeys were out, any definition of 'unrepresentative disability' was unnecessary. Because we have agreed that those journey accidents wholly and predominantly related to work ought still to be covered, we need to reinsert this definition. Deleting clauses 11, 14 and 15 needs to occur because in the original Bill we left out the 'unrepresentative disability' provision. This is a consequential amendment.

Motion carried.

Amendment No. 9:

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

That the House of Assembly disagrees with the Legislative Council's amendment No. 9 but makes the following alternative amendment in lieu thereof:

Clause 6, page 6, lines 21 to 26—Leave out subclause (4) and insert—

(4) However, a disability does not arise from employment if it arises out of, or in the course of, the worker's involvement in a social or sporting activity, except where the activity forms part of the worker's employment or is undertaken at the specific direction or request of the employer.

This clause means that we do not accept sporting injuries or workers' injuries involving social activity. We have removed that part of the measure referring to the words 'while using facilities provided by the employer', and we believe it is necessary to make the change recommended in this amendment.

Mr CLARKE: The major difference seems to be, as the Minister said, leaving out the words passed by the Legislative Council, 'while using facilities provided by the employer'. I am not clear as to the Government's intention with respect

to its amendment to delete those words. The Opposition's attitude to journey accidents is well known, but I do not know what the Government is on about with its amendment.

The Hon. G.A. INGERSON: What we are saying is that if, as part of your employment, there is some specific social or sporting involvement—for example, if you are a teacher and there is a specific involvement for you to be part of some sporting activity and it is undertaken at the direction of the employer—then in essence that is covered. The amendment of the Legislative Council included 'while using facilities provided by the employer', but that in our view is not specific enough. We want that phrase deleted and want to give a very general cover, as provided by our amendment.

Motion carried.

Amendment No. 10:

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

That the Legislative Council's amendment No. 10 be disagreed to but that the following alternative amendment be made in lieu thereof:

Clause 6, page 6, lines 27 to 33—Leave out proposed new subsections (5) and (6) and insert—

(5) A disability that arises out of, or in the course of a journey, arises from employment if, and only if—

(a) the journey is between two places at which the worker is required to carry out duties of employment with the same employer; or

(b) the journey is between—

(i) the worker's place of employment and an educational institution the worker attends under the terms of an apprenticeship or other legal obligation, or at the employer's request or with the employer's approval; or

(ii) the worker's place of residence or place of employment and a place the worker attends to receive a medical service, to obtain a medical report or certificate (or to be examined for the purpose), to participate in a rehabilitation program, or to apply for, or receive, compensation, for a compensable disability; or

(c) the journey is between the worker's place of residence and place of employment and the accident out of which the disability arises is wholly or predominantly attributable to the performance of duties of employment in the immediate preceding period.

(6) However, the fact that a worker has an accident in the course of a journey to or from work is not in itself a sufficient causal nexus between the accident and the employment for the purposes of subsection (5)(c).

[1]Example: A worker works long periods of overtime, or is subjected to other extraordinary demands at work, and is involved in an accident on the way home from work because of physical or mental exhaustion resulting from the worker's employment.

(7) The journey between places mentioned in subsection (5) must be a journey by a reasonably direct route but may include an interruption or deviation if it is not, in the circumstances of the case, substantial, and does not materially increase the risk of injury to the worker.

The Government recognises that some journey accidents are related to employment, and this amendment provides that they can be specified by the employer and, as a consequence, covered, but that all other journey accidents that are not wholly or predominantly attributable to the performance of duties of employment should be excluded. This amendment recognises the concerns of members on the Government side and the concerns of the Opposition and the Democrats. We believe that the amendment will enable the Government to achieve its goal of removing a very large number of journey accidents that are not related to work.

Mr CLARKE: The Opposition's view is well known with respect to journey accidents. We think this is a retrograde step. The Legislative Council's amendments are quite unsatisfactory in total, in the sense that they create two classes of workers with respect to who is entitled to journey accidents. Whether the Government's amendment gets up or the Legislative Council's amendments finally prevail in this area, there will be a problem for the worker who is injured travelling to or from work. Apparently, 80 per cent of accidents involving WorkCover are motor vehicle related.

We do not have a no fault insurance system in South Australia. We have not only knocked out peoples' rights with respect to journey accidents but we have not even compensated them. Other States have knocked out journey accidents but the injured worker who loses income as a result of a motor vehicle accident can be compensated for that loss straight away through a no fault insurance scheme. It is all very well for the Minister and for those who support this abolition, effectively, of journey accidents for significant numbers of workers to say, 'You will be compensated under the compulsory third party insurance', because, by and large, it is not them who will be faced with the prospect of perhaps long-term injuries, significant loss of income, and having to wait months to settle their claims with respect to SGIC compulsory third party insurance, and who have to live on social security benefits in the meantime. I think it is an absolute outrage and a disgrace. I am not happy with either the Legislative Council's amendments or the Government's amendment, and the Opposition will be voting against the Government's amendments.

Motion carried.

The Hon. S.J. BAKER: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

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

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

Amendment No. 11:

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

That the Legislative Council's amendment No. 11 be disagreed to but that the following alternative amendment be made in lieu thereof:

Clause 6, page 7, lines 1 to 18—Leave out proposed new section 30A and insert—

Stress-related disabilities

30A. A disability consisting of an illness or disorder of the mind caused by stress is compensable if and only if—

(a) the stress arises wholly or predominantly from employment; and

(b) the stress is not, to a significant extent, attributable to—

(i) reasonable action to transfer, demote, discipline, counsel, retrench or dismiss the worker; or

(ii) a reasonable decision not to award or provide a promotion, transfer or benefit in connection with the worker's employment; or

(iii) a reasonable administrative action in connection with the worker's employment; or

(iv) a reasonable act, decision or requirement under this act affecting the worker; or

(v) a reasonable act, decision or requirement that is incidental or ancillary to any of the above.

This clause relates to stress related disabilities. The Government believes that all stress claims that wholly and predominantly arise out of employment should be only those that are covered, and that stress related to any reasonable actions or transferred emotion as in subparagraphs (i) through to (v), which we believe are reasonable actions of the employer,

should also not be included. In recent days we have had some further updating of chronic stress in the Government sector. Clearly, this is an area of concern. We believe it needs to be tightened up, and we believe that this amendment will enable those who are genuinely affected by stress at work to receive compensation, but those who are not will not be covered any longer by compensation. I recommend this change to the Committee.

Mr CLARKE: The Opposition opposes the Government's amendment and supports the Legislative Council's amendment with respect to stress disabilities. Our position is well known on that, and I will not canvass that again this evening. It is interesting to note the Minister's comment about the cost to the State Government of stress involving its own employees, particularly the Department of Education, the Department of Correctional Services, and others. I am not interested in hearing about solving stress problems or stress claims by simply passing an Act of Parliament and denying people their right to claim workers compensation for stress.

What are the Government and the Minister doing in terms of stress management? I noticed the comments of the Chief Executive Officer of WorkCover, reported in the *Advertiser*, which highlighted the number of claims in Government departments at that time. He said that stress often occurs to people because they do not feel empowered and for a whole range of reasons.

It is easy by legislation to say, 'We can solve the economic problems of the Government with respect to stress by legislating that stress does not exist.' In effect, that is what the Government's amendments are all about, rather than doing the real job of going to the reasons for stress caused to employees in teaching, correctional services, the police and elsewhere. We should inquire why they are making these claims and what preventive strategies can be designed to eradicate them.

In answer to a question, the Minister said that he was critical of Governments in the past for not laying greater emphasis on training and preventive strategies to overcome problems with respect to workers compensation claims in the Public Service. I would agree with the Minister. I know that the former Minister sought strenuously with various chief executive officers to ensure that rigorous audit checks and the like were carried out with respect to health and safety in Government departments. That has not been done, and it has been left in abeyance for far too long. I do not mind criticism of Governments of my own political persuasion, but I would be more impressed if the Minister were to be doing something about the causes of stress and not legislating to say that stress does not exist so that people are unable to make claims. To pretend that stress does not exist might save money, but it does not deal with the core issue.

The Hon. G.A. INGERSON: There is no question that poor management has been an issue in the past, and it will be in future if we do not do something about it. I agree with the member for Ross Smith about that. One of the most important things in future with respect to compensation is to recognise that safety must be the first priority. We are going to ensure that the responsibility for occupational health and safety within every Government department and statutory authority should be the responsibility of the chief executive officer. That is not in the legislation, but it is an administrative decision of the Government to carry that out.

I have written to several Ministers this week pointing out that in the last audit they had a zero rating and requesting them to advise me as soon as possible what they intend to do to fix that up. I agree that this issue is a disgrace for any Government or employer. Safety must be of prime importance on both sides—the employer and the employee, but particularly the employee.

We have made a commitment through the corporation to spend $2 million over the next 12 months and thereafter on occupational health and safety promotion and training and encouragement within the community, both public and private, but principally in the private sector. However, significant funds out of that area will be spent in the public arena. We have set up a pilot study with WorkCover in the Education Department to see what specific areas are of concern. We shall do that at the grass roots school level. It is up to the Minister for Education and Children's Services to approve that pilot study, and it will get under way with WorkCover managing that project as soon as possible.

We accept that we have to improve our game in the public sector. Our performance over the next two years will be measured by the improvement of the rating of the auditing system of all departments. I accept some of the comments made principally by the member for Ross Smith. However, I say that unless we have a very tight definition of 'stress' in the legislation, the legal results from it will see costs continue to escalate. I think that we need to do both. We cannot have the management side without the legislative change.

Motion carried.

Amendment No. 12:

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

That the Legislative Council's amendment No. 12 be disagreed to but that the following alternative amendment be made in lieu thereof:

Clause 6, page 7, lines 27 to 33—Leave out subsection (2) and insert—

(2) However,

(a) A worker will not be presumed to be acting in the course of employment if the worker acts in contravention of instructions from the employer, or voluntarily subjects himself/herself to an abnormal risk of injury, during the course of an attendance under section 30(3); and

(b) a disability is not compensable if it is established on the balance of probabilities that the disability is wholly or predominantly attributable to—

(i) serious and wilful misconduct on the part of the worker; or

(ii) the influence of alcohol or a drug voluntarily consumed by the worker (other than a drug lawfully obtained and consumed in a reasonable quantity by the worker).

I seek leave to amend my amendment as follows:

By inserting after 'worker' in the second line of paragraph (a) the words 'is guilty of misconduct or'.

Leave granted; amendment amended.

The Hon. G.A. INGERSON: This amendment relates to compensation for a specific disability. Basically, if there is any misconduct by the worker, it is obviously not covered as a disability. It also takes up the issue of wilful misconduct by a worker under the influence of alcohol or any drug. We believe that this amendment simplifies the issue as it relates to the amendment from the Legislative Council.

Mr CLARKE: I have only recently received these amendments from the Government. What is the essential difference between the Legislative Council's amendment and the Government's amendment? I understand what the Minister is saying, but I am trying to work out in shorthand terms the difference between the two.

The Hon. G.A. INGERSON: Subsection (2)(a) is in the existing legislation and it was omitted as a drafting error. It was not an intentional omission. It is amended by accepting the last couple of comments relating to 'a reasonable quantity by the worker'. It is not a pharmaceutical comment. In other words, the amendment has been put forward by the other place more clearly to define the issue of a reasonable quantity of alcohol or a drug. I would assume that refers more particularly to marijuana, because most other drugs in common use do not have any major motor effects.

Motion carried.

Amendment No. 13:

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

That the Legislative Council's amendment No. 13 be disagreed to but that the following alternative amendment be made in lieu thereof:

Clause 6, page 7, after line 33—Insert—

(3) Subsection (2)(a) does not apply in a case of death or permanent total incapacity for work and subsection (2)(b) does not apply in a case of death or serious and permanent disability.

This is consequential on the previous amendment, but we have recognised that, even though there may have been drunkenness or excessive use of marijuana or any prescribed drug, if death or serious or permanent disability does occur, that position should still apply.

Mr CLARKE: Whilst I am not 100 per cent certain of the consequences of amendment No. 12, I congratulate the Government on recognising the Opposition's position that we should not beat up on widows and orphans with respect to denying them death benefits in the event of the husband dying or being totally or permanently incapacitated through alcohol or drugs.

Motion carried.

Amendments Nos 14 to 16:

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

That the Legislative Council's amendments Nos 14 to 16 be disagreed to.

Amendment No. 14 restates our view that the balance of probability argument should be reinstated; amendment No. 15 is consequential on that; and amendment No. 16 argues that the advisory committee and not the corporation should be the body that makes reference to regulations. We are saying that the advisory committee to the Minister ought to get the reference in terms of regulation from the corporation and refer it to the Minister and not directly from the corporation.

Mr CLARKE: I will not take the time of the Committee other than to say that the Opposition will support the Legislative Council's position.

Motion carried.

Amendment No. 17:

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

That the Legislative Council's amendment No. 17 be disagreed to but that the following alternative amendment be made in lieu thereof:

Clause 9, page 9, lines 2 to 4—Leave out subsection (3) and insert—

(3) The corporation has a discretion to commute or not to commute a liability under this section and the exercise of that discretion is not reviewable (but if the corporation decides to make a commutation then its decision on the amount of the commutation is reviewable).

I will refer also to amendment No. 18. The Government is prepared to accept that the amount of commutation should be reviewable but that the process itself should not be.

Mr CLARKE: The Opposition will support the Legislative Council's position with respect to commutation. I congratulate the Minister on recognising at least part of the argument put by the Opposition when this matter was last before the House of Assembly, namely, that at least some part of the corporation's discretion is reviewable on this matter. Nonetheless, the Opposition believes that the Legislative Council's amendments are far better and far fairer to the worker.

Motion carried.

Amendment No. 18:

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

That the Legislative Council's amendment No. 18 be disagreed to but that the following alternative amendment be made in lieu thereof:

Clause 10, page 9, lines 24 to 26—Leave out subsection (15) and insert—

(15) The corporation has a discretion to commute or not to commute a liability under this section and the exercise of that discretion is not reviewable (but if the corporation decides to make a commutation then its decision on the amount of the commutation is reviewable).

Motion carried.

Amendment No. 19:

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

That the Legislative Council's amendment No. 19 be disagreed to.

Mr CLARKE: I simply record that the Opposition will support the Legislative Council.

The Hon. G.A. INGERSON: The Government argues that the corporation should have the right to redetermine. If an administrative error is made, it ought to have the right to redetermine, and consequentially we disagree with the Legislative Council's amendment.

Motion carried.

Amendment No. 20:

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

That the Legislative Council's amendment No. 20 be disagreed to.

This amendment removes the ability of the corporation to recognise that hearing loss of less than 5 per cent should not be a disability as far as workers compensation is concerned. All the jurisdictions around the Commonwealth—ComCare, New South Wales, Victoria—now have a base level higher than 10 per cent; some have as high as 20 per cent. We have said here that the base level for hearing loss ought to be 5 per cent, so it is a very reasonable decision. There is a general view among all the specialists in this area that this base level should be upgraded and brought into line with national and international standards. We have taken advice from audiologists here in Adelaide who have recommended this level. So, we disagree with the Legislative Council's amendment.

Mr CLARKE: The Opposition supports the Legislative Council's amendment. The Minister flourishes this threshold figure of 5 per cent hearing loss which a person must suffer before they are able to make a claim and waxes lyrical about his audiologists and the like. We would see this as but the thin end of the wedge, particularly given the Government's record and what we are anticipating, having heard the Minister's own second reading explanation and what we can expect in August. I would not be surprised to see that 5 per cent increased to 99.999 per cent or even if you were stone deaf you would not be able to claim.

The Hon. G.A. Ingerson: What's that?

Mr CLARKE: In that comment the Minister gives proof of what I have just said. So, the Opposition has much pleasure in supporting the Legislative Council's position on this matter.

The Hon. G.A. INGERSON: The standards that are recognised around the nation ought to be fundamental base standards in any compensation scheme. We have recognised that there is a significant change in the view of how much hearing loss is normal and natural and how much is a disability. We do not support the Opposition's argument. The Opposition merely sees this as another area in which to make some of these false claims. It is clear that professionals in this area argue that the current limit is too low. The Government and WorkCover are not saying that; it is professionals right around the nation who are saying that. It is interesting that both State and Federal Labor Governments—in Queensland and nationally—not only support this principle but also have a much higher threshold. We do not support the Legislative Council's argument.

Motion carried.

Amendment No. 21:

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

That the Legislative Council's amendment No. 21 be disagreed to.

This amendment is consequential on the redetermination comment that I made earlier. The Government believes that if a mistake is made in the processing of a claim the corporation ought to be given the right to redetermine that claim.

Mr CLARKE: The Opposition's position is the same as it was originally.

Motion carried.

ADJOURNMENT

At 6.24 p.m. the House adjourned until Tuesday 10 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 3 May 1994

QUESTIONS ON NOTICE

STORMWATER

75. **Mr BECKER:** How many household or property owners and in which suburbs, have been found to be running stormwater from their roofs through downpipes into the domestic sink or overflow gully, consequently flooding the sewer system in the past twelve months, how do the figures compare with similar occurrences in the previous twelve months and what action is being taken to alleviate this problem?

The Hon. J.W. OLSEN: For the period 1 July 1993 to 1 March 1994, 9417 premises have been inspected. Of these 201 were found to have inappropriate stormwater disposal to sewer.

The suburbs with total houses inspected and illegal stormwater disposal detected are as follows:

Suburbs	Houses Inspected	Illegal Disposal Detected
Fulham Gardens	35	23
Glenelg	854	14
Glenelg North	2 189	42
Glenelg South	820	15
Golden Grove	460	29
Hillcrest	432	1
Hove	1 158	24
Kingston Park	210	3
North Brighton	749	9
Novar Gardens	145	—
Somerton Park	2 365	41
TOTALS	9 417	201

For the period 1 July 1992 to 30 June 1993, 17 223 properties were inspected and 366 were found to have illegal stormwater disposal to sewer.

The suburbs with total houses inspected and illegal stormwater disposal detected are as follows:

Suburbs	Houses Inspected	Illegal Disposal Detected
Athelstone	1 888	36
Campbelltown	307	2
Craigmore	819	2
Elizabeth Downs	145	3
Fulham Gardens	1 998	3
Gilles Plains	393	4
Golden Grove	359	29
Happy Valley	942	38
Holden Hill	260	3
Kensington Gardens	1 035	23
Kensington Park	1 026	24
Moana	744	2
Modbury	2 245	23
Morphett Vale	117	4
Myrtle Bank	482	5
Newton	326	8
Peterhead	108	1
Seaford	632	15
St Agnes	1 005	13
Torrens Park	379	10
Woodcroft	2 013	118
TOTALS	17 223	366

Action being taken to alleviate stormwater disposal to sewers:

Suburbs where high flows have been detected or sewer floodings have occurred during rain storms are targeted for inspection.

A house by house inspection is then carried out of all premises within the selected suburb.

A house inspection consists of visually inspecting the following:

(a) All downpipes and rainwater tank overflow discharge above ground and not over a plumbing fixture.

(b) Stormwater drain discharge points to be visible.

(c) Ground or paving not graded to:

Gully Traps
Domestic Sinks
Surface Inspection Points

If the above cannot be determined visually the use of dye or smoke testing equipment is used to detect any illegal entry of stormwater.

After detection of an illegal entry, notification of the offence is submitted to the owner of the property in writing. This notice is then recorded as an encumbrance by the EWS Department against the offending property.

Warning letters are issued stating the legal consequences of Non-Compliance. The majority of offences are rectified after the receipt of one or more notices, however, a minority require an additional site visit to motivate their compliance.

The Sewerage Act provides for penalties of up to $200 for allowing stormwater to enter the sewer and up to $1 000 for non-compliance with an order, and $100 for every day the non-compliance continues.

ELECTION MATERIAL

76. **Mr LEWIS:**

1. How many Government owned schools, CPC's and DEET campus offices have paper shredders?

2. How many fax messages were received on fax machines in each or any of the SA Government owned schools, CPC's and DEET campus offices from each political party or candidate during the period 25 October - 13 December 1993 inclusive?

3. How many such messages from each candidate were—

(a) photocopied or displayed on notice boards or other viewing areas within the campus of the institutions;

(b) distributed to staff; and

(c) distributed to people other than staff,

and what other printed material delivered to any such campus by any means whatsoever was, formally or informally, by staff or any other person, treated in the same way?

4. How many meetings, discussions, gatherings, seminars or similar were held on each such campus, for the purpose of considering, discussing, and/or analysing the said material and/or arranging other meetings or activities associated with such material—

(a) during school hours; and

(b) outside of school hours,

and how many personnel on the payroll of any agency of the Government associated with education in any from whatsoever were involved in each?

The Hon R.B. SUCH: To ascertain the detailed information requested poses considerable logistical difficulties across all schools and Child Parent Centres in the state.

There has been no requirement that Department for Education and Children's Services sites keep copies of incoming faxes and therefore an audit of sites, which in itself would be exceedingly time consuming and therefore costly, would not necessarily provide any meaningful information about the number nor origins of materials sent by political parties or candidates between 25 October and 13 December 1993.

In answer to questions three and four, it is doubtful that such information is available in any comprehensive and meaningful sense.

Officers of the Department for Education and Children's Services are and were aware of the sensitivities involved particularly during an election period. The Chief Executive of the then DEET(SA) issued a circular to all Principals, Institute Directors and Children's Services Directors on 2 November 1993 which stated:

> All Directors and Principals should ensure that no use is made of official/school facilities for the promotion of any political party or individual candidates.
>
> Distribution of literature purporting to represent the views of a political party or candidate in the forthcoming election is not permitted within the precincts of DEET(SA) premises.
>
> Staff cannot be involved in the campaign of any political party or candidate during hours of duty. Nor can communication channels with parents, students or staff be used for these purposes.
>
> Please ensure that all staff are made aware of these instructions.

Ms McCarty has been undertaking leave without pay for a number of years from the Department to undertake her role with the SA Institute of Teachers. In addition Ms McCarty resigned from the Department in order to contest the last State election and when unsuccessful sought approval for reinstatement. This was subsequently approved.

CROUZET TICKETING SYSTEM

120. **Mr ATKINSON:** On what percentage of STA train journeys does the Crouzet ticketing system fail altogether?

The Hon. J.W. OLSEN: The Minister for Transport has provided the following information:

On average approximately 20 train journeys per day out of a total of 500 daily rail journeys are actually affected by faults arising with the Crouzet ticketing system. This represents approximately four per cent of total train journeys.

In almost all cases the faults occur with the ticket validator units used by passengers. The majority of these faults are caused by vandalism or deliberate misuse.

As part of an ongoing effort to curb the frequency of ticket system faults, the STA conducts a daily check of all ticketing equipment that is in use on board railcars. These checks reveal that out of approximately 520 ticket validators in service on railcars an average of 16 validators per day are found to be faulty or approximately three per cent total validators.

The early identification and rectification of these defects has significantly reduced the impact that such faults have in relation to lost revenue and the time intervals that the equipment might be out of service during train journeys.

ALBERTON PRIMARY SCHOOL

125. **Mr ROSSI:** In relation to Alberton Primary School—

(a) how have accounts been authorised for payment in the months of February and March 1994;

(b) how were accounts authorised for payment between February and December 1993;

(c) what are the average class sizes in the Montessori program compared to the mainstream classes;

(d) did SAIT members use school resources and their positions as teachers to have students take home political material to their parents;

(e) did the then Premier try to get published in newspapers quotes of what was said by me at a School Council meeting and if so, how did he obtain those tapes and did the Principal oppose the taping of Council proceedings;

(f) why did the Principal not attend Council meetings from September to December 1993; and

(g) was the Council furnished with the necessary monthly reports from September to December 1993?

The Hon. R.B. SUCH: The Minister for Education and Children's Services has replied as follows:

(a) School accounts are authorised for payment when they are within the school's budget for the period. The school council authorises the budget. It is then not required that school council authorise payments of school accounts. Cheques from the school have two signatories, including that of the school principal. School accounts were authorised in this manner for the period February and March 1994.

(b) Accounts were similarly authorised for payment in the period February to December 1993. The Alberton Primary School accounts were audited by departmental auditors in September 1993 and no concerns were raised by the auditor about the method of or authorisation of payment of school accounts.

(c) Up until 1993 the average class size of Montessori classes at the Alberton Primary School was below that of mainstream classes. In 1993 and 1994 the average class size of Montessori and mainstream classes was and is comparable.

(d) SAIT members of the school sent a notice home to parents. The notice was given to the children outside of the schoolyard as they left to go home at the end of the day. The Alberton Primary School SAIT branch paid for the production of the notice.

(e) There is no evidence of the previous Premier attempting to publish quotes of the member for Lee (Mr Rossi) in newspapers or of him having copies of the tapes of school council meetings. The principal, other staff members and school council members all opposed the taping of the council meetings but were outvoted by a controlling group on the council.

(f) An unsubstantiated vote of no confidence against the school principal was orchestrated by a controlling group on the Alberton School Council at its August meeting of 1993. Neither the principal nor staff members of that council attended the meetings after that time. Other council members, including an Aboriginal representative, also withdrew from the council at that time. The council became unworkable and publicly critical of the school principal and management.

(g) School principal reports were therefore not given to the school council during the period September to December 1993.

NEIGHBOURHOOD DISTURBANCES

128. **Mr ROSSI:** How many times were police required to attend disputes at—

(a) 14 Paqualin Street, Semaphore Park between July 1993 and January 1994; and

(b) 65 Victor Avenue, Woodville West between August 1990 and March 1994,

what correspondence was there from the local member and what were his recommendations?

The Hon. W.A. MATTHEW: The replies are as follow:

(a) Inquiries reveal there is no Paqualin Street at Semaphore Park. There is a Paqualin Street at Hendon. However, there is no record of police involvement at that address.

(b) There have been four reports requiring police investigation at 65 Victor Avenue, Woodville West. Police have also attended on several occasions concerning minor matters which were resolved immediately.

The former Minister for Emergency Services received a letter dated 13 August 1991 from the former member for Albert Park concerning neighbourhood disturbances at 65 Victor Avenue, Woodville West. The letter was forwarded to the Commissioner of Police who offered advice in broad terms as to how the matter could be resolved. The member was advised that police would take appropriate action when necessary.