# HOUSE OF ASSEMBLY

**Thursday 12 May 1994**

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

## GOVERNMENT MANAGEMENT AND EMPLOYMENT REGULATIONS

**Mr CUMMINS (Norwood):** I move:

That the various-remade regulations under the Government Management and Employment Act 1985, made on 16 September 1993 and laid on the table of this House on 6 October 1993, be disallowed.

These regulations, among other things, vary regulation 26 of the principal regulations as follows:

Where an employee fails to apply for and take recreation leave. . . the employee forfeits any entitlement to the leave not so taken unless approval is given by the chief executive officer of an administrative unit in which the employee is employed for the leave to be taken within a period fixed by the chief executive officer and the leave is so taken.

In a letter from the Public Service Association of South Australia, the committee was advised of the association's concerns over the application of the regulation. The association put the view that the reduction in the number of public servants in conjunction with the drive for increased productivity in the Public Service could lead to situations where employees are not granted annual leave requests due to staff shortages. They could then face the prospect of having their leave removed once it had accrued.

The association was also concerned that employees could lose annual leave entitlements without knowing they had accrued and suggested that the chief executive officers should be required to advise employees of their individual leave entitlements a reasonable time before they must be taken. The association makes the following point:

While we recognise that annual leave should not be able to be accrued from year to year. . . We are concerned that the new regulation may be applied unfairly.

The committee invited comments from the Minister for Industrial Affairs on the points raised by the association and also sought advice on 'whether the regulation establishes a regime which is less favourable to public servants than that which pertains in the private sector in regard to accrued recreation leave'.

In the Minister's reply he informs that informal structures are already in place to inform employees of their leave entitlements through leave lists compiled by payroll sections for managers, and that forfeiture of leave should not occur without the express involvement of the chief executive officer. However, he also states:

I am advised no known State award contains a forfeiting provision in relation to accrued recreation leave.

Furthermore, he concedes:

Forfeiture of annual leave is a somewhat extreme position that ought to be avoided by proper management. I am anxious that we ensure that proper processes are in place to minimise the extent to which such forfeiture might occur. In these circumstances I am of the view that the proposed regulation should be disallowed to enable further consideration of this matter and the drafting of a more appropriately worded regulation.

In view of the Minister's advice, the committee resolved that it would proceed with its motion to disallow the regulations. The committee is aware that the House cannot disallow only one part of the regulations listed as No. 210 of 1993 but is required to disallow all of the regulations. However, the Minister can immediately re-gazette those regulations that are supported, and omit the regulation dealing with accrued recreation leave until that regulation can be assessed and redrafted. I therefore commend the motion to the House.

Motion carried.

## WORKERS COMPENSATION

**Mr CUMMINS (Norwood):** I move:

That the regulations under the Workers Rehabilitation and Compensation Act 1986 relating to hearing loss, made on 17 March 1994 and laid on the table of this House on 22 March 1994, be disallowed.

The Legislative Review Committee has discussed this matter. It has had consultations with the Minister and various union groups and, because of certain concerns about these regulations, it does not wish to proceed with them at this stage.

Motion carried.

## ORGAN DONATION

**The Hon. M.H. ARMITAGE (Minister for Health):** I move:

That a select committee of this House be established to consider and report on:

(a) the availability of organs for transplantation purposes;
(b) the current system of donating organs for transplantation purposes;
(c) other systems for donating organs for transplantation purposes, including the 'opting out' system;
(d) any legislative implications; and
(e) any other matters related to terms of reference (a) to (d).

In moving this motion I identify that people who need organ transplants are people who have diseases; some of which are of genetic aetiology and some of which are of other more perverse aetiology such as infections. The most common that we know about is that of kidney transplantation. Unfortunately, I must inform every member of the House that, although they may be healthy at this stage, and though they may never have felt fitter, they are at the vagaries of infection. There are many people, a number of whom I have seen and treated, who have chronic kidney failure because of what ostensibly started out as a very minor infection.

The life of someone requiring an organ donation is, as I am sure a number of members have seen illustrated very graphically on television of late, quite dramatic. As one potential acceptor of a donation said, 'In the first few months you think today will be the day, the telephone will ring, your life will change. As you realise that this is not the case you become more and more despondent, particularly when you see and feel within your own state of health that—without putting too crude a word on it—your life is ebbing away.' That is what I believe the select committee will be able to investigate: the whole gamut of facts about organ transplantation.

During 1993, 53 potential donors were referred to the transplant coordinators located at the Queen Elizabeth Hospital. Of those 53 potential donors, 27 went on to become actual donors, and those 27 donors facilitated 120 operations. I would like to list the organs that were transplanted into people who were in desperate need. They included: 48 kidneys; 13 livers; 13 hearts; 17 single lungs; 1 pancreas; 20 eyes; 4 bones; and 4 heart valves. That means that, on average, each person who agrees to be an organ donor is able

to help four others—I repeat: four people, not people like us who are lucky enough to have basic good health but people whose lives for a number of years have basically been a misery. Of those 48 kidney transplants, 30 were undertaken in South Australia and 16 kidneys were used interstate. This is obviously an Australia-wide process because of the requirement to match the donor to avoid what is known as graft versus host rejection.

In South Australia, 11 transplants were performed using kidneys donated from interstate and three came from live donors. The son of one of my constituents is a successful recipient of a kidney transplantation from his father. I have particular feeling for that person, because I was a doctor at the Children's Hospital when the child was born and I was intimately involved in the first six months treatment of his progressive renal failure. To see this young fellow, who is now aged 14 or 15 years, ostensibly as healthy as any of us, and to see the care and affection with which his family treats him—obviously his father has a very special bond with him—does one's heart good.

I indicated that 27 of the 53 potential donors went on to become donors. Reasons given for non-donation were—and I particularly emphasise the first—

**Mr LEWIS:** I rise on a point of order, Mr Speaker. Whilst I acknowledge the Minister's interest in the substance of the matter which he wishes the select committee to investigate, remarks which show prejudice as to the outcome of those investigations are inappropriate in the context of this debate. I ask you to rule on the relevance of arguments for or against a practice rather than the terms of reference which the select committee should be contemplating as stated in the motion moved by the Minister.

**The SPEAKER:** Order! The Chair cannot uphold the point of order. The Minister is putting to the House a proposal to establish a select committee. During the course of supporting that proposal, the Minister is entitled, as is any other member who responds, to use all arguments which he thinks appropriate in support of that motion. In the same way, members who are opposed to the proposition are able to put forward all arguments which they think are appropriate. This is a broad motion, and I believe that the Minister's comments to this stage are appropriate.

**The Hon. M.H. ARMITAGE:** Thank you, Mr Speaker. I point out to the member for Ridley that I am addressing, in particular, paragraphs (a) and (b) of the motion. As I said, there are a number of reasons for non-donation. I particularly point out to the member for Ridley that one of the most common reasons for non-donation is family refusal, and I draw his attention to paragraph (e), which provides:

> Any other matters related to terms of reference (a) to (d).

I would not be foolish enough to try to bludgeon this motion through. If the member for Ridley cares to listen to the whole of my speech, he will hear that I will go on to recognise in great detail that this is not the most popular move. Nine cases were refused because the family was not willing for the donation to occur, and that is obviously a prime reason; there was medical contraindication in seven cases; the coroner's consent was denied in five; brain death was not certified in two; the patients had signified a wish not to donate in two; and high risk behaviour with the potential of transference of disease was the reason in the other case.

The resource implications of organ transplantation are that they quite categorically free-up resources for other health services; for instance, dialysis amounts to between $30 000 and $40 000 a year in health costs, and organ transplants cost $25 000 for the first year and about $7 000 in subsequent years. Therefore, that means quite categorically that in the first five years a kidney transplant saves the system at least $110 000. I assure the member for Ridley and all other members in the House (and as former Health Ministers would know) that the provision of health care in all areas of South Australia is an expensive business—

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** I don't see any future Health Ministers here at the moment. Hence if we are able to save $110 000 for every kidney transplant, obviously the whole system will benefit. The reason I wish to establish this select committee is that 108 people are on the active waiting list for kidney transplants; four people are waiting for liver transplants; four or five were waiting for heart transplants last year; and two people were waiting for heart/lung transplants. I am not sure whether the figure for those waiting for heart/lung transplants has been updated. I am delighted to report to the House that a constituent of mine with whom I have been dealing over the past few years in my work as the member for Adelaide and who had a genetic disease and needed a lung transplant has, as a friend of hers who rang me over the weekend reported, gone to Melbourne for her long awaited operation (that was on Saturday) and is recovering. I certainly wish her well. So maybe there are not two people waiting for a heart/lung transplant: perhaps there is only one.

At the moment, the waiting time for kidney transplants is between 12 and 24 months. That means that for perhaps two years people have to go to a dialysis centre three or four times a week, and their life is completely ruled by the need for this treatment. Quite frankly, it means that their ability to earn income is severely at risk. The waiting time for a liver transplant is between three and six months, as is the wait for a heart/lung transplant. In 1993 in South Australia 10 people were activated for liver transplant; in other words, they were regarded as being completely suitable for liver transplant. Five of those people have already died whilst they were on the waiting list. I believe the problem is perhaps best summed up by a sticker which serendipity would have me see on the back of a truck earlier today and I contacted—

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** No, I'm not displaying it at all: I'm just reading it.

*Mr Atkinson interjecting:*

**The Hon. M.H. ARMITAGE:** Well, I am going to give you one. I rang the Australian Kidney Foundation this morning and I have received a number of them. I intend to distribute them to members of Parliament. The sticker reads, 'Don't take your organs to heaven: heaven knows we need them here.' I am confident that everyone on the waiting list would agree with that. Since the matter of organ transplantation in general was raised by way of a question in the House several weeks ago, I have had a number of public reactions. One in particular was from a person who lives in Whyalla (interestingly enough for the member for Giles), who needs a heart-lung transplant and who has been the subject of a news item on Channel 7. He sent me a video of the item that had been on television in relation to his need for a donation. He has a business card that he distributes.

I will not mention his name, because at present he is in the Royal Adelaide Hospital and I intend to visit him this evening. His business card reads 'Hello, I'm Terry. I am currently awaiting a heart and lung transplant. Sadly, I might not make it. We have a donor shortage in Australia. Please consider organ donation', with his telephone number. That

is the sort of heartfelt plea that people waiting for organ transplantation make on a regular basis. At present we have an opting-in system for organ donation. What I am hoping a select committee might investigate is the opting-out proposal. In European countries where there is an opt-out system, organ donation rates of between 15 and 27 per million of population are reported. In Australia our rate is between 12 and 13. Clearly, we have a significant drop.

What is particularly interesting is that in Belgium, which went to an opting-out system in 1987, there was a 37 per cent rise in available kidneys in one year. I recognise that the concept of opting-in does not necessarily meet with everyone's approval. There was a letter to the editor referring to me as a woolly thinker, just like Hitler, and I would particularly like to thank the person who sent me a 57 page fax saying 'Please do not change the organ donation laws, please do not change the organ donation laws', and so on. I recognise that there is considerable community reaction to such a proposal, which is exactly why a select committee, which will be able to examine relevant safeguards and investigate family protection, ought to be instituted.

**The Hon. FRANK BLEVINS (Giles):** I support this motion and want to congratulate the Minister for putting it before Parliament. If it is carried, I look forward to being nominated by the House to serve on the select committee—so there is a commercial before we start. There are several reasons why. I believe very strongly in the system of organ donation and am also on record as very strongly believing in an opt-out system as opposed to an opt-in system. That is on the *Hansard* record, from which I will read a couple of extracts in a moment. But I am very curious as to why in South Australia, in particular, there is such a low level of organ donation.

I find it very difficult to believe that South Australians are in some way less humane, less caring, less sensitive than other people in other States of Australia and in most parts of the world. I hope that the select committee, if established, will also deal with that question, because it is extremely odd. I have been making speeches on this subject since the late 1970s (as a backbencher, as Minister of Health, and as Minister of Transport), encouraging people to become organ donors, and putting instructions in place that I would have thought would facilitate that desire. The results of that have been less than spectacular, and that is a great pity. It may well be that it is a failure on my part in not articulating the case well enough, and that is certainly more than possible.

It also may well be that the present structure we have, whereby people can indicate that they wish to be organ donors, is not good enough. I tried to do something about that when I was Minister. Again, I do not think the results have been very flash at all. In one way or another I have not been terribly successful. I hope that as a result of the Minister for Health's putting this motion before the Parliament we may make some greater progress than I have been able to make to date.

I am also curious about the discrepancy between the opinion polls and what actually happens at the time of receiving or renewing a driver's licence and being able to indicate in that way that you wish to be a donor. All opinion polls show that probably two or three times as many people want to be a donor, and yet they do not follow it through on their driver's licence. I know that the driver's licence notation is not a precise measure, but it is not a bad indication. The discrepancy between the opinion polls and what actually happens as regards drivers' licences is curious. I hope that the select committee can answer that question.

I will give some examples of the problem for me as a local member of Parliament. In Whyalla we do not have a dialysis unit. We cannot justify having such a unit because we do not have five people to go on dialysis. We go through a terrible trauma because the people concerned have to go to Port Augusta, which is more than a day's journey. Obviously, I am not critical of the system at all: it is excellent. However, clearly there are not enough machines to deal with everyone at once. As a consequence, those being treated are paced throughout the day. Those who are treated first have to wait for hours for the others to finish and then make the trip back to Whyalla many hours later.

We need five people who require dialysis in order to have a dialysis unit. We have never reached the five, but we have been very close. In fact, we talk about people, who for reasons of heredity, may come on our list to give us the required five. This is macabre. However, it is also a source of great joy because we all know each other; these people are all in my office all the time.

There are two reasons why we have not reached the five in the past 10 or so years. First, very happily, someone might get a kidney. So, we still have not reached the target of five people, and the other three people are still having to make the trip to Port Augusta twice a week. However, one person has a kidney and that is a source of great joy. On the other hand, that is tinged with a little regret that we did not reach the five. The second reason why we have not reached five is very sad: people have died. Every time I look at the death notices in the *Whyalla News* I note that the number of people who have died in that period either leaving their organs to decompose or to be burned is far greater.

Given that the opinion polls show that most people want to be organ donors, why do we not have a system that translates that into people getting them? The question of resources is not one to which I give any great weight. It is something to be considered, but it is not something that particularly bothers me.

There are, in some quarters—not in all, surprisingly enough—some religious concerns about this. I would not in any way want to get into a religious debate; I would probably be the least qualified person in the Parliament to do so. However, I have always respected other people's religious beliefs, if they have them, and how they wish to organise their life. The law dealing with that is fine by me. Some people have sorted out in their own mind the question of life after death—good luck to them. They are very clear, on one side or the other, as to whether or not there is life after death. For others the jury is still out: the question is still, to say the least, not clear and not resolved.

I remember the quite famous little tale about Bertrand Russell, who was a very strong, devout and proselytising atheist. He was asked, 'What happens when you die and you find yourself at the pearly gates and you are confronted by St Peter?' He said, 'I will say that I made an honest mistake.' The point I am making is that the issue on religious grounds is somewhat clouded: but, on physical grounds, there is no doubt what happens after death—none at all. For everybody the human remains or the body (call it what you will) decomposes, if it is not burnt. It seems to me extraordinary that, in a society as developed as ours, we cannot make better and more sensible use of human organs when they are of no earthly use—and I do not know about the other—to the people who had them. I cannot believe as a society we would

rather burn those organs or let them decompose while other people die for the want of those organs.

We ought to be capable of devising a system that translates people's desires, as demonstrated by opinion polls, into lessening this dreadful waste of human life and the misery it causes. I am on record as saying that I strongly support an opt-out system, but the select committee, if it is established, will determine whether or not people agree with me. I refer to the countries that already have an opt-out system and, since I last put this in *Hansard*, over two years ago, the list has probably increased. At the moment the countries are Belgium, Switzerland, Sweden, Norway, Denmark, Austria, Finland, France and Singapore—and, with the possible exception from time to time of Singapore, I would argue that all those countries have a strong civil rights record, in fact in many areas better than Australia. So it is not mickey mouse countries that harvest organs for some nefarious or uncaring reason. Again, I congratulate the member for Adelaide for bringing this matter before the Parliament.

**Mr LEGGETT (Hanson):** This is a very emotive issue. I cannot support the establishment of a select committee to consider the terms of reference moved by the Minister. I believe that the cultural and religious implications of any changes to existing legal, medical and administrative practices would be a backward step.

**Mr LEWIS (Ridley):** I place on the record at the outset that my drivers licence (and I carry it with me whenever I am driving as I believe we all should, whilst it is not in law necessary to do so) currently displays a spot so that in the event of my demise my organs can be used for medical purposes for the benefit of those who remain living. I personally do not have any anxieties about that, and I understand that market surveys indicate that the majority of the population do not, either. However, it is not always about majorities. Indeed, it is a great Liberal principle that laws are made to respect the will of the majority subject to the rights and interests of the minority.

On this motion then, we in the Liberal Party—indeed, any of us who regard ourselves as civilised human beings to the extent that we respect the beliefs and interests of others—would have to be anxious about the likely outcome of a select committee which has such narrow terms of reference as are proposed in the motion. As a result, I will move to amend the motion to enable a wider examination of the feelings, beliefs and underlying attitudes of those minorities. Accordingly, I move:

After (d) insert—

(e) the cultural and religious implication of existing practices.

(f) the cultural and religious implications of any suggested changes to existing legal, medical and administrative practices.

I am a Christian. I am also an advocate of truth as determined by scientific method and, having made that statement, I go on to explain that truth indicates that in scientific terms these things are feasible. However, we are social animals: we are not the substance of science. Science merely enables us to understand how our lives function as biological phenomena. It does not enable us to understand the complexity of the fabric of our beliefs and the way in which we are institutionalised into the cultures into which we are born.

We have a multicultural society and there are people in this community who are Buddhist, Confucian, Shintoist, Kurd and Muslim and who may come from even smaller minorities than that. It is not simply their religious beliefs or just religious minorities to which I refer in the context of this debate but also cultural attitudes. It is important for us to now recognise, since this matter comes before the House in its current form, that medical science, which I support strongly, has nonetheless, for the mainstream in society, developed practices which ignore the implications of the wide range of cultural values and attitudes that we accept as part of being Australian. It would be offensive, I am sure, to someone who is fundamentalist Islam to find or to feel that there was a risk that an organ they received, if they chose to accept it, came from someone who was Hebrew.

I challenge anyone in this place to otherwise indicate that they think such beliefs and attitudes ought to be simply ignored in the process of changing existing administrative practice, medical practice or, for that matter, allowing the existing medical practice to continue. I think the wider community needs to know just how far we have changed and—I use the word pejoratively—progressed in this direction, without bringing with us all those cultural minorities and religious beliefs that abound in our society. Hence the reason for the first of the suggested additions to the terms of reference in respect of examining existing practices.

Let me now turn to the second of the additional terms of reference that I believe the committee should consider, that is, the cultural and religious implications of any suggested changes that may come from the examination made by the select committee. The select committee should examine them under three headings, the first being the legal implications of any suggested changes in cultural and religious implications. Do we want our public hospitals, our medical registrars who work in them and the nursing staff to be subject to litigation because somebody discovers, after they have been through a medical procedure following a motor car accident in which they were given life, that it was in such a form and such a fashion and from such sources as offended against their cultural mores or religious beliefs?

Do we want such litigation to result in millions of dollars in costs being incurred on the State's budget where damages are awarded under our multicultural policies in law to be the burden of other taxpayers through our own insensitivity in the kinds of changes we make to the law? Equally, do we want to find ourselves as legislators responsible for changes that would enable doctors to be sued on other grounds—grounds involving medical consequences. For instance, viral diseases of the body and of particular organs essential for life, which could be transplanted, might not be known or, even if they could be known, they are not immediately capable of diagnosis in their early stages.

Accordingly, if the recipient of an organ so diseased, although given in good faith, then suffers untimely death from such rather than from the condition from which the recipient was previously suffering, again the State becomes liable, as does the doctor and the medical staff, for transplanting that diseased organ. The committee ought to examine the implications of that possible outcome. In addition, the means by which we discover what we will do in our hospitals—what the doctors, clerical staff and everybody involved in the process of the administration of the decision to use organs from someone clinically dead for someone who is living—needs to be examined. Hence, the reason for my amendment.

**The SPEAKER:** Order! The honourable member's time has expired. I ask him to bring his amendment to the table.

**Mr De LAINE (Price):** I have had some problems with this issue and, as the Minister would recollect, I had discussions with him about a year ago on this very matter. I expressed my problems and concerns. However, since that talk with the Minister I have given the situation a lot of thought on a personal basis. That, together with the excellent contribution made by my colleague the member for Giles this morning in his persuasive and commonsense manner, has changed my mind and I now fully support the concept as I can see how valuable it is. I support the motion for the establishment of a select committee and declare my support for the opting-out process.

**Mr SCALZI (Hartley):** I have some reservations about the motion. I have concerns similar to those expressed by the member for Ridley. I believe that we need to look at this important matter but in such a way that is comprehensive and will lead to an objective outcome so that ultimately we can take it back to the House and consider it as a matter of conscience. As the motion stands, I do not believe it does that. I cannot support it in its present form. I will support the amended version, because it gives us the opportunity to look at the matter in an objective way. There are implications of this. There are ethical as well as utilitarian views to be considered. There are moral views as well as the matter of giving, and I think it is such an important issue that we must look at this matter properly. If we fail to do so we are not taking into account the views of the broad South Australian community as pointed out correctly by the member for Ridley. There are medical, ethical and legal problems as well as individual problems. No individual lives in any society in isolation.

As the anthropologist Margaret Mead so rightly pointed out, even if we do not have a religious point of view—and I state that I do have a religious point of view and the spiritual aspects must be considered—we are a herd animal and we cannot make decisions in isolation. We cannot make them on a utilitarian view and on emotions based on emotional heart strings. I support the amendment moved by the member for Ridley.

**Mr ATKINSON (Spence):** I support the motion as amended. Whatever members may think of St Paul's promise of the resurrection of the body—and I think I know what the Minister of Health thinks about it—it is important that the committee take into account the religious beliefs of South Australians before it makes a recommendation on change to organ-donation legislation.

**Mrs PENFOLD (Flinders):** I support the motion. I have been a notified organ donator for many years and would like to see more people donating their organs and saving the lives of others. Research will need to be done into ways to educate people not just to donate their organs but also to make them aware of the possibility that their loved ones' organs may be taken. I was amazed at the negative reaction of my daughter, whom I had not thought to advise of my decision. Once I had talked it over with her she was happy with the decision. I understand that, when she recently obtained her driver's licence, she nominated to be an organ donor.

Although it does not involve a donor dying, I would also like to see the committee investigate ways to encourage bone marrow donation. This also means the saving of lives, often very young ones. Young people have the potential to do a lot more living if given the opportunity. I do not believe the guidelines rule out looking into this possibility.

**Mr BASS (Florey):** Many years ago I attended the funeral of my niece Naomi Louise King who was born with a heart and lung problem. Over the five years that Naomi was on this earth she developed increasing problems because of her condition, but it was only her physical condition that created the problem. She was mentally alive, alert and active, and at 4½ years she could play bridge with her mother and grandmother. Unfortunately, on her fifth birthday her condition had deteriorated so much that she had to have an operation. For a very frail five year old, a 10 hour operation must be traumatic, to say the least. Naomi never recovered. In fact, she never came around and passed away. I believe if legislation had been looked into, as the select committee will do, there would be a chance that Naomi would be alive today: and not only her, but probably hundreds of other young children.

It is a hard thing to make a decision to leave your organs to science or for them to be passed on to help other people. On my driver's licence I am marked as a donor. I do not think there will much left of my body that is any good but, if there is, they are quite welcome to use any part of it. I urge all South Australians to be donors. I commend the member for Adelaide for moving this motion. I support the establishment of the select committee and am very pleased that this will have bipartisan support.

**Mr VENNING (Custance):** I support this motion and in particular the member for Adelaide, the learned doctor who, on this occasion, wants to distance himself from being a Minister. I support the motion purely because it establishes a select committee. I have no real hassle with the amendment, but that issue can be discussed in the select committee. If we nobble this motion by carrying the amendment, we will affect the ability of the select committee to gather information. The member for Spence and I have similar religious views but on this occasion we will have to disagree.

I congratulate the member for Adelaide on moving this motion, because it is very close to my heart. When I did my national service, it was brought to my notice that, if anything happened to me, as a person with a very rare blood group, I would have difficulty in receiving donated organs. I was told to donate blood whenever I could because one day I might need it myself. By doing that, I have become aware of the names of other people with a similar blood group.

This is an opportune time to discuss this issue, because it is frightening to realise that South Australia has such low donor figures in relation to other States, particularly other areas of the world. It is a very emotive issue when one realises that you may not have the hassle of donating organs yourself but what about your loved ones—your wife or husband? That is a bit harder for me, because it is a different issue; but, to be consistent, if it is good enough for you, it should be good enough for my wife to have the same opinion. Subsequently, she has done the same thing. We have heard so many stories about people who are waiting for organs. As the member for Flinders said, people are also waiting for bone marrow. I have a cousin who has just gone through that operation. It was sad to see an intelligent, healthy person slipping away, but eventually a donor was found and I saw the immediate difference as my cousin now has a new chance in life.

It is very timely that we discuss this issue today. We in South Australia and in Australia have been a little negligent in that we have not promoted further the organ transplant policy. I think that most Australians and South Australians do not have an opinion on this matter. They have said, 'It's a little too hard; I can't be bothered with it', and have decided not to do anything about it. They have not knowingly not been involved but they just have not got around to it.

I think we should run a publicity campaign to force all South Australians and Australians at least to think about it and to make a decision one way or the other. If the decision is no, we will respect that, but we cannot continue to be blase about this issue. Most of us remain blase until it affects us personally or our loved ones. We realise how urgent the matter can be when we are waiting for an organ to keep our loved one alive. It is then that we cannot understand why more people are not prepared to donate their organs. After all, when you die your organs will deteriorate under the ground or will be burnt. If someone could use those organs, it is sad if that person has been selfish and said, 'I want these organs; I want to take them to the grave.' When we go to the pearly gates, I hope it would not make a lot of difference if our body is not whole as long as we have our soul but, of course, that is a religious matter. The soul cannot be transplanted, and I do not think that we are about to transplant brains: that would not be on.

Many Australians need transplants to survive, so why should we decide, seriously or otherwise, to take our organs to the grave. I am able to donate my organs to anyone of any blood group; conversely, I can only receive an organ transplant from a person with my blood group, so I have no hassles. I have been involved with that problem for many years. I have had hassles in the past when I have thought about what my loved ones ought to do, particularly regarding corneas and eyes. We can donate so many organs now, such as hearts, lungs, kidneys and livers as well as bone marrow and corneas—the list goes on. I have several friends who are waiting for a transplant. Tom of Blanchetown is waiting for a kidney. I hope this motion will be carried. I am sure that the select committee will come up with a positive approach so that we can encourage many more South Australians to become organ donors. I support the motion.

**Mr ROSSI (Lee):** I would like to thank the member for Adelaide for raising this issue at this point in time and the member for Ridley for his suggested amendment.

*Mr Atkinson interjecting:*

**Mr ROSSI:** I wish the member for Spence would behave himself and concentrate on what he will say and what he thinks instead of interjecting all the time. I am just about fed up with him.

My wife works in the bone bank of the IMVS, which is attached to the Royal Adelaide Hospital. Her responsibility is to make sure that bones which are donated to her section are radiated for disease and to send them to various hospitals. On her desk she has a photocopy of a skeleton which is saying, 'You have donated your bones; now how about your organs?' I personally do not like operations. At the moment I have all my organs. I avoid hospitals, and I think that even when I am dying I might try to avoid hospitals, but that is not to say that, if I were prepared to be cremated, I would not be happy to donate my organs for a worthwhile purpose. I have had extensive talks about organ transplants with Eric DeNardi, who is in charge of the mortuary at the Royal Adelaide Hospital, and Dr Tony Thomas. At present, I understand there are many legal and administrative problems involved in the obtaining of approval from relatives for organ transplants. When a person has just passed away or is about to die is an inappropriate time to approach relatives who are under extreme pressure. So I think it would be most appropriate if this committee could look at the possibility of predetermining whether a person wants to donate their organs well before the situation arises.

**Ms STEVENS (Elizabeth):** I support the motion, and I congratulate the Minister on this move. There are many issues involved of a practical, scientific, medical and ethical nature, and these have been outlined by other speakers in this debate. These issues have been around for a long time in this place and in our community, as has been mentioned by the member for Giles and others. They need to be thoroughly investigated, and reference to a select committee is, I believe, the most appropriate way in which to proceed. I also accept the views of the member for Ridley. Although I think they could have been covered under paragraph (e), I believe these issues are important enough to be specified. I support the motion.

**Mr FOLEY (Hart):** I would like to make a brief contribution. I said last night in respect of the Domestic Violence Bill that I felt that was one of the most important pieces of legislation that we have dealt with in this Chamber during what has been for me and for many other members our first session of Parliament. Again, this is a significant issue for us to debate and, hopefully, it will have the support of the majority. There have been many issues before us during the past couple of months which have involved the State's finances and other economic matters. I think it is important that as a Parliament we give due consideration to important social issues, and there are few that would be more important than this matter.

The member for Adelaide gave an excellent contribution today, as did the member for Giles, in putting forward well considered and well argued reasons for supporting the establishment of a select committee. We are talking about the preservation of life, an issue that obviously is very close to all of us. I respect the different views of other people. The member for Ridley with his amendments has endeavoured to pick up those views. I respect the intentions underlying his amendments, and I think they should be supported.

I hope that the select committee, which I am sure will be established, will give due consideration to the wide-ranging issues involved and that it will not shy away from the fact that, although this may be a first for Australia and some members may feel uncomfortable with leading the way on issues such as this, that will not be a reason for us to resile from this issue. There is no reason why South Australia cannot make a landmark decision in respect of a law such as this. We have shown under former Governments that we can break ground when it comes to legislation on social issues. I see this as no different. I think that we as members of this Parliament would be proud to be part of radically changing laws throughout this country, because once we make a landmark decision in this place the reality is that it will move to other States of Australia.

We should not overlook the importance of what we are doing. We should have the courage and the strength of our convictions. Once this select committee makes its recommendations, we should move forward. I ask that the select committee consult with as wide a portion of the community

as possible and that everyone be given an opportunity to make their views known. I also ask that the select committee move with some haste so that it can ensure that the views of interest groups are incorporated. I ask that a degree of urgency be applied to the work of the select committee, because this is a very important issue, and the longer we take to resolve the position, the longer we take to enact new laws, unfortunately the more people will die. Unnecessary slowness would not be warranted and, in fact, would be detrimental. I ask that the select committee proceed with haste but take into account people's views on this issue.

**Mr CUMMINS (Norwood):** I rise to support this motion. There is no doubt at all that there is a crying need in South Australia for a proper system of organ donation. Of course, organ donation involves all parts of the body. I understand, from the member for Adelaide, that medically bone marrow is considered to be an organ. I happen to know Professor Vadis from the Hanson Centre who is involved in cancer research, and I also have a couple of friends who work at that centre. I know the trauma it causes them when they see people die unnecessarily because of lack of organ donation. Of course, as we all know, those who are dying are not only the elderly or the middle aged but also the young people who are treated at the Adelaide Women's and Children's Hospital. It is just tragic to see them die unnecessarily because there is not a proper system for organ donation. However, it is not only those people who suffer from this but their immediate and outer families. Of course, it also involves the staff in these places, the staff who work in the Adelaide Women's and Children's Hospital and who work in the Royal Adelaide Hospital, for example.

My partner of 11 years is Anne Clifford, who is a lecturer in cardiac rehabilitation at the Royal Adelaide Hospital. I constantly have to put up with the stress and trauma of her coming home and talking about someone she had been looking after for months and months, sometimes up to a year, trying to keep them well enough to receive a heart or a lung, getting to that stage and no donation coming, and then their dying. I watch her get up every morning and go to the paper and read the death notices to see whether one of her patients has died. So, it is not only the potential recipients of transplants who are completely devoted people but their family and the staff in these hospitals and institutions. I have seen them, and I have met them all. It is tragic to see this happen. The sooner we have a proper system of organ donation the better.

The member for Ridley has moved an amendment, the solution to which I would have thought is quite simple: you just give people the right to opt out of the system. If they do not want to be an organ donor, they could have an endorsement on their licence to that effect or, alternatively, they do not have a dot marked on the licence. That is a simple way, and the way of propagating that is to make sure that all the ethnic and religious communities are informed of the system so that they have a right to opt out if they do not want to be involved. I would be very upset indeed if, on a religious or moral basis, this system fell over because of some people's particular views. I support the motion and congratulate the Minister for Health on bringing this matter before the House.

**Mr MEIER (Goyder):** I, too, support the motion, and I also support the amendment proposed by the member for Ridley. It is nearly 20 years ago, when I was a member of the Yorketown and District Lions Club, that I first indicated that I was prepared to be an organ donor. As I recall, the Lions Club, I assume throughout Australia, was issued with kidney donor cards, and members were encouraged to fill them out and to encourage other people in the community to do likewise. I took that opportunity, although I do not know what happened to that card, because I certainly do not have it in my possession today. One thing I do have in my possession today, though, is a heavy vehicle driver's licence with 'organ donor' endorsed thereon. I guess many members in this House have a driver's licence that may well have the same endorsement. So, it is not a new practice, as the Minister and other members pointed out earlier, to be an organ donor, but we have probably reached the stage where we need to look at the matter further. We need to consider the legislative implications of encouraging more people to become donors in this State.

I know that many members would recall the former member for Light's son sitting in the gallery last year and the year before that. At that time he was awaiting a kidney transplant, and I often went and spoke with him. Life was far from easy for Philip Eastick in those years prior to his receiving a kidney transplant. I was delighted when I spoke with him earlier this year. He was sitting in the gallery, and I asked him, 'How are things, Philip?' and he indicated that he had a new kidney. His spirits were certainly much higher than they had been; in fact, he looked much better in health than he had looked for a long time. I trust and pray that his kidney transplant operation will be successful and that he will enjoy a healthy lifestyle for many years to come.

There is no doubt that many people have received renewed life as a result of donors, upon their death, making available their organs. At the same time—and I think the member for Ridley's amendment deals with this matter—there are religious and ethical considerations that must be considered. I guess one could argue that the original terms of reference would have covered that matter, anyway, but this puts it beyond any doubt. I for one believe that it should be voluntary. I would not like to see legislation that imposes something upon people taking away their right to choose. However, we are not debating that matter here; we are considering whether the matter should go to a select committee. It is the proper course of action, and I hope that the House will agree to it.

**Mr ANDREW (Chaffey):** I would like to place on public record my support for this motion. I commend the Minister for his Bill and the member for Ridley for his amendment, which fully takes account of the social, moral, ethical and religious aspects that need to be covered by this motion. I also intimate, as many others have done in this House today, that I have indicated on my driver's licence that I am willing voluntarily to donate personal organs as required.

This situation has hit home to me closely since being a new member, as I am in an analogous situation to that of the member for Giles, who has a constituent who is not able to undergo renal dialysis because that facility is not available in the hospital in his electorate. I refer to the case of Mr Hughes in my electorate who has had not only to travel to but to remain in Adelaide under considerable family and social pressures because that type of facility is not available to him locally. The matter involves not only individual people's circumstances but the family situation that develops due to the low number of available organs in this State. We need to press on and give the matter a higher public profile through the operation of this select committee. That, in itself, will be

a tremendous advantage in educating the public so as to increase the ratio of available organs, and that is certainly required in South Australia.

**The Hon. M.H. ARMITAGE (Minister for Health):** I do not intend to take up for long the time of the House. I thank all members for their generally widely expressed support for this motion. I acknowledge the support and encouraging words of the member for Giles, in particular, who is well recognised in the Chamber as one of the people who have been interested in this matter for a long time. I also mention the public acknowledgment of the member for Price, who has changed his mind in this matter, and I thank him for that. I thank the member for Ridley for his help in this matter, and I indicate that I am very happy to support his amendment. In so doing, I point out that, in the terms of reference in the motion that I moved for the establishment of the select committee, I have included, in relation to paragraph (e), 'any other matters' relating to the current and other systems. I believe that the matters are essentially covered within the original motion.

I put on record that that was my intent in making such a broad final clause for the proposed select committee to investigate. Whilst I admit that, I am pleased that any doubt may have been removed in relation to that matter. The member for Hart mentioned that this was potentially ground-breaking legislation and that South Australia has a history of that. Whilst I accept that that may be the upshot of this, it is important for members of the House to realise that it is essentially about very ordinary people. It is not from the desire to have ground-breaking legislation that I have moved for this select committee. I have moved it because there are 108 ordinary people who need kidney and other transplantations around Australia.

I assure the member for Hart that the consultation will be as wide as possible, and the speed of the select committee, if this motion is carried, will be of prime concern. The member for Goyder mentioned the son of the previous member for Light having recently had a kidney transplantation. In the last Parliament I was lucky enough to be a room-mate of the then member for Light and I lived through the dilemmas and family traumas that were experienced by the Eastick family. I am sure that anyone who has had any experience at all of people needing kidney transplants would understand that. However, the reason I wish to draw the attention of members again to that matter is that, until he got his disease, Philip Eastick was ostensibly as healthy as anyone in this House.

He had an unusual and unlucky intercurrent infection, as do many of the people who end up needing kidney transplantation, and it is often as simple as a sore throat: nothing more and nothing less; nothing more dramatic than a streptococcal infection in the back of the throat, which affects the kidneys via a disease known as acute glomerulonephritis, which progresses from there. So, we are all subject to the potential need for organ donation. I stress that the safeguards that many members have talked about obviously would be part of any investigation of such a matter, and I would particularly emphasise, given the amendments of the member for Ridley, that matters involving cultural, moral, social, ethical, and religious, etc., viewpoints will certainly be taken into account.

I emphasise that under the present system families already have a major say, as was indicated in my answer to the question several weeks ago, even to the extent that, where someone has identified on a licence that he or she wishes to be an organ donor, if the family does not wish that after that person's death, that issue is not pushed. I thank everyone who supported this motion. I am confident that it will be a wide ranging and expeditious investigation, and I look forward to better health care coming from the ultimate recommendations.

Amendment carried; motion as amended carried.

The House appointed a select committee consisting of the Hon. M.H. Armitage, Mr Atkinson, the Hon. F.T. Blevins, Mr Brindal and Ms Greig; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 4 August 1994.

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

*A quorum having been formed:*

## ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

**Mrs KOTZ (Newland):** I move:

That the eleventh report of the committee (on the Development Act regulations) be noted.

The Environment, Resources and Development Committee has examined the regulations under the Development Act. As this is a one-off obligation, that role will now be reverting to the Legislative Review Committee, under amendments to the Development Act that will follow a recent change to the Parliamentary Committees Act. The committee's findings are contained in its eleventh report tabled yesterday, entitled Development Act Regulations. The ERD having been involved in many aspects of South Australia's planning system, the committee brings a certain expertise to the task of scrutinising the Development Act regulations.

One of its statutory requirements has been to examine supplementary development plans (which more recently have been termed amendments to development plans) on a regular basis. During the 27 month short history of the ERD, the committee has also examined a number of what could be called unfortunate projects, the most significant probably being the Hindmarsh Island bridge, which demonstrates the results of bad planning decisions, and reported on their probable ill effects. Exposure to such projects has given committee members a valuable overview of planning and development in this State. The advantage of such parliamentary inquiries is that they provide another avenue for people who do not have access to the normal decision making process or who have been dealt with unfairly by such processes. In picking up on these matters, committee inquiries can provide a valuable perspective in that they can take a wider and sometimes more objective appraisal of an issue than those more closely involved.

The committee takes its role in these matters very seriously and is always conscious of the fact that planning and development decisions, set in concrete as they are, cannot easily be reversed. In the past two years, usually to no avail, the ERD Committee has drawn the Government's attention to the anomalies that occur when Government agencies lose touch with their constituencies or when consultation processes break down or are overridden. An example of this is the committee's persistent rearguard battle against the careless use of interim control orders: a battle that, unfortunately, has not yet been won.

As I have just noted, supplementary development plans and their successors, amendments to development plans, have been part of the committee's terms of reference since its

inception in 1992, then under the Planning Act and more recently under the Development Act 1993.

The committee's persistent scrutiny of these plans led to its being relegated to a more ineffectual place in the order of structures in the Development Act. While supplementary development plans were once referred to the committee before they went to the Governor in Executive Council, under the new legislation the committee now looks at amendments to the development plan after they have received the Governor's approval. I presume that by placing parliamentary scrutiny at the end of the process the thinking was that it would be effectively neutralised. However, I believe my committee has given notice that we refuse to belittle the status of a parliamentary standing committee by applying a rubber stamp. I mention these broader issues in passing to establish a context and history and to reinforce the ERD Committee's longstanding interest in matters related to the development legislation.

I now refer to the Development Act regulations. Time constraints and the sheer size of the regulations have limited the scope and depth of the committee's investigations. The principal legislation consists of 106 regulations and their accompanying schedules. The committee has had to be satisfied with writing to the main contenders, including industry groups, professional organisations, planning academics and local government representatives, asking for their response. The committee received 14 submissions and evidence was heard from local government and industry representatives.

Many who wrote to the committee pointed out that, as the Development Act and regulations had come into effect as recently as January 1994, it was not possible to measure their effectiveness at this stage. It was generally agreed that the regulations should operate for at least six months before being assessed, and the committee agrees with this.

On 13 April 1994, while the committee was in the middle of its consideration of the regulations, a ministerial review into the regulations was announced. The committee believes that the material submitted to it indicates that there are indeed some potential problems with the regulations and it is very important that these are addressed if South Australia is to have the efficient and streamlined process it needs to facilitate appropriate development and to get the economy going again.

To illustrate such potential problems, I refer to a submission received from Mr R.J. Day, Managing Director of Homestead Award Winning Homes. He states:

> The Development Act did not deliver on its promise to provide our industry with a simpler, quicker planning and building approval process. In fact, it delivered just the opposite. Some of the very best minds in the business (planners, lawyers, developers and builders) spent countless hours putting in various submissions throughout the review process only to discover that the bureaucrats running the planning review took not one scrap of notice of anything that was said to them. It was patently obvious to us all that those in charge of the process had a particular outcome in mind and were absolutely determined to get where they wanted to go with no regard whatsoever for those who had to ultimately work with that document. They now have the Development Act and we, the practitioners in the industry, have a millstone around our necks.

Evidence given to the committee indicated that, as far as the regulations are concerned, there are three or four areas which appear to be causing most of the problems. The first is the certificate of occupancy, which is now required by councils on completion of building works, and without such a building cannot be occupied. This is proving to be a nightmare for practitioners. It does not seem to be clear exactly what purpose is served, and it appears that individual councils are asking for different pieces of information about contractors. For example, we were told that charges for the certificate varied. Local government evidence was that the certificate is useful for providing controls in the industry, but it appears that so far there is such confusion about the details of the requirement that it is unlikely to achieve this objective.

The fees introduced under the new legislation also came in for criticism. The committee heard that councils are charging different fees for the same service, as is the case with the certificate that I have previously mentioned. It was also told that substantial increases in fees have been introduced for large-scale subdivisions. One professional body pointed out that these would be passed straight on to the home buyer and, of course, that would restrict affordable homes being placed on the market.

The need for consistency just mentioned in relation to fees was a theme in itself. It appears that there are already inconsistencies in the application of fee structures. The committee believes that it is essential that clear guidelines are issued so that one council is not charging a different amount for the same service from another. The role of the regulations in relation to urban consolidation was also brought to the committee's attention. Some industry groups argued that there is an amount of resistance to the aims of urban consolidation and that this should be addressed by changes to the public notification category system.

Definitions and terminology in the regulations also came in for criticism. The committee is very aware that the planning system in the late twentieth century is indeed extremely complex. To suggest that it can be presented in simple terms would be extremely naive. However, it is essential that the regulations are presented as clearly as possible. It is also important, as was pointed out to the committee, that definitions are not changed merely for the sake of it. The committee was told that under the previous legislation a body of knowledge was built up and precedents established with word usage which was tested and tried through the courts. It was argued that with the new legislation the whole process could very well have to take place again at vast expense via the legal system, which I believe we would all agree is not a desirable outcome.

In discussing the effects of the regulations, we believe it is important not to lose sight of the overall picture. The regulations form only one part of a much more complex planning strategy with its commendable aims of introducing a more viable and integrated system of planning and control and development control. It is certainly true that a major rationalisation of the fragmented and convoluted legislation governing the development process is overdue. At the same time, each aspect of the new system is irrevocably tied up with the others, and serious flaws in the Development Act regulations will endanger the effectiveness of the whole system. To deal with these issues, it was suggested that the Planning Department should urgently investigate the introduction of advisory notes. These, the committee was told, would provide guidance for practitioners in the field on every aspect of the regulations. I believe that the introduction of such notes may solve many problems, particularly in relation to consistency and equity. It is extremely important, the committee believes, that the regulations be consistently interpreted across the board.

As well as advisory notes, other education and training packages should assist the transition to the new legislation.

The committee was told that, in fact, this is taking place and wishes to record its support for such initiatives. The ERD Committee reiterates that new legislation must have a settling-in period and that in this period some teething problems must be expected. In this its eleventh report, and the first under a Liberal Government, the committee offers constructively the evidence collected by it to the ministerial review in an attempt to head off potential problems so that appropriate development can be facilitated and the South Australian economy can regenerate.

In summary, I refer to some lines in the Premier's planning strategy which was issued in January this year. It states:

> Above all, the planning system must be more certain and speedy in its application to development.

It is important that the issues raised in the committee's eleventh report be addressed so that this objective can be met. I commend the report to the House.

**Mr VENNING (Custance):** I support the member for Newland and her motion. I congratulate her, first, on the way in which she moved the motion and, secondly, on the way in which she chairs the ERD Committee. She does an exceptional job. Considering that she has been in the job only a short time, she has settled into it very well. I deem it a privilege to serve on that committee. The committee already has put out a very substantial report, and I understand that all members have been furnished with a copy. Members would do well to read its 9 pages and ask themselves questions about what is happening, and also to consider the legislation that this Parliament passes.

The ERD Committee is a very hard working committee and, at the moment, it is a very relevant committee. There is great debate as to whether committees are relevant or irrelevant, but I know from first hand experience that this committee is extremely relevant. The member for Napier nods in agreement; she is another very capable member of the committee. I have enjoyed my time on the committee and value the time that I spend on it. The examination of the Development Act was very enlightening, because it is a very complicated and involved Act. Sir, as you read through the pages of this report—and it is simply put so that people can understand it—you will see that the Act is complicated and difficult to understand.

The prime role of the Parliament and the committee is to ensure that the legislation is understood and interpreted correctly. That is difficult because of the way that local government and its building inspectors interpret it, and it must be acted upon correctly. The member for Newland referred to the Building Act and the bureaucracy we have had in the past and said that it has had it all its own way. Hopefully, we now have an Act—which I do not think is perfect by any means—which enables us to lay down strict guidelines which can be interpreted by those involved.

One part of the Act which was difficult to understand concerned the certificate of occupancy; many people referred to that as being an area that they had trouble with. We had a very interesting time taking evidence from those who appeared before the committee—both those who were summoned and those who offered to give evidence. The committee system, in this instance, is working very well. I commend the House for having a system like this. I thought that it was another vehicle for politicians to soak up some time and earn a few more dollars, but in this instance the time you give and what you learn pays off because of the benefit it gives to the Parliament. It gives the Parliament a public face where members can hear evidence and speak to people person to person. It is a very valuable experience.

I think the committee system is an invaluable experience for every new member of Parliament—and, having been in this place for only four years, I am still a new member. It is a very good foundation for the future for members to serve on a committee such as this. This is an excellent vehicle to dissect issues, particularly issues such as the Development Act, because that legislation is very involved. There are other issues, too. The committee is still putting final touches to the report into the oil spill at Port Bonython. We heard further evidence yesterday. That is coming to a conclusion. It is a very interesting subject. Hopefully, as a result of the committee's work, next time—if there is a next time—we will be much better prepared. I am sure the Parliament will look forward to that report when it is delivered to this House in the not too distant future. I think it will be in the first few weeks after we resume in August.

The ERD Committee is a very good committee and is a good public face for Parliament. The taking of evidence from people who either offer it or are subpoenaed is certainly very interesting and is a most valuable tool. I commend the committee, particularly the presiding member, the member for Newland, for the way in which she has risen to the occasion and very quickly got the committee under control with the work she puts in. I am very pleased to be a member of the ERD Committee which, no doubt, is the premier statutory committee of this Parliament. I have much pleasure in supporting the motion.

**Ms HURLEY (Napier):** I support the motion and thank the member for Newland for her excellent summary of the work of the committee. I was pleased to sit on the committee during the discussions on the Development Act regulations. This is an area which affects my electorate, particularly because of the amount of development which is going on there, and which has gone on there in the past. These issues are of great concern to me. It is a difficult issue because it is a balancing act between the needs of the developers, the local council and the eventual home buyer. It is very important in areas like mine to get appropriate development at as low a cost as possible so that people are able to afford to buy their own home safe in the knowledge that they are well protected as consumers.

The certificate of occupancy has been mentioned a couple of times. This is one area that we had a great deal of difficulty with and made a number of recommendations on. It is very important that we make sure that developers and builders who construct homes to a good standard are not unduly disadvantaged by these sorts of requirements, but we also need to take particular care to safeguard consumers because, having moved into a home and discovered problems, those people then have to live with those problems until they can go through the legal processes and get them rectified. Often that is a very unsatisfactory situation.

I commend the committee's recommendations, and I hope that the Minister will consider the needs of all three groups—the developer, the council and the home buyer—very carefully when he makes his decisions on the recommendations of the committee and also the review of the Development Act that is presently being undertaken. The other work of the committee is very important, because environmental considerations are important to everybody in South Australia

and, I believe, will become increasingly important. They are an integral part of our lives and the economy of this State, and I am very pleased to be part of the committee.

Motion carried.

## WORKERS COMPENSATION

**Mr CUMMINS (Norwood):** I move:

That the regulations under the Workers Rehabilitation and Compensation Act 1986 relating to written determinations, made on 31 March 1994 and laid on the table of this House on 12 April 1994, be disallowed.

The Legislative Review Committee has looked at these regulations. The amendment purports to deal with a current regulation under the Workers Rehabilitation and Compensation Act general regulations. The original regulation provides that, in relation to a determination review, the review officer must lay down specific details of the decision, a reference to the breach of the Act the corporation is relying on, the specific fact or facts the corporation has used to reach its decision, and details of any conclusion drawn from the fact or facts.

The regulation purports to be an amendment of that so that the general basis on which the corporation has made a decision is given to the worker or employer, as the case may be. The Legislative Review Committee took the view that a worker or employer is entitled to get more detail than a general basis on which the corporation makes its decision, and on that basis we have disallowed the regulations. I commend the motion to the House.

Motion carried.

## CITIZEN INITIATED REFERENDA

Adjourned debate on motion of Mr Lewis:

This House restores the reference to citizens initiated referenda (CIR) to the Legislative Review Committee agenda and seeks an interim report before 12 August 1994 outlining the steps taken by the committee to collect evidence and summarising the majority opinion of submissions about the proposal.

(Continued from 21 April. Page 883.)

**Mr ATKINSON (Spence):** I am instructed by the Parliamentary Labor Party that it opposes the reference proposed by the member for Ridley to the Legislative Review Committee.

**Mr LEWIS (Ridley):** This matter has been before the Chamber in previous Parliaments. I note the remark made by the member for Spence, although I am quite sure that the Legislative Review Committee will, nonetheless, be able to take evidence about this matter from both sides of the case and report back to us to enable us to come to an objective decision about CIR. I commend the motion to the House.

The House divided on the motion:

AYES (32)

| | |
|---|---|
| Allison, H. | Andrew, K. A. |
| 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. |
| Cummins, J. G. | Evans, I. F. |
| Greig, J. M. | Hall, J. L. |
| Ingerson, G. A. | Kerin, R. G. |
| Kotz, D. C. | Leggett, S. R. |

AYES (cont.)

| | |
|---|---|
| Lewis, I. P. (teller) | Matthew, W. A. |
| Meier, E. J. | Olsen, J. W. |
| Penfold, E. M. | Rosenberg, L. F. |
| Rossi, J. P. | Scalzi, G. |
| Such, R. B. | Venning, I. H. |
| Wade, D. E. | Wotton, D. C. |

NOES (10)

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

Majority of 22 for the Ayes.

Motion thus carried.

## DAYLIGHT SAVING (PRESCRIBED PERIOD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 887.)

**Mr MEIER (Goyder):** I move:

That this debate be further adjourned.

The House divided on the motion:

AYES (33)

| | |
|---|---|
| Allison, H. | Andrew, K. A. |
| 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. |
| Cummins, J. G. | Evans, I. F. |
| Greig, J. M. | Hall, J. L. |
| Ingerson, G. A. | Kerin, R. G. |
| Kotz, D. C. | Leggett, S. R. |
| Lewis, I. P. | Matthew, W. A. |
| Meier, E. J. (teller) | Olsen, J. W. |
| Oswald, J. K. G. | Penfold, E. M. |
| Rosenberg, L. F. | Rossi, J. P. |
| Scalzi, G. | Such, R. B. |
| Venning, I. H. | Wade, D. E. |
| Wotton, D. C. | |

NOES (10)

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

Majority of 23 for the Ayes.

Motion thus carried.

## THE STANDARD TIME (EASTERN STANDARD TIME) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 May. Page 1049.)

**The Hon. LYNN ARNOLD (Leader of the Opposition):** I thank members for their participation in this debate. My thanks are fulsome to those on my side and qualified to those on the other side—qualified to the extent that I thank them for providing me and other members of the House with some entertaining speeches as they try to twist their way out of

what has very been a very difficult situation for themselves. I have enjoyed the entertainment value of that, but there my thanks end because, frankly, the real purpose of this motion was one of substance. It was one to assist South Australia, to bring South Australia more firmly into that South-East boomerang of economic development in this country. It was a motion that could so easily have been supported by all members of this place, yet so many have chosen to count out South Australia on this matter. I hope that, as we now reach the moment of voting, members opposite will at least allow themselves a double take on the views expressed by some of their colleagues and say, 'Yes, of course, our colleagues have got it wrong and we will now vote with the Leader on his motion.'

*Mr Brindal interjecting:*

**The Hon. LYNN ARNOLD:** The member for Unley is obviously one of those who has enormous difficulties in the Party room. I know they are a group driven by internal dissension and we read about these fights that take place. I do not want to reflect on their deep internal problems which certainly exist. I commend the Bill to the House.

The House divided on the second reading:

AYES (10)

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

NOES (29)

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

Majority of 19 for the Noes.

Second reading thus negatived.

## COURTS ADMINISTRATION (DIRECTIONS BY THE GOVERNOR) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 May. Page 1050.)

**Mr ANDREW (Chaffey):** Pursuant to contingent notice of motion, I move:

That all words after 'be' be left out and the words 'withdrawn and referred to the Legislative Review Committee for its report and recommendations' inserted in lieu thereof.

This Bill has raised a wide range of varying issues since its introduction by the member for Giles. They vary from the personal feelings of the respective magistrates involved and arguable benefits to country communities to constitutional legal aspects and, in particular, the issue in a constitutional sense of the separation of powers between the judiciary, the Parliament and the Crown. I raise this matter principally because of this latter issue, which was well described in this place by the member for Gordon last week, but I would like to reiterate that, if the Bill as proposed by the member for Giles is passed, effectively it will direct that the Queen through the Governor should bring the weight of Parliament to bear on the Chief Justice and the Chief Magistrate by direction of the Attorney-General or through Cabinet. So, the separation of powers is an issue and is the main reason why I believe the Bill should be referred to the Legislative Review Committee. I will come back to that matter a little later.

I want to digress briefly to explain the situation that I found to exist in my electorate of Chaffey. I took what I believe to be a pragmatic approach and I went out of my way to consult the electorate on how they perceived this Bill might affect the region from the point of view both of its legal operation and of public involvement. I believe that those members of the public who intended to respond did so. Subsequent to the introduction of this Bill by the member for Giles—he received some local press coverage in my area in regard to it—I circulated a copy of the measure and sought responses from a wide cross-section of the community, including the local legal fraternity, the local police, the local OARS (Offenders Aid and Rehabilitation Service) group, the crime prevention officer, and the Community Welfare Department. In addition, I went public in the local print press and on television calling for any specific response.

Notwithstanding the fact that the Riverland has not had the need for a resident magistrate, the fact that as a region we are not under threat of losing that particular service was indicated by the limited public response I received. I acknowledge and support the comments that came back to me which, quite obviously, were on the basis that having any professional in residence in a country area, whether it be a country magistrate, is always seen as an intellectual and economic asset to the area. The current reality though, I gather, is that in the Riverland there has not been and is not a sufficient case load to warrant the services of a resident magistrate. I believe that justices come to the Riverland every two weeks and that about every four to five weeks a civil magistrates court is held in the Riverland.

The local community, including the local legal profession, indicated to me that the current situation is working satisfactorily. However, I have consulted my country colleagues. I certainly share their concern and interest in maintaining a resident country magistrate where there is a case load to justify that position. I hope that for the sake of the Riverland its case load does not increase to justify such a requirement. However, should that be the case, I would see it as a logical option. I and my country colleagues support the policy of our Government on decentralisation of Government services, and I see the administration of justice as part of that policy. Indeed, the maintenance of professional personnel in country areas is fundamental to enhance the quality of life in regional and rural South Australia.

I refer now to my contingent notice of motion, and I must say that I, personally, find some of the developments following the introduction of this Bill somewhat disconcerting. For the following reasons I believe it appropriate that the Bill be referred to the Legislative Review Committee. First, while I respect and understand that the Chief Justice and the Acting Chief Magistrate have their own reasons for supporting or otherwise the provision of country magistrates, and while I have read with interest those reasons, I do not intend and time does not allow me today to debate them specifically,

despite the comments I made earlier. However, I note, of course, that the member for Gordon last week more than adequately addressed reasons that were forwarded by the Chief Justice and the Acting Chief Magistrate or their staff.

I do believe, though, that as a matter of principle it is entirely inappropriate for the Chief Justice or his staff or the Acting Chief Magistrate to communicate personally with members of Parliament in an attempt, either directly or indirectly, to lobby for or against specific legislation that they may have to administer. This, in itself, I believe has highlighted the current problem of appropriately maintaining the separation of powers that I referred to earlier. Secondly, I also understand that the previous Labor Government only last year, in 1993, introduced the Courts Administration Act to ensure that Government interference with the independent judiciary would not occur. Less than 12 months later, the member for Giles, with an obvious political agenda, is doing an about-face and now wants effectively to interfere with that independence which he and the Government he was a part of promoted last year.

The Acting Chief Magistrate has the power of control and administration of magistrates under the Act, and this authority is undermined by the member for Giles' Bill. If this situation were to be reversed as the current Bill proposes, there must be wider discussion on the topic than there has been, and the wider implications of the move should be clearly discussed and further explained. While I believe in the principle that we need to provide country magistrates, this Bill, as proposed by the member for Giles, is not the appropriate mechanism. By referring the matter to the Parliament's Legislative Review Committee, it will be able to explore fully all the issues of concern. All interested persons will then be able to make representations to what I believe will be a bipartisan committee, which it is expected would present its report to Parliament during the budget session. I urge all members in due course to support the amendment which seeks to refer the matter covered by this Bill to the Legislative Review Committee for consideration.

**The Hon. FRANK BLEVINS (Giles):** I oppose this amendment. This Government has gone committee mad. All this requires is a telephone call. It does not require my bringing in a private members' Bill or the matter to be referred to the Legislative Review Committee. All it needs is the Attorney-General to develop some backbone and say to the Chief Justice, 'To remove resident country magistrates is not on.' A committee is not required; every member in this Parliament knows that. The Chief Justice tried this on with the previous Attorney-General. The previous Attorney-General told him, 'Under no circumstances; and, if you make any attempt to do that, we will go back into the Parliament and legislate, because the resident country magistrates are staying.' The Chief Justice took the matter no further.

The Chief Justice gets a new Attorney-General after the election, and five minutes later the country magistrates have been withdrawn; five minutes later they are gone. All it requires is for the Attorney-General to develop the same amount of backbone as the Attorney-General in the previous Government had and tell the Chief Justice, 'We are not interfering one iota in the way that you deal with a court case. Whether you find people innocent or guilty, etc., that's up to you. We don't want to interfere with the judiciary. But if the Government, Liberal or Labor, wants to put a court in every corner in this State, staff it with a magistrate and anybody else, it is the Government's business. It has nothing to do with interfering with the judiciary.'

There can be only three reasons why the member for Chaffey has given contingent notice of motion: first, as I stated earlier, members opposite are committee mad and cannot make a decision on anything. They spend hours in the Party room on issues such as this, arguing the toss to try to get the Attorney-General to be reasonable. So, it may well be that this group of members enjoys committees. The second possible reason is that they want to lose the issue in the committee. That is a very old dodge: send the matter to a committee and hear no more about it. However, on this occasion I do not recognise it as that. It is a possibility—and I may be wrong; my faith in human nature may be misplaced—but I do not believe that that is the case, because I believe—and this is the third possible reason—the reason they want this matter to go to the committee is that they are looking for a way out.

I know that the public support I have had from the member for Eyre—nobody else, only the member for Eyre—leads me to believe that the member for Eyre has persuaded sufficient Liberals to see the light and now they are looking for a face saver for the Attorney-General. I hope that is the case. You will never hear from me again on the issue, if that is the case. I just want the resident magistrate back.

I do not want to spend every Thursday morning here arguing the toss, or sending out endless press releases. I just want the resident magistrates back in the provincial cities. If this is the mechanism required to save the Attorney-General's face, and probably some other local members' faces, then fine, I am happy to go along with it. But let me say this: clearly, the numbers are here to send the matter to the committee, but I will be opposing that. I just want the issue fixed; I do not want it to go to the committee. If the matter goes to the committee and there is an attempt to lose it, divert it to somewhere else or dilute it or whatever, it will not work, because this issue will be on the agenda until it is fixed. It will not go away, I can assure members of that. The Attorney-General ought to have cut his losses the first time I raised the matter and fixed it up. No, knowing the kind of individual he is and having known and worked with him for many years, I believe he needs a face saver. So, I know the Liberal Party is trying to do that.

We also have—and I do not want to refer to it in any detail—a Bill before the Parliament that will fix this problem at a stroke. It will not be the end of the matter when it goes to the committee: we still have another Bill before the Parliament to deal with it, but that has quite a way to run yet. I hope that this measure will not be defeated, and I do not think it will, because the majority of the other House wants us to reinstate the magistrates and to use this method if necessary. Quite clearly, the majority in the other place agrees with me. One way or another I can assure members it will not go away by this mechanism.

With regard to the member for Chaffey's comments on the question of a resident magistrate at Berri, I know very little about Berri. It is a fair way from Whyalla where I operate. I have enough to do in my own electorate without interfering in other people's electorates. It just happens that, when this issue first arose, members of the legal profession were absolutely outraged that these magistrates were withdrawn, and they said that a case could be made for increasing the number of resident magistrates in regional South Australia, and Berri is one area where that may be required. That is the only reference that I made to Berri. The fact that the local

media picked it up—and I am pleased they did—is certainly no intention—

*Members interjecting:*

**The Hon. FRANK BLEVINS:** There are one or two over there, more of the National Party variety, who would like to, but they would have to develop some backbone and give me a hand. It is very hard doing it all on my own for the whole of the State. Nevertheless, we will stick at it. I oppose the motion.

The House divided on the amendment:

AYES (28)

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

NOES (10)

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

Majority of 18 for the Ayes.

Amendment thus carried.

A division on the motion as amended was called for.

*While the division bells were ringing*:

**Mr BRINDAL:** I rise on a point of order, Mr Deputy Speaker. I think we will have to change the Standing Orders—

*Members interjecting:*

**Mr BRINDAL:** Will you shut up!

**The DEPUTY SPEAKER:** Order! The frivolity is quite unnecessary. The member for Unley had the floor. He was observing strict parliamentary protocol and, as such, was perfectly in order.

**Mr BRINDAL:** As there has just been a division and as I observed nobody leaving the Chamber—I do not think the door was even unlocked—can I put to you, Sir, that we do not need to ring the bells?

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The Chair was of the opinion that members had left the Chamber. In any case, members will be aware that several members were in fact missing from the first division and the ringing of the bells gives them time to take part in the new division.

The House divided on the motion as amended:

AYES (30)

| | |
|---|---|
| Andrew, K. A. (teller) | 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. |
| Cummins, J. G. | Evans, I. F. |
| Greig, J. M. | Hall, J. L. |

AYES (cont.)

| | |
|---|---|
| Kerin, R. G. | Kotz, D. C. |
| Leggett, S. R. | Lewis, I. P. |
| Matthew, W. A. | Meier, E. J. |
| Penfold, E. M. | Rosenberg, L. F. |
| Rossi, J. P. | Scalzi, G. |
| Such, R. B. | Venning, I. H. |
| Wade, D. E. | Wotton, D. C. |

NOES (10)

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

Majority of 20 for the Ayes.

Motion as amended thus carried.

*[Sitting suspended from 1.2 to 2 p.m.]*

## TORRENS, MEMBER FOR

Mrs Robyn Kathryn Geraghty, who made an Affirmation of Allegiance, took her seat in the House as member for the District of Torrens in place of Mr P.J. Tiernan (deceased).

## BELAIR NURSERY

A petition signed by 816 residents of South Australia requesting that the House urge the Government not to close the Belair State Flora Nursery was presented by Mr Evans.

Petition received.

## TIME ZONES

A petition signed by 747 residents of South Australia requesting that the House urge the Government to establish the State's time on the meridian of 135 degrees east and not to extend daylight saving was presented by Mr Venning.

Petition received.

## GAMING MACHINES

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

Leave granted.

**The Hon. S.J. BAKER:** I wish to inform the House of the current situation in relation to the introduction of gaming machines to hotels and licensed clubs in South Australia. Hotel and club owners, who have invested many millions of dollars in anticipation of the introduction of these machines, have expressed their concern about delays to forecast start-up dates for the operation of gaming machines. Their anxiety and predicament has been fuelled by promised start-up dates which have not been realised, as well as misinformation about the processes involved and the role of the State Government.

I want to make it perfectly clear to the public of South Australia, as I did in a similar statement to the House in March, that this State Government has never set nor promised a start-up date for the industry because the existing legislative framework puts the process outside the control of the State Government. The former Labor Government, specifically the former Treasurer (Hon. Frank Blevins), predicted in early 1993—before any applications for gaming machines had even been lodged—that the machines would be in hotels and clubs later that year. In July 1993, the former Treasurer forecast a

start-up date of October/November, and in September 1993 went even further, publicly stating that the Government expected to collect $8.7 million from the operation of machines in licensed clubs and hotels in the 1993-94 financial year.

*The Hon. Frank Blevins interjecting:*

**The SPEAKER:** Order! The member for Giles is interjecting far too often.

**The Hon. S.J. BAKER:** Other non-Government organisations have also publicly touted so-called 'go live' dates which have since lapsed. The fact is that the gaming machine legislation, which finally emerged from State Parliament after much controversy, compromise and machinations, has proven to be inappropriate and inadequate. The legislation itself is flawed and the regulatory framework it provides is far from ideal. The flaws in the existing legislation mean there is no single controlling body to oversee both the crucial introduction phase and the continued operation of the gaming machine industry in South Australia. Instead, we have numerous Government and non-Government bodies involved in the process, playing different roles with no official coordinating authority or controlling body.

The players include the Liquor Licensing Commissioner, who is responsible for the administration of the Gaming Machines Act 1992 and is also the licensing and approval authority. The Independent Gaming Corporation (IGC), which holds the gaming machine monitor licence, is responsible for the installation and operation of a central computer monitoring system to which all gaming machines must be connected. The IGC's role is to oversee the monitoring of the gaming machines.

The Commissioner of Police is responsible for the policing of the Gaming Machines Act and plays a major role in vetting licence applications to ensure applicants are fit and proper persons. The State Supply Board is responsible for the installation, service and repair of gaming machines, components and equipment. The clubs and hotel licensees have to order and pay for their gaming machines through State Supply, which then deals direct with approved gaming machine manufacturers.

Other players include Techsearch, which has been appointed as the prime testing authority to test and evaluate the machines, games and equipment; and the Casino Supervisory Authority, which is the appellate body for decisions of the Liquor Licensing Commissioner. These agencies have been working within the poorly-framed legislative and regulatory framework without a coordinating or controlling body to achieve the earliest possible start up-date for the industry.

Despite the difficulties presented by the existing legislation and framework, the various agencies have coordinated their efforts and have made as much progress as possible within these constraints. Due to the very real potential for corruption with the operation of gaming machines, the process to date has included detailed probity checks for thousands of applications. Police were required to undertake lengthy probity checks in relation to the IGC's application primarily due to the involvement of an American company, which is supplying the central gaming machine computer monitoring system.

There were then problems with the release of specifications in relation to that monitoring system. Last month, due to the failure of gaming machine manufacturers to submit their machines and games for testing by the end of March as previously agreed, I imposed a deadline of 6 May for manufacturers to lodge machines and games for the first round of testing. I am advised that eight of the 11 approved gaming machine manufacturers submitted a total of 13 machines and 105 games and game variations (comprising 76 base games plus game variants) by the 6 May deadline.

Testing has already begun on these machines and games and it is planned that those which meet the required testing standards will be approved by the end of May, enabling hotels and clubs to then select and order machines. Licensees will have to make their own commercial decisions as to what machines they select and whether they want to wait for a particular machine to be submitted by a manufacturer for testing and approval. As of Monday this week, 191 applications for a total of 4 736 gaming machines had been approved. Of these applications, 154 were for hotels, and 37 for clubs and general facility licences. It is envisaged that the installation of machines in hotels and clubs will be in order of the date of grant of licence, subject, of course, to a number of variables including the availability of machines and the completion of preparatory work by the venues.

The intention is that a number of sites with machines will be commissioned to start gaming operations at the same time, with other venues continuing to come on line thereafter. In the meantime, the IGC is continuing with its acceptance testing of the central monitoring system, which has been installed at premises in the city. The availability of gaming machines means the IGC will be able to proceed with crucial volume and flood testing of the monitoring system. Gaming machines will be tested at the IGC's central computer monitoring facility with various combinations to ensure their compatibility. Prior to the start-up of gaming operations, it is also intended to test communication between machines installed in venues and the central monitoring system.

The IGC has given assurances that the system will be ready and operational for a 'go live' start-up in early July. I stress to the House and to the hotel and club industry that the State Government has no control over this and other factors which may affect the start-up date. These factors include the quality of the machines, games and software submitted by manufacturers for testing. Experience elsewhere has shown that testing can take many months if the machines and games lodged by manufacturers are substandard or do not meet the required specifications.

The other unknown factor is the delivery time frame for gaming machines once licensees have made their decisions. Manufacturers have previously indicated to the Liquor Licensing Commissioner that they may need a month to fill orders. I would like to remind the House that the introduction of gaming machines in other States took two years and was still plagued by major and lengthy set-backs after machine operations commenced. In South Australia the regulations for the Gaming Machines Act were proclaimed in July 1993, less than 12 months ago.

The State Government is very aware of substantial investments that have been made in anticipation of the operation of gaming machines in this State and is doing its utmost within the limitation of the existing legislation to bring about the earliest possible start-up for the industry along with a secure monitoring system. As previously indicated, the existing control and reporting mechanisms are unsatisfactory and will be addressed by legislation in the budget session. The Government wishes to make it clear today to the Independent Gaming Corporation and the gaming industry that the successful introduction of gaming machines linked to a secure and operational monitoring system must be

achieved by July. If this is not achieved, the Government will have no option but to look at further changes to the role of the existing bodies. Should this be the case, the Government will also address this vital issue in the legislation to be introduced in the budget session.

## ABORIGINAL DEATHS IN CUSTODY

**The Hon. M.H. ARMITAGE (Minister for Health):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.H. ARMITAGE:** Between January 1980 and May 1989, 99 Aboriginal or Torres Strait Islander people have died in police, prison or juvenile custody. In response to widespread national concern, the Royal Commission into Aboriginal Deaths in Custody was commissioned jointly by the Commonwealth, the States and the Northern Territory in October 1987. The final report of the royal commission, which was presented in April 1991, provided 339 recommendations to address law and justice systems and general Aboriginal and Torres Strait Islander disadvantage.

As part of its response, South Australia committed itself to annual reporting. This Government was elected with a mandate to work with relevant Aboriginal communities regarding the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. I table the Royal Commission into Aboriginal Deaths in Custody 1993 Implementation Report of the South Australian Government. The report reflects that, despite the significant commitment to reform by South Australian agencies, it is the case that on the available data there has been little improvement in the rate at which Aboriginal people are drawn into the criminal justice system or in the outcomes of involvement in that system.

Death rates of Aboriginal persons in custody have not declined since the royal commission. Since 1989, the three Aboriginal deaths that occurred in the custody of Correctional Services were acknowledged by the Coroner as being caused by long-term illnesses. The only Aboriginal death to occur in a police cell since the royal commission (and the only suicide) was in July 1989, before the introduction of the Aboriginal visitors scheme. This was the only Aboriginal suicide since the royal commission. The last Aboriginal death in custody in South Australia occurred in August 1991.

Serious issues remain and have been identified in the 1993 implementation report:

- In comparison with other States and Territories, our level of Aboriginal representation in police custody is second only to Western Australia, with the total number of those being taken into custody remaining relatively stable.
- Aboriginal adult prisoners were over-represented in prison admissions in 1992 by a factor of 22.
- In analysing files from 1985 through to the end 1990, the Office of Crime Statistics has found that 82 per cent of Aboriginal offenders returned to prison compared with 55 per cent of non-Aboriginal offenders.
- Aboriginal juveniles have consistently comprised a third of all juveniles in secure care in recent years.

Three-quarters of the royal commission's 339 recommendations have been implemented or are in the process of implementation. The remainder have been partially or not yet implemented. There has been a significant effort by agencies to address royal commission recommendations both in terms of program initiatives and efforts to improve services to Aboriginal clients. However, continual evaluation processes need to be put in place in key areas with identification of agency spending on specific Aboriginal initiatives. Key areas for further work within the criminal justice system are: the high proportion of Aboriginal fine default; the impact of the new juvenile justice legislation on Aboriginal youth; and Aboriginal crime prevention.

I have little doubt that the main reason for Aboriginal over-representation in custody in South Australia is the ongoing social and economic disadvantage of Aboriginal Australians. It is tragic that the first Australians are not merely the poorest identifiable group in South Australia but that this disadvantage reflects itself in high custody rates. Of course, the future of Aboriginal Australians ultimately rests in their own hands.

I would like to pay tribute to the work of Aboriginal people to deal with custody problems. First, Aboriginal youth action committees have been set up in all Aboriginal communities throughout the State. In these communities young people assume responsibility, with the guidance and support of their community or council organisation, for meeting their own recreation and social needs. The establishment of action committees is a fundamental measure which promotes and rewards young people for the positive and creative actions they take and the responsibility they demonstrate in taking such actions.

Secondly, one of the most successful programs introduced as a result of the royal commission has been the establishment of the Aboriginal visitors scheme to all correctional institutions. A worker from the Aboriginal Community, Recreation and Health Centre, funded by Correctional Services, attends metropolitan institutions. In the country, the scheme is maintained on a voluntary basis. Each country institution has benefited because a local Aboriginal community has taken the responsibility of providing a visitors scheme to the local prison. This is a scheme of which the Aboriginal people are rightly proud.

This Government is determined to work with the Aboriginal community to see significant ongoing improvements in the interaction of the community with the criminal justice system.

The Government will shortly establish the first independent and State-wide Aboriginal Justice Advisory Committee. The main role of that new committee will be to monitor the implementation of the royal commission recommendations from a community perspective and to propose changes to the operation of the criminal justice system based on their experiences. I look forward to progress within Aboriginal communities as we work together to further implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

## AMBULANCE SERVICE

**The Hon. W.A. MATTHEW (Minister for Emergency Services):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. W.A. MATTHEW:** On Tuesday I advised the House that I had sought Crown Law advice about a redundancy payment of $650 000 that was made to the former Chief Executive Officer of the St John Ambulance Service, Mr Bruce Paterson. I have now received further information which, in the public interest, given that the service is funded in part by taxpayers, it is appropriate that I share with the House. The redundancy payment of $650 000 was made during the 1991-92 financial year. It was funded entirely

through the transfer of funds from the long service leave reserve of the council. In this respect, it should be noted that Mr Paterson was not entitled to any long service leave as he had been employed by the service for less than seven years. The actual cost of this redundancy will be much more than $650 000 because of the arrangements made to fund it.

It was decided by the Ambulance Board that the long service leave reserve of the St John Council should be restored over a 10 year period by payments of principal plus interest. Under the current arrangements, based on interest of 5 per cent, it is estimated by the Ambulance Service that the cost of restoring the fund will be almost $887 000. This is a cost which must be borne in part by taxpayers because of the arrangements for Government funding of the Ambulance Service. In addition to the agreed payment of $650 000, Mr Paterson also received a sum of $101 775 from the St John Ambulance Superannuation Fund.

The Crown Solicitor has advised me that it has not been possible to obtain information about the various components that may have made up the amount of $650 000 paid to Mr Paterson, nor the basis upon which this decision was made. These highly relevant details were not recorded in any minutes to which the present Chief Executive Officer has access.

*Members interjecting:*

**The Hon. W.A. MATTHEW:** The Minister, of course, was a Labor Minister. I have seen those minutes and can confirm that fact. At the time of his departure from the service in June 1992, Mr Paterson was receiving a base annual salary of $97 030 plus a 7 per cent employer contribution to his superannuation. On this basis the Crown Solicitor has advised me as follows:

> On the information that I have, it is certainly possible that the Ambulance Board's decision to make such a payment was, at the very least, inappropriate. Since Mr Paterson was receiving an annual base salary of $97 030 (together, presumably, with other entitlements) at the time he was made redundant, and in view of the fact that the maximum payout that would normally be offered to a CEO would be his or her long service leave, plus 12 months salary, a more appropriate payment might have been around $150 000.

Subsequent to receiving this Crown Law advice, I obtained a copy of Mr Paterson's service agreement with the Ambulance Service. I have referred the service agreement to Crown Law for further advice. There is nothing in the agreement which appears to justify or explain the extent of the redundancy payment made.

Mr Paterson's separation from the Ambulance Service occurred at a time when there was public controversy over the resignation of a superintendent, Mr Alf Gunther, whose reinstatement had been sought by the Ambulance Employees' Association. I have the minutes of a special meeting of the Ambulance Board held on 8 April 1992 which discussed the dispute. They record that the Chairman, Dr Young, notified the board that a 'circuit breaker' was needed in the dispute and that Mr Paterson had been offered a package to take early retirement which had been accepted.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. W.A. MATTHEW:** The minutes also record as follows:

> As a result of the discussions with Mr Paterson, a meeting was arranged with the Ministers of Labour and Health, President and Secretary of the AEA, the Chairman and Deputy Chairman of the Ambulance Board. An 11 point proposal was put to the meeting and it was agreed that the circumstances and substance of the discussion remain confidential.

These minutes are clear evidence that the former Government was made aware of this extraordinary redundancy agreement and colluded in a decision to keep the details confidential.

It is therefore hypocritical in the extreme for the Leader of the Opposition to come into this House, as he did on Tuesday, and seek to criticise this Government for action it is having to take to deal with the financial position of the Ambulance Service. Not only did the former Government collude in this redundancy deal, it also took $2 million out of Treasury just before the election to avoid having to agree to an increase in ambulance fees. I can only say to the Leader, in the light of the information I have just put before the House, that it is unfortunate, to say the least, that his Party, while in government, was so preoccupied with bowing to union demands to take volunteers out of the service that it either ignored or deliberately neglected its responsibility to ensure that the service was operated on a sound and proper financial footing. I will consider what further action may be open to the Government in this matter after seeking additional advice from the Crown Solicitor.

### PAPERS TABLED

The following papers were laid on the table:

By the Minister for Aboriginal Affairs (Hon. M.H. Armitage)—

Royal Commission into Aboriginal Deaths in Custody—1993 Implementation Report, April 1994.

By the Minister for Health (Hon. M.H. Armitage)—

Committee Appointed to Examine and Report on Abortions Notified in South Australia—Report, 1993
Nurses Board of South Australia—Report, 1992-93
Commissioners for Charitable Funds—Report, 1992-93

By the Minister for Housing, Urban Development and Local Government Relations (Hon. J.K.G. Oswald)—

Public Parks Act—Report re. disposal of land—S.N. Davey Reserve, Port Adelaide
District Council of Victor Harbor—By-law No. 2—Animals and Birds.

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

Review of Consumer Statement.

## QUESTION TIME

### BUSINESS INCENTIVES

**The Hon. LYNN ARNOLD (Leader of the Opposition):** In view of significant concessions reported to have been extended to attract companies such as Motorola and Australis Media to South Australia, will the Premier now refer these agreements for confidential scrutiny by the Industries Development Committee of Parliament and will the Government in future continue the practice of, in general, referring such applications for assistance to the IDC for bipartisan consideration, or will this long-standing arrangement be scrapped?

**The Hon. J.W. OLSEN:** The Leader of the Opposition is obviously responding to some concerns expressed by the Minister for Industry in Victoria, Phil Gude. His concern is related to the fact that Victoria has not been successful on not one but two occasions now with Motorola and Australis and, not only that, Victoria has lost SABCO. The Tomlin company that purchased Sabco went into receivership some 12 to 15 months ago with two factories operating in Victoria, one in South Australia and 77 jobs in this State. What was the

Government of South Australia able to do? It put in place an incentive package to enable the Tomlin company to close its two operations in Victoria and relocate to South Australia, including the Managing Director's taking up residence in this State. As a result, not only have we protected the 77 jobs in Sabco in South Australia that were here before but we will create 85 jobs in the new expanded Sabco operation in South Australia.

So, can you well understand the Minister for Industry in Victoria being a little concerned at the rate of success of South Australia and this Government in attracting industry and jobs to this State?

*The Hon. Frank Blevins interjecting:*

**The Hon. J.W. OLSEN:** I will come to that, for the member for Giles. In relation to 'the incentive package', I suppose we ought to go to both the comments of Roger Fordham from Motorola and Mr Rodney Price from Australis, who both said on the public record that it was not so much the incentive package or 'a big cheque' (because that was not the case) but rather the way South Australia had put the package together. It looked at the specific needs of both companies, addressed those needs and treated both Motorola and Australis as a customer, and serviced the needs of the customer in terms of training and a number of other aspects. That is why it was such a solid, comprehensive package that no other State in Australia could match, and both of them acknowledged that it was the timeliness of the response of the South Australian Government and the keenness and eagerness with which we looked at their needs and responded to them.

Already on the public record I have put down the support of the higher education institutions in South Australia in meeting and agreeing to the requirements and needs of Motorola, for graduates in the system to access and be available for employment with Motorola. They were principally the reasons why we were able to attract both Motorola and Australis. I have mentioned also in this House previously that it is the result of a highly competent, skilled work force in this State—of which we have a good track record (another reason why Motorola and Australis established here)—training support and the provision of premises to enable Australis to begin operations immediately. It is starting to recruit next week—creating jobs next week for South Australians.

We were able to put in place temporary accommodation for the company straightaway and not have it wait three or six months. In the former Government's circumstance, any application before had to wait 18 months to two years for an answer. Obviously, in a number of cases the answer was 'No.' We are not doing that with business.

*The Hon. Dean Brown interjecting:*

**The Hon. J.W. OLSEN:** Indeed, look at Email shifting hundreds of jobs out of South Australia to country New South Wales. This Government, as the Premier has said on a number of occasions, has economic priority as No. 1 on the agenda. It means treating business investment as it ought to: that is, we look at the customer service needs and we tailor a package for those needs. It is a comprehensive, detailed package.

It is not a question of writing out a big cheque: that is not the case. It is a matter of meeting the specific needs of the industry. In relation to that matter, who set some of the conditions in relation to Technology Park? Who put down those conditions, which this Government has followed through and included in packages that we have offered? The former Government! Technology Park has enterprise zone status, and it involves no more or less than that in relation to a number of the specifics connected with both Motorola and Australis. The Leader of the Opposition cannot stand up in this House and question, complain and criticise. What we have done is get one industry with 400 new jobs and another industry with 1 000 jobs, and that represents a significant capital investment in this State. In other words, we have turned the corner. We are starting to get industry to establish and create jobs in South Australia for South Australians.

**The Hon. M.D. RANN:** I rise on a point of order, Mr Speaker. Can you advise who is representing the Minister for Housing, Urban Development and Local Government Relations during Question Time?

**The SPEAKER:** The Deputy Premier will take questions directed to that portfolio.

## INFORMATION TECHNOLOGY

**Ms GREIG (Reynell):** My question is directed to the Premier. With the Government's move to outsource some of its information technology activities, what action is being taken to ensure the privacy and security of Government information?

**The Hon. DEAN BROWN:** The member for Hart and a couple of unions have been publicly vocal about the fact that Government information, through the process of outsourcing, will apparently be handed out to outside bodies with absolutely no security over that information whatsoever. I had a deputation from a couple of unions which came and saw me on this matter yesterday. One of their prime concerns about outsourcing has been the security of the information and the confidentiality of that information. I was able to point out to those unions yesterday that the Government has established crucial principles that will apply to the outsourcing of Government information.

The first is that at all times the information remains the property of the Government and, in fact, the outsourcer is no more than the custodian of that information. Secondly, the Government, as the owner of the information, will lay down the security standards that must apply with outsourcing. Thirdly, the security standards that must be met must comply with the Premier's direction laid down by the former Government in 1992. One should publicly acknowledge the fact that outsourcing itself imposes no security threat in terms of either the security or confidentiality of the data. I hope, therefore, that the member for Hart will recognise that publicly when he speaks on this matter in future.

For the information of the member for Hart and a couple of the other members opposite it might be relevant to point out that the Federal Government has been one of the major outsourcers of data processing in Australia. For instance, Government departments at a Federal level, including the Department of Veterans Affairs and also various parts of the Department of Social Security, are in fact outsourcing their data processing. I am sure that when it comes to personal information such as that, involving Veterans Affairs or Social Security, the Federal Government would be the first to ensure that there was confidentiality and security of that information. As if that was not enough, one should look at what happens elsewhere in the world. I find it very interesting that the CIA of the United States outsources its data processing.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. DEAN BROWN:** Furthermore, the justice information system of the United States of America is

outsourced. What two systems could demand a higher level of security and confidentiality than those two systems? What I find amusing is that the member for Hart, who appears to come from another decade or even another century on this issue, together with the trade unions involved, seems to think that South Australia is taking a unique step in outsourcing data processing when in fact most other Governments around the world, and certainly most other Governments in Australia, are now embarking on exactly the same course.

## YATALA LABOUR PRISON

**Mr FOLEY (Hart):** Will the Minister for Emergency Services ensure that if he goes ahead with plans to double the number of prisoners in South Australian prisons the safety of correctional service officers and prisoners can be guaranteed in light of events at Yatala Labour Prison last night and again this morning? The Opposition understands that seven prison officers at Yatala Labour Prison were hospitalised this morning due to smoke inhalation when a prisoner set light to his cell. The prisoner, in 'B' division, has been locked down this morning allegedly because gunshots were heard coming from 'B' division last night. A search so far has only managed to turn up bullet fragments but no gun has been found. 'B' division prisoners will be kept in their cells until correctional services officers' safety can be assured.

**The Hon. W.A. MATTHEW:** I say in advance that, no, this was not a dorothy dixer and it is unfortunate the honourable member has been listening to the PSA. I am pleased to answer this question. Last night at Yatala Labour Prison prison officers reported hearing loud bangs which sounded something like gunshots. Further investigation of that matter found that what had actually caused the sound was a device that had been manufactured by a prisoner which comprised a TV aerial that had been ripped from a portable television set, filled with matches and thrown repeatedly on the floor of his cell to make the banging sound. The continual use of that device for this action caused the metal from the device to break off and metal fragments were found on the floor of the cell prior to the aerial finally being found.

Yes, regrettably there was fire in a cell today. What happened was that at 9.45 there was a report of a fire in a cell at Yatala. A prisoner in 'B' division set fire to his rubbish bin and to his mattress. The fire was put out after about three minutes and some officers inhaled smoke. Some of those officers were treated in hospital and later allowed to leave. As of half an hour ago, one female officer was being kept there for a little longer under observation and it is expected that she will be leaving shortly. I am informed that the initial estimate of the damage to the cell at this stage amounts to $2000.

Regrettably, it is not the first time that this particular prisoner has set fire to his mattress: it is in fact the third occasion and, as the member for Giles is well aware, regrettably it is not the first fire to have occurred in our prisons. In 1990 there were 15 cell fires in our prison system; in 1991, there were 10; 1992, 13; 1993, 18; and this year, unfortunately including this one today, there have been five. In 1993 there were eight fires in the Yatala Labour Prison. The honourable member comes in today and asks whether I can assure the safety of prison officers in view of doubling up in prison cells? There was no doubling up in the cell in which the fire was set nor, I am advised by the department, was there any doubling up in the division in which that fire occurred. The PSA put out a press release today stating:

Gunshots at Yatala, is the Minister listening?

It goes on to say:

Correctional officer staff numbers have been decreasing in recent years.

Clearly the PSA has not read the Audit Commission report, which states that not only is our prison system in South Australia the most expensive in all Australia but, further, it costs 25 per cent more in this State to keep a person in prison than anywhere else in the country.

One of the reasons for that is a higher staff per prisoner ratio than anywhere else. Nowhere is that more evident than at Yatala Labour Prison. To put all this in context, tomorrow a meeting is scheduled between the Chief Executive Officer and 250 staff of Yatala Labour Prison. The purpose of that meeting is to discuss the recommendation of a working party, which involved prison officers at Yatala, to introduce a plan for the reduction of staff numbers by 31, which will still leave Yatala a heavily staffed institution even with doubling up occurring. The PSA told the CEO that, as far as it was concerned, there is always a good story in prisons, and that it would use the prison system as its beach head in industrial relations negotiations with the Government. The PSA indicated that it would, wherever it could, beat up a story in the prison system—and here today is an example of that.

My advice to the honourable member is that, instead of listening to the PSA, he read the Audit Commission report and assess the facts. I have already provided the honourable member with one briefing opportunity with my CEO, and I have indicated that those briefing opportunities will always be there. I think that is important in our democratic process of Government. I ask the honourable member whether he and his Party will join with this Government to bring down the costs of our prison system and not bow to this extraordinary abuse of the facts by the PSA and the extraordinary tactics it uses in its desperate attempt to stop reductions in the number of staff in the prison system. I, as Minister, am not and will not be subservient to the PSA as the previous Government was, particularly the member for Giles. My responsibility is to the taxpayers of South Australia and, whether or not the PSA likes it, the prison system in this State needs to and will be reformed.

## MULTIFUNCTION POLIS

**Mr ROSSI (Lee):** Will the Minister for Industry, Manufacturing, Small Business and Regional Development assure the House that concerns raised yesterday by the Federal Bureau of Industry and Economics about the MFP project are being addressed?

**The Hon. J.W. OLSEN:** The BIE report—

**The SPEAKER:** I call the member for Spence to order.

**The Hon. J.W. OLSEN:** As part of the arrangements for the initial funding of the MFP, after three years the BIE was to make an assessment and report. So, I want to put clearly on the public record that it was not a recent action; it was always going to occur after three years of operation of the multifunction polis. I think the BIE report is an accurate reflection of the first year or two of the MFP. It certainly supports the comments by the then Leader of the Opposition (now Premier) regarding the operation of the multifunction polis. That is why the South Australian Government upon election sought in negotiations with the Commonwealth Government—and they were productive discussions with that Government—to come to an arrangement concerning the refocusing of the MFP. That has subsequently been supported by the MFP board.

That refocusing of the MFP will get it back to some tangible projects that will demonstrate benefits that will be identifiable and visible in the wider community in the latter part of this year. Those projects involve information technology, and the Premier has already advised the House regarding IT, the centre for excellence, and the progress that has been made in that area. The environment clean-up and stormwater drainage projects will also continue under the auspices of the multifunction polis. These are important projects that will have the capacity for this State to sell that intellectual property to project management of various undertakings in South-East Asia. The Virginia pipeline is also supported by the South Australian Government. Some 50 million megalitres of sewage treatment water from Bolivar can be rediverted to the Northern Adelaide Plains for the development of horticulture, viticulture and floriculture, all potential export market projects.

In addition, the expansion of the core site at Gillman to take in Technology Park will enable an environmentally sustainable, friendly urban housing development with a light commercial/industrial intermix on that site. In other words, the original objectives of the MFP can and will now be met, with the support of the Federal Government, following its refocusing after the State election last year . The BIE report is an accurate reflection of the appalling marketing job undertaken by officers and some staff of the MFP. One of the original objectives was that 10 000 homes would be erected on the Gillman site by the end of 1996. That was never a realistic or an achievable objective, and we have refocused it. The BIE is an accurate reflection of the past not of the future.

## ELECTRICITY TRUST OF SOUTH AUSTRALIA

**Mr FOLEY (Hart):** Does the Minister for Infrastructure agree with the Audit Commission that ETSA's reliability standards are too high and, if so, what increased level of disruption to our electricity supply does he believe should be accepted by business and residential consumers during the process of reducing these standards? The Audit Commission in its review of asset management concluded:

> ETSA's reliability standards for its transmission and distribution system are high by Australian standards and may be over-engineered. These standards should be reviewed to assess the net economic costs and benefits.

**The Hon. J.W. OLSEN:** Clearly what the Audit Commission report has identified is that there is a requirement for substantial change in the operation of ETSA. One of the recommendations of the Audit Commission report, with which I concur and on which Cabinet is yet to make a determination, is the establishment of business units in generation, transmission, marketing and distribution to ensure that those business units are visible in their commercial operation, productivity and efficiency. Whilst it has been clearly identified that substantial productivity gains have been made by ETSA over the course of the past four or five years, the simple fact is that power generating facilities in other States of Australia have made similar, if not better, gains during that period.

If we are to meet the challenge as it involves the national grid system, as well as heed the statement by the Prime Minister to the Premiers at the COAG meeting—that is, that these Government trading enterprises must operate on a commercial basis—and if we are to keep power generating capacity in South Australia, we have to meet the challenge of competition from New South Wales and Victoria. That challenge has some natural disadvantages, including Leigh Creek coal, a low grade coal which has a cost component to it. We are subject to a monopoly railway line run by Australian National between Leigh Creek and Port Augusta that does nothing more than hold ETSA to ransome in terms of the cost of transmitting the ore body of the fuel source to the generating capacity at Port Augusta.

There are further natural disadvantages, such as the cost of the amount of power consumed in South Australia compared to the economies of scale that can be achieved in the other States of Australia. Those disadvantages are in the system, we cannot alter them, but what we can alter are the productivity and efficiency gains, the business units and the commercial footing to ensure that South Australia is a power generating State. ETSA's place in power generating and the continuation of employment of people in the power source in South Australia will require productivity and efficiency gains. If we do not achieve those gains, we will export those jobs out of South Australia to the Eastern States and, as far as I am concerned, that is not on.

## WATER SUPPLY

**Mr LEWIS (Ridley):** My question is directed to the Minister for Infrastructure. In view of the continuing dry spell, what is the current daily rate of use of water in the metropolitan area; if the dry weather continues, how many more days' supply do we have; and, in the event that there is a drought, will the Minister say whether the consumption requirements of the Adelaide metropolitan area can be met by the existing pumping capacity from the Murray River?

**The Hon. J.W. OLSEN:** I thank the honourable member for his question and the notice that he gave me earlier today so that I could obtain the information he requires. I note that he did not ask about the capacity of the reservoirs, which will not be contained in the answer I am about to give. The current daily rate water use in metropolitan Adelaide is approximately 500 megalitres.

If the dry weather continues, and assuming that there is no further pumping from the Murray River, at least one month's supply is available from our reservoirs. I am advised that the EWS Department will continue to pump water into the reservoirs to maintain at least one month's supply. In the event of a drought, the requirements of the Adelaide metropolitan area could be met by the current pumping capacity of the pipelines system from the Murray River, and the Engineering and Water Supply Department will, as the season continues and as it can make judgments as to water requirement, pump to meet the water needs of the metropolitan area. It has to be acknowledged that, in doing so, there is a significant cost in terms of pumping water to those reservoirs.

## WATER QUALITY

**Mrs GERAGHTY (Torrens):** Does the Minister for Infrastructure agree with the Audit Commission that the EWS should be restrained from improving drinking water quality standards in South Australia? If so, what does he believe are acceptable standards for drinking water in country areas which currently do not receive filtered water? In its report on asset management the Audit Commission concluded that the EWS has some old fixed assets, but most of this fixed asset stock is relatively new and built of high standards. Any improvement in the quality of drinking water must be

carefully monitored to ensure that it is balanced with the associated costs.

**The Hon. J.W. OLSEN:** First, I welcome the honourable member to the House. In response to the question, the Government and I have said publicly on a number of occasions that it is not good enough for areas such as the Barossa Valley or the Adelaide Hills not to have access to the same quality of filtered water as metropolitan residents of Adelaide. The simple fact—and the Audit Commission has highlighted this quite clearly—is that, given the capital resources of the Government, the debt servicing level and the need to contain the blow-out in projected budget forecast, there will be curtailment of the capital works program. The only way that we can meet the future legitimate needs of the residents of the Barossa Valley, country areas and the Adelaide Hills who do not have filtered water is to look at the 'BOO and BOOT' system; that is, build, own and operate, and build, own, operate and transfer. Under this system, the private sector builds the infrastructure, puts it in place and operates the infrastructure on the part of the Government.

If we can meet the needs and the community service obligations to make sure all South Australians are treated with fairness and equity in the provision of filtered water and the private sector is the way to do it, that certainly is the direction in which I would want the Engineering and Water Supply Department to go. This matter is subject to Cabinet determination, as are all the 336 recommendations of the Audit Commission report. The Cabinet has not given consideration to those, pending the three weeks in which interest groups and individuals in the community can put their point of view to the Government. I have asked the Engineering and Water Supply Department—and I did so well before the Audit Commission—to look at how we could bring the capital works program of the former Government that looked at filtered water for those regions in the year 2002 to a more realistic level in the course of the next three to four years.

So, the Engineering and Water Supply Department has been looking at private sector involvement in the provision of infrastructure for the supply of filtered water to those areas. However, those opportunities will have to be considered with a range of others, not the least of which is the provision of water for economic development, such as meeting the challenge of the wine industry with regard to the export market potential of our wines, which would mean the provision of infrastructure and water for the expansion of the vineyards to ensure that South Australia maintains its pre-eminent place in the wine industry in Australia. So, there are many competing interests. Certainly, from my point of view, the treatment of all South Australians with fairness and equity, whether they live in the city or the country, is an objective and a principle I would wish to pursue.

*Mr Atkinson interjecting:*

**The SPEAKER:** Order! The member for Spence.

## EUROPEAN CARP

**Mrs ROSENBERG (Kaurna):** Is the Minister for Primary Industries aware that European carp have invaded pond five in the wetlands on River Road near Noarlunga and that, if it rains this weekend, the fish could enter the Onkaparinga? Can the Minister detail what action is being taken to control this problem?

**The Hon. D.S. BAKER:** Yes, it has come to our attention in primary industries that there has been an infestation of European carp in the wetlands of the Onkaparinga River. It was brought to our attention by local environmentalists, anglers and the National Parks and Wildlife Service. As people would understand, European carp is a noxious fish, which has done tremendous damage to our rivers and lakes.

*Mr Atkinson interjecting:*

**The Hon. D.S. BAKER:** The Opposition carp, Mr Speaker, but I am talking about the European carp. However, what has been put in place is important, because we do not want anglers and other people who are interested in the environment to notice dead fish over this long weekend. A biodegradable product will be used to rid these ponds of European carp. It will be cleaned up in the next few days by not only the anglers but helpers who are volunteering their time. By early next week, we should have rid the area of European carp, and then the ponds will be restocked with native fish.

## SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

**Mr QUIRKE (Playford):** Will the Treasurer assure the House and financial markets that the Government will not draw on SAFA's capital reserves and reduce its capital base by $1.7 billion as recommended by the Audit Commission?

**The Hon. S.J. BAKER:** I do not know to what the honourable member is alluding when he raises that question. Obviously when we run a financial borrowing authority, it is important to look at a number of aspects. I will be very brief, because the member can certainly read the SAFA reports and the audit on those reports. We have to keep a balance between the two priorities: the first is the funding of Government, and the second is the financial flexibility of Government. Because of the prevailing interest rates and their volatility, it is important to keep liquid assets. The level of those liquid assets will increase because we have a financing requirement with the State Bank. If the member needs chapter and verse or a briefing on that matter, I will certainly make that available. In fact, there will be increased borrowings simply because of the need to change over the funding requirements for the new bank. As I said, if the member needs any detail, I am happy to provide it.

## RURAL DEBT

**Mr VENNING (Custance):** My question is directed to the Minister for Primary Industries. Has the Federal Treasurer, in framing the RAS allocations in the Federal budget, addressed the plight of South Australia's farmers who were identified as being in difficulty under the recent audit of rural debt?

**The Hon. D.S. BAKER:** The answer is 'No.' We were hoping for assistance, and we put quite strongly to the Federal Minister for Primary Industries and Energy an argument for exceptional circumstances funding to assist wool growers. However, quite obviously that was turned down. The reason that we put that in South Australia is that farmers in this State traditionally grow a broader quality of wool, in microns, than other states. So, when prices were very high, our farmers were not getting the quite extreme prices that growers of wool with a finer micron were getting.

It now turns out that anyone who wants to apply for an exceptional circumstances grant in the wool industry has to make their application by 31 May, because by 30 June assistance will no longer be available through the State Government. Once again, we have been turned down by the

Federal Government. Primary producers in South Australia, as shown by the debt audit just released, are in dire circumstances and, once again, no help is forthcoming from the Federal Government.

## PAP SMEARS

**The Hon. FRANK BLEVINS (Giles):** Will the Minister for Health state to the House the importance of women continuing to have pap smear tests? Further, will the Minister advise the House whether any medical practitioners involved in pap smear technology have indicated that they may be unable to continue practising in the field owing to the limitations that the technology involves and the possibility of being sued as a consequence of these limitations? All members would be aware of the recent tragic case interstate where cancer of the cervix was not diagnosed in a young woman until too late, even though the young woman had had a pap smear. Also, it has been publicly reported that some women are cancelling pap smear tests and that some medical practitioners are no longer prepared to operate in this field owing to the difficulties they may face because the test cannot with 100 per cent certainty determine whether malignant cells are present.

**The Hon. M.H. ARMITAGE:** I thank the member for Giles for what is a particularly important question, and I can state to the House the importance of having regular smear tests. However, without being coy, I do not believe I can overstate its importance. Having regular smear tests for women is, quite frankly, one of the best preventive health measures that we know. Everyone talks about preventive health on a regular basis, and by that they usually imply the expenditure of large amounts of money on programs with education, and so on. Obviously, education is an important element of this question, but if women had regular smear tests, if everyone exercised more regularly, if people did not smoke and if women examined their breasts regularly for cancers there would be a dramatic decrease in the number of easily preventable diseases.

The whole question of regular smear tests is one of the most important that we can address. I understand only too well the emotional content of a smear test for women. There are now a number of female general practitioners, there is the Family Planning Association, and so on, if women feel that they do not wish to go to a male general practitioner or gynaecologist for this test, although I know that many women routinely go to a male doctor. That is fine but, if there is any woman with a block about going to a male doctor, she should get over that by going to another source for a smear test. The question referred to a most unfortunate case recently in another State, which does point out that medicine is not infallible.

The question is often asked: is medicine an art or a science? Clearly, it is a blend of both, and what patients often do not understand is that art in many instances is a greater proportion of a consultation than they might believe. I note from some letters to the editor of the *Australian* in relation to this matter a couple of days ago that a cardiologist from Melbourne wrote in defence of clinical judgment, in other words, indicating that doctors get things wrong. It was a letter in defence of clinical judgment so that the public can understand and absorb this. He said that it would be tragic if defensive medicine results in a decline in the quality of medical care in Australia and an escalation of costs.

In the letter he indicates that the only certain medical diagnosis is discovered at autopsy, which reminds me of the old aphorism in health: physicians know everything and do nothing; surgeons know nothing and do everything; pathologists know everything and do everything but it is always one day too late. I do not know the clinical details of this particular case, so I will not comment, but I indicate to the member for Giles that I have not heard of any doctors who are leaving the field of the provision of smear test reading because of the latest events in another State. I sincerely hope they do not, and I will relay his concerns and those of other members of the House, I am sure, to bodies such as medical defence unions, the AMA and so on.

It is a fact that technology is imperfect. There are advances in technology, and there are different techniques. Obviously, I would recommend that all doctors undergo continual postgraduate medical education in those techniques, and so on. The simple fact of the matter is that, on present knowledge, the most efficacious way of detecting pre-cancerous cells in smears is to have a regular smear test and, no matter what the results of unusual circumstances in other States, I would recommend that all women have regular smear tests.

## CIVIL AVIATION COLLEGE

**Mr ASHENDEN (Wright):** My question is directed to the Minister for Industry, Manufacturing, Small Business and Regional Development. With the Civil Aviation College at Parafield now training pilots from airlines throughout the world, can the Minister report on any recent contracts that have brought new students to the college?

**The Hon. J.W. OLSEN:** I understand that a group comprising leading aviation representatives from Vietnam has been inspecting the aviation college at Parafield and Adelaide, and my understanding is that under an ADAB scheme a contract has been signed and an announcement is imminent in relation to the training of 64 cadet pilots from Vietnam Airlines. This is on top of the contract recently won, whereby Cathay Pacific transferred its pilot training facility from Scotland to Parafield, which makes the Adelaide aviation college the world's largest basic pilot training facility, which is a very significant coup for the city of Adelaide and the aviation college.

I understand that the college is now employing 110 South Australians in highly skilled, high technology jobs, contributing something like $15 million to gross State product annually. What the Government is attempting to do with the aviation college is move into the next field, of air traffic controllers. If we are able to establish that on top of the pilot training facility, we will have the capacity to generate some $45 million of gross State product on an annual basis. I would like to acknowledge the assistance of Federal Minister Bilney in relation to this contract.

There were some difficulties in the early stages of establishment of the contract. The matter was brought to my attention by the Adelaide aviation college. I took it up with the Federal Minister, who was most helpful in overcoming some of the difficulties that were identified in the early stages of the contract, to ensure that South Australia was the successful tenderer. It is just another example of a facility such as that going from strength to strength and generating good economic activity, and establishing an international reputation for this State.

## PUBLIC SECTOR APPRENTICES

**The Hon. M.D. RANN (Deputy Leader of the Opposition):** Given the decision to reduce employee numbers in SACON, will the Minister for Employment, Training and Further Education inform the House how much capacity to train apprentices through group training schemes and public utilities will be lost, and will the Minister commit the Government, as the State's largest employer, at least to maintaining the apprentice intake at last year's level?

**The Hon. R.B. SUCH:** I am disappointed that the honourable member did not ask a question about the employment in South Australia that was created last month.

*Members interjecting:*

**The SPEAKER:** Order! I do not think the Minister needs the assistance he is getting.

**The Hon. R.B. SUCH:** I was bitterly disappointed that the Leader of the Opposition must have had a lapse of memory, because he forgot to ask his regular question relating to employment. In April 2 700 more jobs were created in South Australia, approximately half being full time and the rest, obviously, part time. The unemployment rate fell to 10.2 per cent. Whilst we still have a long way to go, it is a very encouraging sign. I would like to make the Deputy Leader feel at ease and relaxed in knowing that we have a Government in power that is competent and doing something to create jobs.

**Mr QUIRKE:** I rise on a point of order, Mr Speaker. This is making an absolute mockery—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr QUIRKE:** The Minister was asked one question and he is seeking to answer another. Can you advise him about ministerial statements?

**The SPEAKER:** The manner in which Ministers answer questions is entirely up to them.

**The Hon. R.B. SUCH:** Methinks it is a bit close to the bone. Members opposite are clearly sensitive about anything to do with employment or unemployment. In fact, they should change their name, because it is a misnomer.

**Mr Ashenden:** They didn't use it in the last by-election, did they?

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

*Members interjecting:*

**The SPEAKER:** Order! The member for Wright and other members who are interjecting will cease immediately or they will be warned.

**The Hon. R.B. SUCH:** To set the scene, we have some positive news for the month of April. In relation to apprenticeships and traineeships, as I have indicated to this House before, we have had some very positive indications and we have had a significant increase in recent months in the number of apprentices and trainees being offered positions in South Australia. That number has increased in the group training area as well as in the individual employer area.

I can indicate to the Deputy Leader that this Government is strongly committed to training. Following the white paper and as a result of our own initiatives, we will boost the employment of apprentices and trainees throughout the South Australian economy. We are looking forward to even brighter figures to be announced in the very near future.

## SCHOOL CLOSURES

**Mrs HALL (Coles):** Will the Minister representing the Minister for Education and Children's Services indicate whether it is the intention of the Government, as a result of the Commission of Audit, to close down secondary schools during terms 3 or 4, thus disadvantaging, in particular, year 11 and 12 students at the most important time of the year?

I have been contacted by a number of constituents who have been most concerned at claims being made by some SAIT members that the Government has decided to close down some secondary schools during terms 3 or 4 this year, thus placing enormous distress and strain on students currently studying for SACE.

**The Hon. R.B. SUCH:** This is a very important question. It is sad that the Institute of Teachers has been engaging in a campaign of mischief making, which is designed to cause concern amongst children and parents. It is most unfortunate that the institute and its allies, who sit directly opposite, have been engaging in such a campaign. They should be ashamed of themselves, because the ones who will lose if their actions are fulfilled will be the school children of this State. It is a disgrace that SAIT and its allies are working towards undermining the education system in this State.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. R.B. SUCH:** This Government is committed to quality education and I can assure the honourable member that the Government has made no decisions—

*Mr Leggett interjecting:*

**The SPEAKER:** Order! Public displays are not permitted in the Chamber.

**The Hon. R.B. SUCH:**—regarding the closure of schools. As members would be well aware, the Government will consider the report of the Commission of Audit in due course. However, if any schools were to be closed—and I stress 'if'—

*Members interjecting:*

**The Hon. R.B. SUCH:** If—it would be done in an appropriate manner that would consider the best interests of children and parents.

**An honourable member:** What would you have done?

**The Hon. R.B. SUCH:** I remind all members of this House that the Labor Party, when in government, closed 70 schools.

**An honourable member:** How many was that, again?

**The Hon. R.B. SUCH:** It closed 70 schools. Just prior to the election it had on its plate the intention to close more, but it kept that quiet. The former Government had one scheduled for closure in the north and one in the South-East: it kept that very quiet. When people raise questions about possible school closures, they should focus, first, on the bad record of the previous Administration. I notice that the new member for Torrens has indicated in her local newspaper that she will be fighting to save schools. Where was the honourable member during the reign of the previous Administration? Her colleagues closed 70 schools. On a *pro rata* basis, it was a very significant cut in educational facilities in this State. We are committed to quality education and we will always act in the best interests of school children and their parents.

## BUILDING MAINTENANCE DEPARTMENT

**The Hon. M.D. RANN (Deputy Leader of the Opposition):** I again direct my question to the Minister for Employ-

ment, Training and Further Education. How many training places arising out of the Commonwealth Government's jobs paper will the State Government as an employer be taking up and at what cost to the State Government? Given the decision to reduce employee numbers in SACON, can the Minister now inform the House how much capacity to train apprentices through group training schemes and through public utilities will be lost, and will the Minister commit the Government, as the State's largest employer to at least maintaining the level of apprentice intake at last year's level?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** The Commonwealth's white paper identified over $1 billion in outlays for employment and training initiatives, out of which South Australia could reasonably expect to receive about $100 million and attract over 100 000 places over the next four or five years. Can he please explain this question and answer it clearly?

*Members interjecting:*

**The SPEAKER:** Order! The Deputy Leader of the Opposition was given more than a fair go in asking the question.

**The Hon. DEAN BROWN:** There is a very simple reason why I should answer that question. Just yesterday afternoon I had the Commissioner for Public Employment in my office and he specifically put up a request to me to take on exactly the same number of trainees this year as last year. I authorised him to go out and advertise for exactly the same number.

*Members interjecting:*

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

*Members interjecting:*

**The SPEAKER:** Order! I warn the Deputy Leader of the Opposition.

**The Hon. DEAN BROWN:** The Deputy Leader of the Opposition sits there with egg on his face because of the manner in which he has raised this issue. It clearly shows that the new Government is committed and, in fact, going out and training more people in South Australia. I can go further than that and point out that since the release of the jobs package last week, just one week ago, we are already putting in place a substantial scheme to take on the maximum number of employees possible.

*The Hon. M.D. Rann interjecting:*

**The Hon. DEAN BROWN:** The Minister's department is involved, as is the Department of the Premier and Cabinet, in ensuring that we maximise the number of training positions. I have written to the Prime Minister specifically seeking the cooperation of the Federal Government also in taking on these additional employees.

*Members interjecting:*

**The Hon. DEAN BROWN:** I know about it, because I signed the letter.

*Members interjecting:*

**The SPEAKER:** Order! I suggest to the Deputy Leader that he is going very close to defying the Chair. He would be fully aware, after what has occurred already this week, what happens when members defy the Chair. If he continues, the same result will take place.

**The Hon. DEAN BROWN:** The Liberal Government is committed to the—

*Mr Atkinson interjecting:*

**The SPEAKER:** Order! The honourable member will withdraw that comment or I will name him. The honourable member clearly reflected upon the Chair.

*Members interjecting:*

**The SPEAKER:** Does the honourable member intend to withdraw?

**Mr ATKINSON:** Yes, Sir, I intend to withdraw.

**The SPEAKER:** The honourable member wants to ensure that in responding to the Chair he does so with good grace.

**The Hon. DEAN BROWN:** I am amused about the manner in which the former Government had so little regard for the training of young people in South Australia. In fact, this Government has gone out harder than previous Governments in making sure that we take on additional apprentices. If you look at the track record for the five months that we have been in government, you will see that substantial increases in the number of apprentices in South Australia have taken place, as they did under the former Liberal Government, which introduced a whole new system of industrial and commercial training in South Australia. This new system was then adopted as the Australian model.

## RABBITS

**Mr KERIN (Frome):** Will the Minister for the Environment and Natural Resources advise whether the control of rabbits is being addressed by ANZEC—

*Members interjecting:*

**The SPEAKER:** Order! I suggest that the honourable member continue asking his question.

**Mr KERIN:** —because of the severe impact that rabbits have on land degradation and native fauna and flora in South Australia?

**The Hon. D.C. WOTTON:** I can understand the honourable member's confusion when he his talking about rabbits, particularly when he his looking at some of the people on that side of the House—and I am not talking about my colleagues.

**The SPEAKER:** Order! I suggest to the Minister that he not reflect on members but proceed to answer the question.

**The Hon. D.C. WOTTON:** I am well aware of the concern of the honourable member's constituents as to this matter. I have received a considerable amount of representation to determine just what is happening about the control of rabbits in South Australia. There is no doubt that the best action that can occur, to protect the environment for both economic and nature conservation reasons, is our looking very seriously at rabbit control in this State. I am pleased to be able to advise the House that the recent meeting of Environment Ministers endorsed arrangements for a $1 million research program to assess rabbit haemorrhagic disease (RHD as it is referred to) as a biological control agent for rabbits in Australia.

The council agreed that research on RHD had reached the stage where an island experiment under quarantine conditions was needed further to assess the virus. This is a very important step, and this research will be undertaken by the CSIRO. I do not need to remind members that rabbits in Australia cost rural industry between $90 million and $100 million per year, have a severe impact on land degradation, and damage native flora and fauna. RHD shows considerable promise for use as a biological control agent on rabbits. They die rapidly and apparently painlessly, and vaccines are available to prevent deaths in commercial rabbit farms.

The South Australian Government has given its full support to the project and has, through ANZEC (the meeting of Environment Ministers), agreed to contribute $18 000 per annum to the project over the next three years. I see this as

being a very important project, as I said earlier, for both economic and conservation reasons in South Australia.

## EUROPEAN WASPS

**Ms STEVENS (Elizabeth):** My question is directed to the Minister for Housing, Urban Development and Local Government Relations. What progress has been made in determining a joint strategy with local government, possibly including the Federal Government, to combat the spread of European wasps in South Australia? Concern continues to grow in relation to the extent of this problem in the Elizabeth and other areas. Local council officers report a range of problems, including the extent of the infestation and the lack of resources to deal with it. There is a lack of coordination inherent when a situation like this is handled on an individual basis by local authorities.

*An honourable member interjecting:*

**The Hon. J.K.G. OSWALD:** I refer the member for Elizabeth to *Hansard*, as the honourable member says, because this question has been asked before. However, I am very happy to add additional information for the benefit of members. Tomorrow, I think at 11 a.m., I will be conducting the media launch of a pamphlet which has been co-produced by officers in my department, the Department of Primary Industries and other agencies, including the LGA. This information pamphlet will set down public education principles and outline what people have to be cautious about. It will be distributed, I think initially, through some 20 000 letter boxes, and local government will cooperate in the distribution of that material.

I do not want to pre-empt the media launch tomorrow, because a lot more information will come out then, but I compliment the officers of all the agencies for the speed with which they gathered information and put together that publication. It has to be borne in mind that we will never be able to eradicate the European wasp, as was pointed out in reply to a previous question. It is in infestation proportions across the border in New South Wales and Victoria, and it can fly across. We may implement an eradication program such as that with fruit fly, but the problem with European wasp is that we cannot undertake a total eradication. I think that members will find, when that publication becomes available tomorrow and is distributed, that it will give householders an opportunity to be more aware of the problems associated with the European wasp and what they can do as individuals when they come across a nest. It will also give some guide with regard to reporting to local government to have something done about it.

## STATE BUDGETS

**Mr BECKER (Peake):** I direct my question to the Treasurer. Will the State Government bring down budgets before 30 June for the preceding financial year and, if not, why? For many years I have suggested that budgets should be brought down before the commencement of the next financial year to avoid the mad scramble to spend taxpayers' money in the last six months of that financial year instead of a steady spread of funds throughout the whole of the year. In view of the much earlier introduction of the Federal budget, is a similarly early State budget possible and, if not, why not?

**The Hon. S.J. BAKER:** I thank the member for Peake for his question. Yes, the honourable member has been an advocate of an early budget basically for the reasons outlined to the House in the question. We know that there is a tendency to spend up at the end of a financial year. There is also the question of how a business organises itself if it does not know what it finances are at the beginning of a particular financial year, and that has been a serious deficiency. I have raised this issue, and we said in our policy speech that, if we could convince the Federal Government to bring back its budget prior to the end of June, we would bring our budget back in line with that. We now have a May Federal budget. We will be having a June State budget next year.

## ATTENTION DEFICIT DISORDER

**Ms HURLEY (Napier):** Can the Minister for Health advise whether adults in South Australia will be given access to the medication that is available for the treatment of attention deficit disorder? Attention deficit disorder is now a well acknowledged medical condition in children. After rigorous assessment, children may be prescribed dexamphetamine-based drugs such as ritalin. However, on reaching 18 years of age, such medication becomes illegal. It is becoming increasingly recognised that attention deficit disorder symptoms can carry on into adult life.

**The Hon. M.H. ARMITAGE:** I will look into the question. However, I should say a couple of very important things. Ritalin and other such drugs are, despite the importance of their treatment for attention deficit disorder (ADD), illegal drugs—it is as simple as that. They are part of the illegal drug culture. Clearly, we would not want to be doing anything that would make it easier for that culture to thrive in South Australia. Accordingly, I do not wish to be involved in anything that might do that. Equally, if the clinical cause is such that older people, once they pass the age of 18 years, would benefit from these treatment modalities, I do not want them to suffer, either. I will look into it and, hopefully, come back with a reasoned position that answers all those dilemmas.

## ALDINGA POLICE STATION

**Mrs ROSENBERG (Kaurna):** Will the Minister for Emergency Services place on record the current situation with the opening of the Aldinga police station?

**The Hon. W.A. MATTHEW:** I am very pleased to place that matter on record and, in so doing, acknowledge the appropriateness of that question being directed to me by the member for Kaurna. Members in this House would be well aware of the efforts by the member for Kaurna when, as candidate, she insisted that there was a need for a police station facility in the Aldinga area. The honourable member represented her views publicly on numerous occasions and has, since the election, represented the views of her constituents on the need for that facility. I am pleased to advise the House that work is presently under way on a police station facility in the Aldinga shopping centre which will be opened before the end of May.

The facility that will be opened at that time is stage 1 of three stages in opening a facility to serve the long term needs of the Aldinga area. The first stage of the facility to be opened will involve a three police member plus one relief member staffing, providing a day and afternoon policing service to Aldinga seven days a week between the hours of 7 a.m. and 11.30 p.m. Coverage outside this period will revert to the Christies Beach nightshift patrol. This arrangement will be under constant review to determine when stage 2 of the

facility will commence. That will be a permanent two person, 24-hour mobile patrol station operating in conjunction with the shop station facility.

Ultimately, police acknowledge that there will be a need for stage 3—the establishment of a fully operational patrol base to serve Aldinga and surrounding districts. The need to open that ultimate facility, once again, will be constantly monitored and the police station will operate in the area at any given time as determined to be necessary to serve the crime prevention and response needs of the Aldinga area. I look forward to the opening of that facility. The opening will be undertaken by the Premier and will be the implementation of yet another election commitment by this Government.

## PORT AUGUSTA HOSPITAL

**Mr ATKINSON (Spence):** Will the Minister for Health advise whether funding for the redevelopment of Port Augusta Hospital is included in the Health Commission's forward capital works program and, if it is not now desirable to commit the Government to a publicly funded redevelopment of Port Augusta Hospital, as the Minister says, when will it be desirable? In a letter to Mr Clive Kitchin, the Chairman of the Board of the Port Augusta Hospital, the Minister stated:

> It is not desirable at present to commit the Government to a fully publicly funded redevelopment of Port Augusta Hospital at a cost in excess of $22 million without exploring all available options.

He went on to say:

> I propose to investigate the feasibility of a fully private hospital development on a greenfields site with this hospital providing public services through a contractual arrangement with the Government.

Mr Kitchin replied to the Minister on 26 April as follows:

> I was surprised that the approach outlined in your letter had been determined without formal consultation with the board. In addition, the role of the board of directors in investigating the feasibility of a fully private hospital development is unclear from your letter.

In a letter of 29 April the same gentleman stated:

> As you will no doubt appreciate, I was greatly surprised at receiving your letter regarding the establishment of a fully private hospital in Port Augusta.

**The Hon. M.H. ARMITAGE:** I do not know whether I can add a great deal to what I said yesterday, but I intend to. Obviously the member for Spence did not listen yesterday. So that we can clarify it again, I point out that, given that the honourable member's Party was in power when the forward budget estimates were put together, given that the budget papers have been produced and we have all analysed them, and given that he was one of the three members of the Labor Party on the Health Estimates Committee, I would have thought that the honourable member would know that the answer to that question was indeed 'Yes', because it was there.

I am really quite surprised. It just indicates that in that important budget estimates debate one of the three members from the Labor Party who was there to question the budget estimates clearly had not even read the papers, but it is identified quite categorically in them. The budget document contained a component to stage a part of the $22 million or so redevelopment over a number of years. That was the commitment; that was the first phase. Indeed, given what we found about a week and a half ago, namely, that we are $10 billion worse off than we thought we were, I would have thought that indeed it was not desirable to commit $22 million of public funds to that if we can get the same hospital producing the same services immediately rather than over a four or five year program with private funds.

So, we are indeed intending to address the matter via a feasibility study with the private hospital and the public services provided through that hospital—no different from what the Labor Party wanted to do in the Mount Gambier situation. I am very interested to hear that Mr Kitchin would say that this did not occur with any consultation, because it was at a meeting of the board at which the Speaker was present that this was first mooted.

## WESTERN SUBURBS INDUSTRY

**Mr ROSSI (Lee):** Will the Premier explain to the House how South Australia and the member for Lee managed to woo business to the area of Royal Park and Hendon when over the past 14 years business and industry have been moving away under a Labor member and Labor Government? Will the Premier also explain his presence at Glenn Industries?

**The Hon. DEAN BROWN:** The member for Lee is a great supporter of securing new industries for the western suburbs. We saw the positive benefits of having the new member for Lee down there working hard with industry, not only to get new industry there but also to help expand some of the existing industries.

*Members interjecting:*

**The Hon. DEAN BROWN:** After the exodus of industry and the loss of jobs in the western suburbs of Adelaide under the former Labor Government, when we lost 22 000 manufacturing jobs in just 2½ years, it must be a pleasant change for the western suburbs to have new Liberal members there, including the member for Lee.

I had the opportunity last Thursday morning to go to Royal Park and formally launch Sunripe Industries. Sunripe Industries is a new company that has relocated from Victoria into South Australia and is currently employing 12 people directly and another five indirectly. It takes South Australian fruit, in particular apricots and other stone fruits, pulps them and produces little squares that kids love to take to school as fruit bars.

*The Hon. D.S. Baker interjecting:*

**The Hon. DEAN BROWN:** Apparently the Minister for Primary Industries takes one to bed as well. I know that my five year old daughter thinks these types of fruit bar are great and she likes to have one in her lunch box each day. That sort of industry is adding value to our primary produce which has been so long neglected in South Australia. Here is an industry directly and indirectly employing 17 people. More importantly, it is one that we have secured from Victoria. It is no wonder the Victorian Government is sensitive on these matters. We seem to have had a number of successes with these industries.

Another industry I refer to is Glenn Industries, which produces superb fibreglass concrete products. It is the best manufacturer of such products in Australia, but very importantly here is a South Australian company now starting to export a significant amount of its production into South-East Asia. Here in Adelaide we are producing the very intricate moulds to be used on building restorations in countries like China and Malaysia. I was delighted that the honourable member should get me involved in Glenn Industries because I will now be able to help that company provide products and establish a marketing arrangement in Malaysia when visiting Malaysia in a few weeks time. Members should be using the

member for Lee as a model, because the companies in his electorate are very appreciative of how hard he works on their behalf.

## ELECTRICITY TRUST OF SOUTH AUSTRALIA

**The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development):** I seek leave to make a brief ministerial statement.

Leave granted.

**The Hon. J.W. OLSEN:** Last week I was advised of irregularities in relation to claims made and paid to an employee of the Electricity Trust of South Australia. Today I have been advised of further information identified by the internal auditors in relation to another person. The matter has been referred to the police for assessment and investigation. Any substantive evidence will be assessed by them and in the interests of natural justice I hope that the matter will be left at that until those investigations are complete.

## PAPER TABLED

The following paper was laid on the table:

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

Ministerial statement by the Attorney-General and Minister for Consumer Affairs on the Review of Consumer Legislation.

## GRIEVANCE DEBATE

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

**Ms STEVENS (Elizabeth):** There is no doubt that the recommendations of the Audit Commission represent the most far reaching assault on education that this State has ever seen. There are a range of issues of concern but the one I want to address today relates to statements about maximising student enrolments to save money. It is a basic right of all citizens of our society to have access to education: the best possible education we can provide. No-one argues with the fact—

**The SPEAKER:** Order! There is too much conversation in the Chamber. The member for Elizabeth has the call.

**Ms STEVENS:** Thank you, Mr Speaker. No-one argues with the fact that the provision of an effective and efficient public education system is the role of the Government. Governments from way back have established schools to meet the needs, as they saw them, of communities. Many schools were built in the period after the Second World War to cope with the large numbers of children resulting from the baby boom. In the 1960s schools were large. I attended Marion High School at that time and it had nearly 2 000 students. Other secondary schools were built nearby to take some of that large number and cope with that huge demand. The same thing happened north of the city where five large secondary schools were operating in the Elizabeth area.

It was during that time that the concept of the neighbourhood school developed and it has remained. That concept is with us now and it means schools being situated relatively close to students, schools being part of the community, parent involvement occurring, community use of school facilities occurring, as well as the implementation of programs such as School Watch and learning assisted programs that involve parents. Schools were actually a part of the community where they were located. It is a very strong, good culture and it is very much there in the mind of the communities.

There are demographic changes. Community populations change and the number of students change. The number of students has in fact dropped in various areas of the State. At the same time new areas of population growth have been opening up. When numbers drop, a point comes when this can cause a very negative effect on student learning and the provision of the best education services. This becomes a considerable problem for any Government: considering the resources, the community links established and the presence of schools in neighbourhood areas. It is a problem in forward planning, working out how to effectively target where students will be in the future. It is a problem in how best to deal with a number of factors: declining populations in some schools, new population growth in other areas and the best education provision for students and, above all, making the best use of the money available to get the best results.

It is a complex situation and needs to be handled carefully. The previous Government was faced with this situation many times over the past seven or eight years. Demographics have changed. The total number of students in the system has decreased. First term enrolments in South Australian Government schools in 1982 were 207 448.5 full time equivalents. In 1993 it was 184 056. In this time some schools closed and other schools opened. From 1986 to 1993, 34 schools opened and 68 closed. What was important was the process and the basis on which decisions were made about where schools would be.

Education is a people business. We are talking about the lives of children and families. We need to make decisions not only on dollars and cents and what will save money but what is in the best educational interests of children. During the last Government's time in office there were school closures but they occurred only after a long consultative process involving all members of the school community. They also occurred only after a careful, planned implementation phase, which usually took 1½ to two years to occur. It is important to do this properly, because the success of a school depends very heavily on the commitment and goodwill of its community. This week the Minister for Education and Children's Services stated that the Government would not be closing all schools with numbers fewer than 300 but that the Government will continue the process of rationalisation established by the previous Government. That being the case, we expect that he will continue the process that involves all school communities in making those decisions.

**Mr LEGGETT (Hanson):** Yesterday in my grievance speech I discussed the basic decay of our society, particularly the disintegration of the family. I began quoting from an article called, 'Where did our conscience go?' by Charles Colson. Mr Colson in fact said we are witnessing the most terrifying thing that could happen to a society: the death of conscience. We can ask ourselves: where does conscience come from and how do you cultivate it? For centuries we have understood the answer to be in the families. It has been mothers and fathers who have taught the basic rules of civil behaviour. Aristotle said:

Virtue consists of not merely knowing what is right but also having the will to do what is right, and the will is trained by practice, by choosing to do right repeatedly until it becomes a habit.

In Aristotle's words we become just by the practice of just actions. That is why what is happening to the family today is so very dangerous. Adults are spending 40 per cent less time with their kids than their parents spent with them. Historian Will Durant said:

> No civilised society has ever been able to survive in human history that did not have a strong moral code.

Where does this lead us? Apologist Ravi Zacharias was speaking at Princeton recently, and a student asked him, 'Dr Zacharias, I understand from my professors that historically every culture has determined its own value system. Why shouldn't we as individuals determine our own value system? Zacharias replied, 'You certainly can. Throughout history some cultures have believed that neighbours should love one another; other cultures have believed that neighbours should eat one another. Which one do you prefer?' Ludicrous as it may sound, that is precisely the position that we are in today.

Where will this lead us? Go back to the history books and you will discover that every time moral values are broken down in society chaos prevails. Already in many large cities a significant percentage of our adult population is in gaol, has been involved with the law, is on probation or is on parole. When fear begins to become pervasive someone will come along and say, 'I'll bring you to order'—that is exactly what happened with Hitler in Germany during the Second World War. I am saying that, unless we do something specific to halt this hedonistic path, we will be unable to control the outbreaks of rebellion that will ultimately occur. Social breakdown coupled with the financial bankruptcy of this State will create a climate where lawlessness will become unmanageable.

In my electorate of Hanson I have received comments from many constituents who desperately want to see stability in our society. They are desperate for it. I believe that whatever steps the Government takes it will have the total support of the public and certainly the people of Hanson. Instead of highlighting the gloom and doom, it would be encouraging to see the media participate in a campaign to change our society. We already have a series of positive advertisements concerning Life Be In It, road safety and positive input into the environment (for example, KESAB). I am sure that we could produce positive outstanding commercials and documentaries on nurturing the family, looking specifically at the role of fathers, mothers and children; on encouraging women to be mothers at home, if that is what they specifically want; and positive electronic media input toward encouraging women in their work orientated giftings, if that is their desire.

We must encourage attitudes of tolerance and flexibility. The best avenue in which to communicate these qualities is obviously through the electronic media. We need to see change; we must see change; and we must have change. Not long ago, as I said yesterday, the motive for crime was greed, anger or passion. Today, rather sadly—and this is horrifying—it is now done for fun and sport.

**Mr CLARKE (Ross Smith):** My grievance relates to an answer to a question posed to the Minister for Industrial Relations by the member for Giles yesterday concerning SACON. The member for Giles asked a specific question of the Minister, as follows:

> Will the Minister for Industrial Relations confirm that all employees of SACON who do not accept a TSP [targeted separation package] will continue to be permanent employees within the Public Service? In SACON's newsletter, issued yesterday, appeared the following paragraph:
>
> > It is important staff consider the option of a separation package seriously as present conditions are not guaranteed after 15 July 1994.

The Minister did not answer the question which the member for Giles posed to him, which was whether employees of SACON who choose not to accept a targeted separation package will still continue in permanent employment within the Public Service. The Minister gave a waffly answer as far as he could on that matter, but the real point of the member for Giles' question, which was only too clear, was that a large number of employees of SACON would choose not to take a targeted separation package. The Minister did not say whether or not they will remain as permanent public servants beyond the date of conclusion of the separation package offers.

At the same time, the Government is making great play of the reduction in the unemployment rate in South Australia. The figures which came out I think only today or yesterday show a drop in the unemployment rate from 11.3 per cent to 10.2 per cent in April this year. That reduction is obviously welcome—any improvement in the unemployment position is welcome—but at the same time as the Government is trying to generate employment, so it says, it is actively seeking to cast off literally thousands of employees in the State public sector. Those persons will ultimately fall back on the unemployment heap, and that will be reflected in the level of unemployment.

The Audit Commission report has been treated interestingly by the Government. When it suits the Premier's purpose or that of any other member of the Government it is treated as holy writ; yet, in the lead-up to the Torrens by-election when specific questions were asked of the Government (in particular, the Premier) concerning market rental rates for Housing Trust homes, the closure of schools and the like, suddenly the Premier or his Ministers would get up and say that they were merely recommendations and that they were not conclusive as to what the Government's final opinion would be. Indeed, they tried to distance themselves from the Audit Commission's recommendations.

Yet, when those same recommendations attack sections of the former Labor Government and the alleged so-called black hole of a $10 billion debt, the Premier embraces them with all the fervour of it being holy writ, and propounds strongly that that confirms all their economic projections for the future.

**Mr Brindal:** Are you serious?

**Mr CLARKE:** Absolutely. I am glad to see that the member for Unley is in the Chamber. I regret the fact that he got rolled in his own Party room over the position of Chairman of the Public Works Committee which he thoroughly deserved. It is unfortunate that his own colleagues do not recognise his worth as much as we do. It is that type of duplicity with respect to the Audit Commission report, which is one of the reasons why we won the Torrens by-election. Indeed, it is very pleasant to have the new Labor member for Torrens sitting in this Chamber whilst we debate aspects of the Audit Commission report. Since Saturday an all pervading stench has been flowing through this House of the decaying political carcasses of members opposite as they hang from trees by piano wire, yet no-one in their own Party has had the decency to cut them down. In three years and seven months we will have great pleasure in doing just that.

We look forward to our return to the Treasury benches—unfortunately, Sir, no doubt at your own expense.

**Mr VENNING (Custance):** Today I wish to speak of a grave concern, and that is the Minister's review of the commitment given by the previous Minister for Primary Industries to the Clare District Council that the executive headquarters of the Field Crops Group would be established at Clare. On country radio this morning it was alleged that the Minister recently made a decision on this matter. During Question Time today I was going to ask the Minister to confirm the radio story and, if he could not do that, whether he would advise the House on the current status of this review. That question did not get up today, but the Minister has furnished me with an answer. I am not exactly pleased with the answer, but I accept it for what it is. The Minister states:

> It is true that I am reviewing the commitment given by the then Minister for Primary Industries (Terry Groom) to the Clare council, and I refer the House to the answer I gave to a similar question raised by the shadow Minister in the other place on 10 May. I am considering a range of options for the future location of the field crops executive, which include purpose built accommodation proposed by the council, the vacant hospital at Blyth, renting additional space at Clare or extending the department's existing facilities, but no decision has been made at this time.
>
> In all cases, significant costs are involved and, given the outcomes of the Audit Commission report, any expenditure has to be justified on a cost benefit and business basis. Money spent on accommodation competes directly with requirements to provide agronomy and other extension services in the field, a matter which must receive the highest priority. Before finalising this issue, I intend to explore options with my colleagues for other opportunities in the region.

I am concerned, because I have been involved with this matter from the start with the previous Minister (Hon. Terry Groom). I fully support and congratulate the Clare District Council, particularly the Mayor Bob Phillips and the CEO Ian Burfitt, for their professional approach to this matter. Originally when it became known that the previous Minister—and I pay him every compliment—was moving various sections of the department out of Adelaide and into the regions, it was decided that the Field Crop Centre would leave Adelaide. Very quickly, I got off the mark and I assessed that the place for it would be Clare. I contacted the Clare District Council, and the Minister was summonsed. A proposition was put to him—a very good proposition—and Mr Groom wisely accepted it, after much deliberation and very professional checking.

The only thing that happened was that the council was advised, after much deliberation with the then CEO (Mr Ray Dundon), to proceed with preparing drawings of the building. The council already owned the land; a purpose-built building was designed for the job; and council proceeded. However, the problem is that we had an election and things changed. I am very concerned that the previous commitment and expectation is now in some doubt. I will be doing all in my power to make sure that this project comes about, because I am sure in my own mind it is the correct way to go. All the options highlighted by the Minister would cost as much money and would not be effective or purpose-built, and I have grave concerns about it. I would like to congratulate previous Minister Groom and the Clare community. I only hope that I am successful.

In my remaining time, I refer to another great concern of mine, that is, the weather. This is the last day of the first session of the forty-eighth Parliament. I am very concerned that, as this the third week in May, we have not had an opening rain and, worse than that, we have not had any preliminary rains. The farmers have had no time to prepare ground, and basically zero preparation has been done. I only hope that, by the time we come back in August, we have had a break—and hopefully it will be this weekend—so that farmers can get out there and begin their grain farming preparations. Also the feed will grow because farmers are feeding their stock at a very high level with expensive feeds. The dust is concerning, and the water reserves are very low in the rainwater tanks.

I hope all members will share my concern and give some thought to the farmers who are looking at the skies very longingly, because if it does not rain within two or three weeks we will have a serious problem. I hope members have a pleasant break, but hopefully they will watch the skies and help us get the rain.

**Mr QUIRKE (Playford):** Last week, during the debate on the Statutes Amendment (Truth in Sentencing) Bill, the member for Colton made a remarkable allegation. He said that Adelaide developer Gerry Karidis was a long time member of the Australian Labor Party who had donated funds at the request of the Labor Party to Independent Liberal candidate for Colton, Mr Bob Randall. He even accused the member for Spence of arranging the donation. The member for Colton said:

> You went to a well known Greek who has supported the Labor Party for a long time and got him to donate funds to the Independent Liberal who was running against me. So don't you talk, because I know who you are.

The member for Colton went on:

> He got Gerry Karidis—he knows. He knows who he got. . . Gerry Karidis—

just to make sure everyone knew—

> a long-time member and supporter of the Labor Party. I am not afraid to name them, even if they are in my own community.

Speaking of Mr Karidis, the member for Colton continued:

> If you wear the Labor badge, wear it properly: do not muck around with it at all.

I have consulted the records of the Australian Labor Party at head office and it is apparent that Mr Gerry Karidis is not and never has been a member of the Australian Labor Party. However, some members of his family are members of a political Party but not the one represented on this side of politics.

A couple of letters have just managed to come into my possession, and I would like to read them into the record. The first is addressed to the Premier, and it states:

> Dear Mr Brown,
>
> I have been a loyal and active member of the Liberal Party for some years. I have assisted in fund raising for State and Federal election campaigns. I worked very hard in the seat of Colton to ensure that Steve Condous was elected at the last State election in December of 1993.
>
> I was astounded to find out however, that one of your parliamentary representatives, Mr Condous, named and attacked my brother-in-law, Gerry Karidis, under the protection of parliamentary privilege on 4 May 1994.
>
> I consider Mr Condous' attack on my brother-in-law to be completely unnecessary. An attack of this kind under parliamentary privilege by a member of our Party is a peculiar way to repay all the loyalty and support I have shown to the Liberal Party and Mr Condous in particular. I therefore intend to resign from the Liberal Party.
>
> Whatever Mr Condous might think of my brother-in-law, he should have had enough respect for me not to drag my family into

the public domain in the way that he has. I will make sure that other members of the Liberal Party are made aware of the way in which Mr Condous has rewarded me as one of his supporters.

Yours faithfully, Melinda Karidis

Another letter states:

Dear Mr Brown,

I am a member of the Liberal Party who was persuaded to join by Mr Steve Condous. I have supported the Liberal Party actively and assisted with fund raising. I was totally shocked to discover that Mr Condous, a person whom I had previously considered to be a friend of mine, had attacked and publicly named by brother, Gerry Karidis, under the cover of parliamentary privilege in the House of Assembly on 4 May 1994.

I am disgusted by Mr Condous' actions in attacking my family in this way. I do not wish to have anything further to do with a Party that permits its members to behave in the way that you have permitted Mr Condous to behave. This is particularly offensive to me as I have supported Mr Condous—

**Mr BRINDAL:** I rise on a point of order, Mr Acting Speaker. I am most concerned: the honourable member appears to be reading from letters which are quite plainly not addressed to him, and I am very worried he might have come by them illegally.

**The ACTING SPEAKER (Mr Bass):** Order! This is a frivolous point of order.

**Mr BRINDAL:** I ask you, Mr Acting Speaker, whether he is allowed to read from something that he might have obtained illegally.

**The ACTING SPEAKER:** Order! I do not uphold the point of order.

**Mr QUIRKE:** As usual, a frivolous point of order. The letter continues:

Why was it necessary for my brother's name to be drawn into debate? What did Mr Condous hope to achieve?

Mr Gerry Karidis does know one thing about Mr Condous: Mr Condous went to him when he was the Deputy Mayor, and he asked whether Mr Karidis could help him get preselection for either the Labor Party or the Liberal Party or a decent job in the Government. That is what it was. He knows all about how to approach people when it suits him. Indeed, this is quite clearly an abuse of parliamentary privilege by Mr Condous in respect of a private citizen.

*Members interjecting:*

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

**Mr ATKINSON:** I rise on a point or order, Mr Acting Speaker. I draw you attention to the fact that the member for Colton accused the member for Playford of being a liar.

**The ACTING SPEAKER:** Order! I could not hear what was being said: in fact, I had problems hearing the member for Playford speaking because of the interjections.

**Mr CONDOUS:** Mr Acting Speaker, I called him a 'low liar'.

**Mr QUIRKE:** Mr Acting Speaker, I ask that it be withdrawn, unreservedly.

**The ACTING SPEAKER:** Order! It is unparliamentary, and I ask the member for Colton to withdraw that remark.

**Mr CONDOUS:** I refuse, Sir, under any circumstances, because I consider my intention—

**The ACTING SPEAKER:** Order! The member for Colton should understand the consequences if he does not withdraw.

**Mr CONDOUS:** I am prepared to withdraw on one condition, that is, that I have the right of reply.

**The ACTING SPEAKER:** Order! There are no conditions. I request that the honourable member withdraw the comment.

**Mr CONDOUS:** I have withdrawn it, and I would like to have the right of reply—

**The ACTING SPEAKER:** Order! The honourable member will resume his seat.

**Mr QUIRKE:** On a point of order, Mr Acting Speaker, I believe that the honourable member must unreservedly withdraw, and I do not believe he has done that. I believe the *Hansard* record will show that that is the case.

**The ACTING SPEAKER:** Order! He has withdrawn it to the satisfaction of the Chair.

**Mr CONDOUS:** I have unreservedly withdrawn, Sir.

**The ACTING SPEAKER:** The member for Frome.

**Mr KERIN (Frome):** In my grievance today I would like to draw the attention of the House to the situation of rural GPs, which is reaching crisis point and needs urgent attention. There are many groups aware of the situation, but so far we have seen a lack of coordinated response to the problems. The problems are not only the lack of GPs and the ratio of people to GP, which would be higher in the country than in the metropolitan area, but also the distribution of doctors within rural areas. The problem is symptomatic of what has happened in rural South Australia because of the lack of commitment by both State and Federal Governments over the past 10 or 20 years. We need a greater awareness of the impact of Government decisions on rural communities. Certainly, GPs cannot be told to go to the country. We need to get a consultative process active to identify all the barriers contributing to the reluctance of GPs to take up a practice in the more remote rural areas.

This consultation process is made very hard by the fact that the rural GPs who know what the situation is like are very busy people and find it very hard to take any time off to discuss the situation. Without doubt the three greatest problems for country GPs are: the variety of skills required, including the skills to undertake minor surgery; the lack of back-up; and the constant on-call status in which they find themselves when in solo doctor situations. Particularly in today's litigation-happy climate, the pressures on country GPs make it very attractive for any new doctor who has finished medical school to take up a position in the metropolitan area. Not only are responsibility, litigation and lack of back-up cited as difficulties but also often, in the family sense, the lack of suitable employment for their spouses and the restricted educational opportunities for their children are enormous discouragements for GPs to make the big step and either go to or stay in the country.

Whilst there has been an inadequate coordinated response, there are several groups out there who have been very concerned and have been working towards solutions. I would like to highlight the existence of the Rural Practice Training Unit at the Modbury Hospital and the rural clubs that exist at both the Adelaide and Flinders medical schools. Unfortunately, we have a very low percentage of country medical students, and insufficient time has been spent by medical students in rural areas. There are several reasons for that. The doctors out there receive only $20 per week when they have a student with them. They need to provide their accommodation and, when you are extremely busy in a practice, it is very hard to slow yourself down to instruct a student. I would support any initiatives to get medical students from rural backgrounds, as they are more likely to return to and stay in the country.

Also, we need greater exposure by medical students to country practices during their training years, and we need to

reduce barriers to that happening. No doubt the greatest issue to tackle is that of relief and support for those out there. There is a severe problem with burnout, because most of the doctors are on call 24 hours a day and under constant pressure. Even when not called for one of their own local patients, they tend to have to back up other doctors as far as 100 kilometres away and seem to be forever either working or on the road. It is essential for both State and Federal Governments to respond and get regular relief for these doctors.

The Queensland Government has done something about it and has regular relief for its rural GPs on a five days per month basis. Whilst that might not seem much, it is certainly a massive improvement on the current situation in many areas here. As I said earlier, it is not just the distribution of rural to metro but the distribution within the rural areas. Some of the areas close to Adelaide, places such as Victor Harbor and Port Lincoln, do not seem to have a problem, but some of the other areas have an enormous problem, particularly Kimba which, at the moment, is about the only normally serviced town with no doctor. But there are many others where a second doctor is urgently needed.

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## MEMBER'S REMARKS

**Mr CONDOUS (Colton):** I seek leave to make a personal explanation.

Leave granted.

**Mr CONDOUS:** I did not hear the entire contribution by the member for Playford, but he should know Mr Gerry Karidis better than anyone else. Many of my Liberal friends, so as not to offend Mr Gerry Karidis prior to the last election, attended a fundraising afternoon at the Colonel Light Hotel (the property is owned by Mr Karidis) to raise funds for the member for Playford.

*Members interjecting:*

**Mr CONDOUS:** Look, I can name the people who were there, for the member for Spence.

**The SPEAKER:** Order!

**Mr ATKINSON:** On a point of order, Mr Speaker, the House has granted the member for Colton leave to make a personal explanation, not to debate other circumstances of another member.

**The SPEAKER:** Order! The Chair at this stage will not uphold the point of order. I will allow the member for Colton to develop his personal explanation, but he is aware that it is a restricted debate. The honourable member for Colton.

**Mr CONDOUS:** Sir, I have not got up to lie: I have got up to state the facts as they are. Mr Karidis had a fundraising exercise for the member for Playford prior to the last State election. Mr Karidis's association with the Australian Labor Party over many years is well known and there is nothing to be embarrassed about: it includes his involvement in the Khemlani affair; his involvement with Clyde Cameron; his very close association with members of the Labor Party; his fundraising exercise of $500 per person for the Prime Minister prior to the last Federal election; and a fundraising exercise for Peter Duncan of $500, which many people I know attended, to raise funds for that member prior to the election. When the member for Playford stands up and says that both Mr Karidis's brother and sister-in-law will now resign from the Liberal Party, it is a load of absolute lies and rubbish, because—

**Mr ATKINSON:** On a point of order, Mr Speaker—

**The SPEAKER:** Order!

**Mr CONDOUS:** It is untrue. I will withdraw that.

**The SPEAKER:** Order! The member for Spence.

**Mr ATKINSON:** Mr Speaker, the member for Colton has been given leave to make a personal explanation. What he is doing is making counter allegations and further allegations.

**The SPEAKER:** Order! I do not uphold the point of order. I ask the member for Colton to withdraw the word 'lies'. He cannot use that in the House.

**Mr CONDOUS:** I withdraw that. But writing a letter to the member for Playford and saying that they are now going to resign—

**Mr Quirke:** To the Premier.

**Mr CONDOUS:** Yes, to the Premier, saying that they are now going to resign from the Liberal Party is totally untrue because, on looking at the membership of the Colton branch, neither Mr Don Karidis nor Mrs Karidis has been a financial member since 30 June 1993. The reason I know that is that—

*Members interjecting:*

**Mr CONDOUS:** That is right, yes.

**The SPEAKER:** Order! I suggest that the honourable member confine his remarks, because he is starting to get wide of the mark.

**Mr CONDOUS:** It has become very common knowledge around the electorate of Colton that the member who previously ran as an endorsed Liberal candidate, Mr Bob Randall, had no funds at all and, therefore, the funding was provided by Mr Gerry Karidis in an endeavour—

*Members interjecting:*

**The SPEAKER:** Order! I suggest to the member for Colton that he has now gone far beyond what is normally accepted as a personal explanation. I suggest to the honourable member that the best way for him to proceed is to take the opportunity of the next grievance debate.

**Mr CONDOUS:** It was heard in this room only a few minutes ago that what both the member for Playford and the member for Spence said to each other was, 'We want this on record in *Hansard*. That is all we want to achieve.' That was heard to be said. I refute entirely everything that has been said. I know where the funding came from to support Bob Randall's campaign, because the man had no money at all.

**Mr QUIRKE:** I rise on a point of order, Mr Speaker. I think that this is well beyond the bounds of a personal explanation—well beyond.

*Mr Brindal interjecting:*

**The SPEAKER:** Order! The Chair—

*An honourable member interjecting:*

**The SPEAKER:** Order! The honourable member must conclude his remarks. The Chair has been very lenient. If he wishes to respond further, the honourable member should take the opportunity of a future grievance or adjournment debate. He must conclude his remarks, because he has gone well beyond the bounds of a personal explanation.

**Mr CONDOUS:** All right. I refute everything that has been said. Not only that, my integrity is at stake here, because the member for Playford said that I had gone to Mr Karidis and asked that I be endorsed by either the Liberal Party or the Labor Party. First, Mr Karidis would not be able to get me endorsed for the Liberal Party if he lived to be 200 years old. Secondly, I am a man of principle; I do not run around trying to prostitute myself to get into Parliament, no matter on which side of the Parliament. I must conclude—

*Mr Quirke interjecting:*

**Mr CONDOUS:** No, wait a minute. Give me a chance.

**Mr QUIRKE:** I rise on a point of order, Mr Speaker. This is clearly debate. I think the honourable member has had enough time to know those Standing Orders by now.

**The SPEAKER:** The honourable member has been given a very wide brief. I ask him to conclude his remarks now.

**Mr CONDOUS:** If I can conclude without interruption. Now I know why they call this coward's castle.

**The SPEAKER:** Order! I withdraw leave. The Chair has given the honourable member a very wide brief. I ask the member for Colton to resume his seat.

## MEMBER'S REMARKS

**Mr QUIRKE (Playford):** I seek leave to make a personal explanation.

**Mr Lewis:** No.

**The SPEAKER:** Does the honourable member have leave to make a personal explanation?

**An honourable member:** No.

**The SPEAKER:** Leave is not granted.

## PUBLIC WORKS STANDING COMMITTEE

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

That from 1 July 1994, Messrs Ashenden and Caudell, Mrs Hall, Mr Kerin and Ms Stevens be appointed to the Public Works Standing Committee.

Motion carried.

## FLINDERS UNIVERSITY COUNCIL

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

That Ms Stevens be appointed to the Flinders University Council in place of Mr M.J. Evans.

Motion carried.

## MEMBER'S REMARKS

**Mr QUIRKE (Playford):** I seek leave now to make a personal explanation.

**The SPEAKER:** There being no objection, leave is granted.

**Mr Lewis:** No.

**The SPEAKER:** Order! I have granted leave.

*Mr Lewis interjecting:*

**The SPEAKER:** Order! Unfortunately, an honourable member has objected. Leave is not granted.

**Mr Quirke:** There will be no second reading explanations inserted in *Hansard*.

**The Hon. S.J. BAKER:** Mr Speaker, I believe that you gave leave to the honourable member concerned.

**The SPEAKER:** I have taken advice. At the moment an honourable member objects, unfortunately the Chair has to withdraw leave. It was not the wish of the Chair to do it. However—

*Mr Quirke interjecting:*

## LAND ACQUISITION (NATIVE TITLE) AMENDENT BILL

**The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources)** obtained leave and introduced a Bill for an Act to amend the Land Acquisition Act 1969 and to make a related amendment to the Crown Lands Act 1929. Read a first time.

**The Hon. D.C. WOTTON:** 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.

**The SPEAKER:** Is leave granted?

**An honourable member:** No.

**The SPEAKER:** Leave is not granted. The Minister will read the explanation.

**The Hon. D.C. WOTTON:** The Premier foreshadowed the introduction of this Bill in his ministerial statement on South Australia's response to Mabo and native title on 21 April 1994. In that statement, the Premier advised that the Government would be introducing a legislative package to deal with the shorter term issues arising from the application of the Native Title Act. Bills amending the Mining Act and the Environment, Resources and Development Act were introduced with the Premier's statement on 21 April.

This Bill is the third part of that legislative package. It amends the Land Acquisition Act 1969 and makes a related amendment to the Crown Lands Act 1929. The Bill is designed to ensure that the Crown can compulsorily acquire native title land on the same basis and in the same manner as it currently acquires other land or interests in land. The amendments will ensure that such land can be validly acquired in compliance with the Racial Discrimination Act 1975, the Mabo decision and the Commonwealth's Native Title Act 1993 (if valid).

The amendment to the Crown Lands Act is made to ensure that the Crown's powers of acquisition are adequate to allow for the acquisition of native title land, along with other land. At present, section 260 of the Crown Lands Act 1929 provides a general power for the compulsory acquisition of land by the State. Subsection (1) of that section provides that:

> (1) The Minister may acquire lands in any part of the State—
> (a) as the site of a town or for purposes incidental thereto;
> (b) for any agricultural, pastoral, residential, commercial or industrial purpose;
> (c) for the development or closer settlement of the lands or for the exclusion of the lands from development; or
> (d) for any other purpose whatsoever.

The Land Acquisition Act applies to an acquisition of land under the section.

In light of the recognition of native title, it has been necessary to clarify these powers in two respects. First, subparagraphs (a) and (b) of clause 26 add to the definitions in section 4 of the Act. The terms 'land' and 'waters' are now defined. This means that the power of acquisition will now clearly extend to waters as well as land.

Secondly, it has been made clear that in some circumstances, and with adequate safeguards, section 260 can be used to acquire land for the purposes of conferring rights or interests on third parties. Subparagraph (c) of clause 26 provides that, where the Minister proposes the acquisition of land or interests in land for the purpose of transferring the land to another for a private purpose, that proposal must be referred to the Environment, Resources and Development Committee of the Parliament. After holding a hearing into the matter, that committee reports to Parliament. A resolution of both Houses of Parliament approving the acquisition is required before the Minister can proceed with such an acquisition.

If the land acquired is native title land, the Minister must negotiate in good faith with the native title parties regarding the acquisition. The ERD Court can mediate in these negotiations. If agreement is not reached, the ERD Court can determine whether the acquisition may proceed and any conditions that should apply to the acquisition.

The ERD Court has been given jurisdiction in this context, as it will exercise a similar jurisdiction under the proposed amendments to the Mining Act. It is considered appropriate for the ERD Court to deal with both situations in which a right to negotiate can arise. The Supreme Court—and through it, the Land and Valuation Court—will be able to hear any such matter where the parties request it to or where it or the ERD Court considers it appropriate.

While the amendments to the Crown Lands Act relate to the Crown's powers of acquisition, the balance of the clauses in the Bill amend the Land Acquisition Act to ensure that the procedures for acquisition are valid and non-discriminatory.

The amendments will make the Land Acquisition Act a 'Compulsory Acquisition Act' for the purposes of the Native Title Act, such that native title land can be validly acquired. Native title will then be extinguished by acts done in giving effect to the purpose of the acquisition. The definition of 'interest' in clause 5 has been expanded to include native title to the land. 'Land' is now defined to include waters.

One of the glaring deficiencies of the Native Title Act is its failure to state unequivocally that pastoral leases granted under State legislation before the enactment of the Racial Discrimination Act in 1975 extinguished native title. The Commonwealth and the State agree that that is the case. Hence, as with the Mining (Native Title) Amendment Bill, clause 6 of this Bill contains a declaratory provision to that effect. Compensation will be payable for the acquisition of native title land on the same basis as for other land. It will now be possible for the holders of native title and other titles to request non-monetary compensation such as land, the provision of goods and services, or the execution of works for the reinstatement or improvement of the claimant's remaining land.

Section 34 (which provided for the execution of works by an acquiring authority) is repealed by clause 24 of the Bill, as the execution of works and the other matters referred to above are now covered in clause 18. An acquiring authority will be required to negotiate in good faith in relation to such a request, although it will not be bound to accede to such a request.

The Land and Valuation Court (a division of the Supreme Court) will continue to exercise jurisdiction in determining all disputed claims for compensation arising under the Act. It is acknowledged that where the amount in dispute is not great, it is inappropriate and uneconomic to have a court at Supreme Court level deciding such matters. The exclusive jurisdiction of the Land and Valuation Court in such matters will be reviewed in due course. For the moment, however, all claims for compensation for the acquisition of land and interests in land under the Act, including native title land, will continue to be determined by the Land and Valuation Court.

Where questions as to the existence or nature of native title interests arise in the course of acquisition proceedings, those questions can be determined by the Supreme Court (i.e. Land and Valuation Court) or referred to the Environment, Resources and Development Court ('ERD Court') for decision (refer to the Environment, Resources and Development Court (Native Title) Amendment Bill). The question of compensation payable for the acquisition of the native title land can then be determined by the Land and Valuation Court in the normal manner under the Act.

The ERD Court has a limited role under the Bill. In view of its general role in determining native title questions as they arise through native title claims or as a result of actions proposed under, for example, the Mining Act 1971, it has some involvement in relation to questions purely relevant to native title holders under the Land Acquisition Act.

Under this Bill it will be responsible for:

- mediating between the parties to an acquisition of native title land and, in the event that agreement cannot be reached, determining whether an acquisition of native title land may proceed where the acquisition is for the purpose of transferring the relevant land to another for a private purpose (refer clause 26); and
- mediating and resolving questions relating to the entry and temporary occupation of land under existing Part V where the land is native title land and agreement cannot be reached between the authority and the native title parties (refer clause 21 inserting section 28A).

Clauses 8 to 13 amend existing sections 10 to 12 and 15 to 17 to include native title holders as persons possibly having an interest in land and therefore entitled to receive notification. The method of notifying native title holders is prescribed. The grounds for objection have been amended to make them non-discriminatory. Notification of an acquisition is now also required to be given to any State or Commonwealth authority maintaining a register of native title.

Part IV of the Act has been amended to include a requirement to negotiate in relation to compensation. It applies equally to the holders of all interests in land. Most features of the existing scheme have been retained but are now incorporated into a negotiation process. If the acquiring authority and a claimant are unable to agree on the amount of compensation payable or on the question of whether the claimant has a compensable interest, either party may refer the matter to the Land and Valuation Court.

If land that may be affected by native title has been acquired and two months after publication of the notice of acquisition no-one has come forward to claim compensation, the authority can apply for a declaration that the land was not, at the time of the acquisition, subject to native title. If it was subject to native title, the court can direct that compensation be held in trust for six years and paid to anyone who establishes that they are a native title holder within that time. If no claim for compensation is established within that period, the money is repaid to the authority.

Clause 17 of the Bill alters the composition of the Re-Housing Committee established under Part IVA of the Act to include a person with expertise in Aboriginal housing nominated by the Minister for Aboriginal Affairs. Clause 18 makes section 26G non-discriminatory by applying its provisions to any person whose place of residence is acquired (not just the occupiers of a 'dwellinghouse').

As previously mentioned, the Bill also amends Part V of the Act which deals with an acquiring authority's powers of entry and temporary occupation. Clauses 19 and 20 amend existing sections 27 and 28 to take account of the possibility that the land affected may be native title land and to establish appropriate notification procedures if that is the case.

Clause 21 adds a new section 28A. In the event that an authority proposes to temporarily occupy and use native title land for the purposes of taking minerals from it (as might be the case under section 28), it is required to negotiate with any native title holders in an attempt to reach agreement on

conditions for entry and use. As previously mentioned, if agreement cannot be reached, the matter may be referred to the ERD Court for mediation and/or a decision. This provision is necessary to comply with the NTA, as a right to negotiate must be given to native title parties in respect of the creation of any 'right to mine'.

Clause 27 inserts a transitional provision in respect of acquisitions commenced but not completed before the passage of this Bill. Those acquisitions are to proceed under the present Act and without regard to the amendments in this Bill.

In conclusion, the Bill makes necessary and sensible amendments to the Land Acquisition Act and the Crown Lands Act in light of the recognition of native title as an interest in land. The procedure for dealing with the acquisition of land affected by native title will comply with the Commonwealth's Native Title Act such that acquisitions will be valid under that Act. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

*Clause 1: Short title*

*Clause 2: Commencement*

*Clause 3: Amendment of long title*

The long title is amended to ensure that it accurately reflects the substance of the Act and is in modern language. The Act as amended will cover acquisition of waters and acquisition authorised by an Act for any purpose, not just a public purpose.

The current long title is "An Act to provide for the acquisition of land for works and undertakings of a public nature, and for purposes incidental to, and consequential upon, such acquisition; to repeal the Compulsory Acquisition of Land Act, 1925-1966; and for other purposes."

The new long title is "An Act about the acquisition of land".

*Clause 4: Substitution of ss. 3, 4 & 5—Object of this Act*

Section 3 is a repealing section, section 4 sets out the arrangement of the Act (now covered in the Summary of Provisions) and section 5 contains obsolete transitional provisions.

The new section states the object of the Act, namely, to provide for the acquisition of land on just terms.

*Clause 5: Amendment of s. 6—Interpretation*

Definitions relating to native title are included in the interpretation provision and in new section 6A inserted by clause 6.

Native title means the communal, group or individual rights and interests of Aboriginal peoples in relation to land or waters (including hunting, gathering or fishing rights and interests) where—

- the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples; and
- the Aboriginal peoples, by those laws and customs, have a connection with the land or waters; and
- the rights and interests are recognised by the common law; and
- the rights and interests have not been extinguished.

Native title also includes statutory rights and interests of Aboriginal peoples (except those created by a reservation or condition in pastoral leases granted before 1.1.94 or related legislation) if native title rights and interests are, or have been at any time in the past, compulsorily converted into, or replaced by, statutory rights and interests in relation to the same land or waters that are held by or on behalf of Aboriginal peoples.

A statement is included that native title was extinguished by the grant of a freehold interest in land, the grant of a lease (including a pastoral lease), or the grant, assumption or exercise by the Crown of a right to exclusive possession of land, at any time before 31 October 1975.

Native title land means land in respect of which native title exists or might exist excluding land declared by a court or other competent authority not to be subject to native title.

A native title holder encompasses persons recognised at common law as holding native title and bodies corporate registered as holding native title on trust (registration occurs after a court determines that native title exists and should be held in trust).

Native title party is used to refer to a person who holds, or might hold, native title to land.

The definition of interest in land is amended to include native title to land.

The definition of land is amended to include waters as waters may be subject to native title. Waters are defined to include tidal and subterranean waters.

The definition of Registrar is amended to provide that in relation to native title the Registrar of the ERD Court has the functions assigned to the Registrar-General under the Act in relation to non-native land.

The definitions of authorised undertaking and undertaking are deleted. Sections 7, 10, 25, 26G, 28, 30 and 35 and the definitions of Authority and special Act are recast to avoid the need for reference to those expressions.

*Clause 6: Insertion of s. 6A—Native title*

The new section sets out the meaning of native title as explained above.

*Clause 7: Amendment of s. 7—Application*

Section 7 is amended as a consequence of removing the concept of an authorised undertaking.

*Clause 8: Amendment of s. 10—Proposal to acquire land*

Section 10 requires notice of intention to acquire land to be served on each person who has an interest in the land.

In the case of native title land, the amendment requires the notice of intention to be given to the native title parties in accordance with the requirements set out in section 31 as amended by the Bill.

*Clause 9: Substitution of s. 11—Explanation of acquisition scheme may be required*

Section 11 is recast in modern style and a provision inserted to ensure that a native title party is included as a person having an interest in native title land. The materials that may be released are limited to materials relating to the statutory scheme of acquisition.

*Clause 10: Substitution of s. 12—Right to object*

Section 12 is recast in modern style and a provision inserted to ensure that a native title party is included as a person having an interest in native title land. A further ground for objection is added, namely, that the proposal would destroy or impair a site of particular significance to Aboriginal peoples.

*Clause 11: Amendment of s. 15—Acquisition by agreement, etc.*

Section 15 is recast in modern style recognising the different requirements for service on native title parties. The grounds for compensation where a proposed acquisition does not go ahead are altered. Currently compensation relates to any disturbance or injurious affection to the land. Under the amendment, in recognition of the nature of native title, compensation relates to disturbance to the use or enjoyment of the land. In addition the Court is given express power to determine whether the claimant has an interest in the land.

*Clause 12: Amendment of s. 16—Notice of acquisition*

This section which effects the acquisition is recast in modern style recognising the different requirements for service on native title parties. The amendment also makes it clear that native title is modified to the extent required by the acquisition.

*Clause 13: Amendment of s. 17—Modification of instruments of title*

Notice of acquisition of native title land is required to be given to any Commonwealth or State authority maintaining a register of native title.

*Clause 14: Substitution of heading:PART 4—NEGOTIATION AND COMPENSATION*

The heading to Part 4 is altered to recognise that the Part is amended to encompass negotiation proceedings.

*Clause 15: Substitution of ss. 18 to 23*

The current scheme is for the Authority to make an offer of compensation and pay that amount into Court. The claimant may accept the offer or make a claim for further compensation within 60 days. A disputed claim may be referred by the Authority or the claimant to the Court.

The new scheme generally retains the current procedure but incorporates into it a negotiation process.

The Authority is required to negotiate in good faith with persons who have or had (or who claim to have or to have had) an interest in the land that is divested or diminished or the enjoyment of which is adversely affected by the acquisition. The ERD Court may be requested to mediate between the parties. Non-monetary compensation may be proposed.

An offer is to be made by the Authority and the amount paid into Court. If agreement is reached the agreement is filed in the Court. If agreement is not reached (either as to whether a claimant has an interest or as to the amount of compensation), the Authority may refer the matter to the Court. The Court is given power to make all

relevant orders including orders as to whether a claimant holds an interest in the land and the nature of that interest.

If native title land is acquired and no persons claiming native title come forward after 2 months, the Authority may apply to the Court for a declaration that the land is not subject to native title or an order fixing compensation to be paid and held in trust for 6 years for potential claimants.

*Clause 16: Amendment of s. 25—Principles of compensation*

Section 25 is amended as a consequence of removing the concept of an authorised undertaking.

*Clause 17: Amendment of s. 26A—Establishment of Committee*

The membership of the Committee is altered to include a member with expertise in Aboriginal housing nominated by the Minister for Aboriginal Affairs. The current requirement for a member with knowledge and experience in matters of housing is removed.

The Committee assists persons whose residences are compulsorily acquired.

*Clause 18: Amendment of s. 26G—Application to the Committee*

References to dwellinghouses are removed and replaced with a concept of genuine use of land as a place of residence.

*Clause 19: Amendment of s. 27—Powers of entry*

Section 27 gives the Authority power to authorise entry on land for survey or inspection. Notice is currently required to be given to occupiers or owners of land. The amendment requires the notice provisions set out in section 28A as inserted by the Bill, and the other requirements of Part 5, to be complied with in the case of native title land.

*Clause 20: Amendment of s. 28—Temporary occupation*

Section 28 gives the Authority power to temporarily occupy and use land in certain circumstances. Notice is currently required to be given to the occupier or, if there is no occupier, owner of the land. The amendment requires the notice provisions set out in section 28A as inserted by the Bill, and the other requirement of Part 5, to be complied with in the case of native title land.

A reference to a dwellinghouse is replaced with a reference to a place genuinely used as a place of residence. References to 500 yards are replaced with references to 500 metres.

Section 28 is also amended as a consequence of removing the concept of an authorised undertaking.

*Clause 21: Insertion of s. 28A—Exercise of powers under this Part in relation to native title land*

The new section sets out the requirements for notice of entry before exercising a power conferred by the Part in relation to native title land. Notice must be given to registered native title holders or claimants, the relevant representative Aboriginal body and as required by regulation.

If the Authority intends to remove minerals from native title land or to substantially interfere with native title land or its use or enjoyment, the Authority must negotiate conditions of entry with the native title parties (that is, registered native title holders or claimants). The ERD Court may be asked to mediate among the parties. If agreement cannot be reached the matter may be referred to the ERD Court.

*Clause 22: Amendment of s. 30—Powers of inspection*

Section 30 is amended as a consequence of removing the concept of an authorised undertaking.

*Clause 23: Amendment of s. 31—Giving of notice and other documents*

The requirements for service of notice on a person are substituted. Service on a native title party is to be achieved by service on registered native title holders or claimants, on the relevant representative Aboriginal body and as required by regulation.

*Clause 24: Repeal of s. 34*

Section 34 provides that compensation may include work undertaken to protect, reinstate or improve land. The new provisions for compensation take into account that compensation may be non-monetary and this section is consequently repealed.

*Clause 25: Amendment of s. 35—Authority may dispose of surplus land*

Section 35 is amended as a consequence of removing the concept of an authorised undertaking.

*Clause 26: Amendment of Crown Lands Act 1929*

Section 260 empowers the Minister to acquire land and applies the *Land Acquisition Act* to the acquisition.

The amendment requires an acquisition for the purpose of transferring the land, or an interest in the land, to a third party for a private purpose to be referred to the *Environment, Resources and Development Committee* of the Parliament. The Committee is to hold a hearing and report to the Parliament within three months. The acquisition cannot proceed unless supported by resolution of both Houses of Parliament.

The amendment further requires the Minister to negotiate with native title parties if such an acquisition relates to native title land. The ERD Court may be asked to mediate among the parties. If agreement cannot be reached, the matter may be resolved by the ERD Court.

Land is defined to include waters and an interest in land and waters are defined in a similar manner to that contained in the amendments above.

*Clause 27: Transitional provision*

Acquisitions in progress at the commencement of this Bill are to be completed under the current provisions.

**Mr QUIRKE** secured the adjournment of the debate.

## MEMBER'S REMARKS

**Mr QUIRKE (Playford):** I seek leave to make a personal explanation.

Leave granted.

**Mr QUIRKE:** In his personal explanation the member for Colton alleged that a conversation had taken place between the member for Spence, other members and me, and I simply want to put on the record that I am not sure where this conversation took place but I certainly had nothing to do with it. My intention was quite clear in the grievance debate: it was to redress wrongs that were done in this place last week by the honourable member, who made certain allegations which proved very hurtful to a family in South Australia.

## LIMITATION OF ACTIONS (RECOVERY OF TAXES AND SUBSTANTIVE LAW) AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, respecting certain amendments to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the House of Assembly conference room at 8.15 a.m. tomorrow, at which it would be represented by the Hon. S.J. Baker, Messrs Buckby, Meier and Quirke and Ms Stevens.

*[Sitting suspended from 4.50 to 5.5 p.m.]*

## SITTINGS AND BUSINESS

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

That Standing and Sessional Orders be so far suspended as to enable those Orders of the Day: Other Motions set down for Thursday 12 May, where debate has ensued, to be taken into consideration forthwith without debate.

**The Hon. M.D. RANN (Deputy Leader of the Opposition):** We oppose the motion. It is quite clear that in the past couple of weeks some of the cordial, almost affectionate—almost intimate—relations between the Deputy Premier and me have ground down. However, I think it would be most appropriate if we could have a Question Time tomorrow.

**The Hon. S.J. BAKER:** On a point of order, Mr Speaker, the existence or non-existence of Question Time has nothing to do with this motion. It is a matter of course that, on the last Thursday of the session, we dispense with private members' motions. It has nothing to do with Question Time whatsoever.

**The SPEAKER:** I uphold the point of order. We are currently debating whether Standing Orders should be suspended.

Motion carried.

## SOUTH AFRICA

Adjourned debate on motion of Hon. Lynn Arnold:

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.

(Continued from 5 May. Page 1057.)

Motion carried.

## ADELAIDE CITY SOCCER CLUB

Adjourned debate on motion of Mr Becker:

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

(Continued from 5 May. Page 1057.)

Motion carried.

## BREAST CANCER

Adjourned debate on motion of Mrs Kotz:

That this House calls upon the Prime Minister and the Federal Health Minister to increase research funds to help combat breast cancer from $1.4 million to $14 million in the 1994-95 budget and to consider initiatives through the tax system to encourage donations for breast cancer research.

(Continued from 21 April. Page 895.)

Motion carried.

## WORKCOVER

Adjourned debate on motion of Mr Ashenden:

That this Parliament—

(a) condemns the previous Labor Government for its lack of interest in employers in this State as evidenced by the lack of administrative control it required WorkCover to exercise in its claims and case management and for its politically-motivated appointments to the WorkCover Board, Review Officer Panel and Appeals Tribunal; and

(b) urges the present Government to take immediate steps to introduce administrative changes to ensure that workers' compensation in South Australia is fair to all concerned, is efficiently managed and provided at a realistic cost, and to require the WorkCover Corporation to be more objective in the assistance its claims staff provides employers in relation to claims management, case management, and false and fraudulent claims.

(Continued from 10 March. Page 386.)

The House divided on the motion:

AYES (32)

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

NOES (9)

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

PAIRS

| | |
|---|---|
| Baker, D. S. | Arnold, L. M. F. |

Majority of 23 for the Ayes.

Motion thus carried.

## BUSHFIRES

Adjourned debate on motion of Mr Quirke:

That this House congratulates those members of the CFS and the MFS who recently fought bushfires in New South Wales and recognises the contribution of all other firefighters who remained in South Australia during this period minding the 'fort'.

(Continued from 21 April. Page 897.)

Motion carried.

## INDUSTRY STATEMENT

Adjourned debate on motion of Mr Foley:

That this House urges the Federal Government to ensure that their forthcoming Industry Statement contains the following:

(a) Industry Development Plans in industries that can be internationally competitive and maximise returns;

(b) boost in emphasis of Government purchasing policy towards imports substitution;

(c) improved access to finance for small and medium sized businesses;

(d) a continued export facilitation push into Asia; and

(e) special assistance to regional Australia,

and this House also cautions the Federal Government against accepting the principles of the recently released green paper on employment opportunities which State industry policy should swing towards addressing market failures rather than developing plans for particular sectors.

(Continued from 24 March. Page 540.)

Motion carried.

## MEDICARE

Adjourned debate on motion of Mr Venning:

That this House deplores the terms of the Medicare agreement with the Commonwealth Government signed by the previous Minister for Health, in particular the requirements that the public/private ratio in public hospitals be maintained at the 1991 level and, noting with satisfaction the moves now made by the present Minister to alleviate such problems as long waiting lists, this House urges the Minister to negotiate with the Federal Government to ensure terms more in line with the reality of what the people of South Australia, and especially those in country areas, require of their hospital system.

(Continued from 24 March. Page 541.)

Motion carried.

## SITTINGS AND BUSINESS

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

That the House at its rising adjourn until Tuesday 14 June at 2 p.m.

In moving the motion I give notice that, when the House has dispensed of its business today, in all probability we will suspend the sitting until about 4 o'clock tomorrow afternoon, by which time I am hopeful there will have been a resolution of the Industrial and Employee Relations Bill which is before the Upper House. Members can be assured that we will be

back here on Saturday. I will attempt to organise our program so that we do not hang around the Parliament waiting too long for members in another place.

In moving the motion I do, as is normal, thank all members for their contributions to this Parliament. I believe that the Parliament has worked very smoothly. It has had quite a strenuous legislative program, which is normal for new Governments, and it has been handled with speed and dexterity, at least by members of this House. The Government is very appreciative of the cooperation, particularly by members of the Opposition, in the running of the Parliament, and I thank the Deputy Leader for his assistance in that process. I know that I speak on behalf of all members when I say that we are very pleased with the service we have received, under somewhat difficult conditions on occasions, from all the people who serve this Parliament.

Invariably, when I go through the list of people who serve the Parliament I leave someone out, but I will attempt to cover everybody concerned. We have our attendants who I believe are amongst the best in Australia. When I have been interstate and talked about the way in which our Parliament runs and the cooperation that we receive from our officers I can hold my head proud when I view some of the examples that they give to me in respect of where things have gone wrong. We have a very fine set of people who assist us in the running of this Parliament; they are very obliging and helpful.

The clerks of the Parliament are the linchpin of the Parliament in many ways. They are the people who know the Standing Orders and Erskine May back to front. They give advice in a very professional fashion and are willing to answer any members' questions or queries on the procedures of the House. Indeed, many new members were present at the induction where they were informed of their rights and privileges as well as their responsibilities.

I offer special thanks to all new members. We have probably the largest number of new members that Parliament has ever seen. In the 11 years I have been in this Parliament the contributions from both sides of the House have been exceptionally good. On most occasions the standard of debate by new members has been of the highest order. On other occasions new members have seemed to enter into the spirit of debate—some more forcefully than others—but we always say that the new people learn after a while.

**Mr Atkinson**: With varying degrees of competence!

**The Hon. S.J. BAKER:** I was not going to mention the member for Spence, who talks about varying degrees of competence. Of course, the catering staff service the needs of the Parliament particularly well, and we also have the caretakers. Our *Hansard* writers always do a superb job. I have not been able to scrutinise the *Hansard* as well as I normally do. Each day before I became a Minister I used to go through my contributions and send up the occasional alteration.

**The Hon. M.D. Rann:** We used to go through your contributions.

**The Hon. S.J. BAKER:** I think you probably still do. I know what a fine job they really do. Sometimes the noise levels in this Parliament are far too high and *Hansard* has to interpret the missing words. On other occasions members make genuine mistakes of a minor nature and they are fixed up by *Hansard*. Importantly, when members' contributions are not up to the standard that they would wish of themselves *Hansard* makes them read particularly well. My special thanks to another very professional and superb job done by *Hansard*. There are many other contributors to this Parliament, and they include the caretakers and the Library staff who continue to work with limited resources but, again, they meet the needs of members.

I am delighted to see that the centre doors are open, but I am not sure that the price paid for the security system was worth the effort. Never did I imagine, when I supported the opening of the centre doors, that we would be left with such an horrific result. I know that on several occasions I have attempted, after viewing the traffic on North Terrace, to get back through the doors and somehow the system has failed me. There have to be some minor alterations to the security procedures. If I have left out anybody who has contributed to our health and well being, I do apologise.

In conclusion, Mr Speaker, I thank you for your diligence and the way you have managed to steer the Parliament through, at times, very hectic debate. I know that, whilst we would have wished that at least 10 members of the Opposition could have taken a walk during the previous proceedings, we know that those members are not alone in their contribution on occasions. Mr Speaker, I believe that you have dealt with the Parliament with a great deal of fairness, and I thank you for your contribution to the smooth running of the Parliament. I know it is premature to wish everybody an excellent winter break because we have not quite got there yet, but I do hope that everybody has a very happy, healthy and constructive period from now until when Parliament resumes on 2 August. I thank everybody for the way they have conducted themselves, even when things have gone wrong—that adds a bit of sparkle to the Parliament, and I do not mind that at all. To all concerned, I thank everybody for their cooperation.

**The Hon. M.D. RANN (Deputy Leader of the Opposition):** I start out by saying that the Opposition would like to pay tribute to the staff of Parliament House. This is a particularly stressful time for staff with a new Government, many new members and several by-elections that have occurred in the interim period which places stress on all of us. I think the staff, with the disruption of the construction workers in the building, have handled this very difficult situation with aplomb. I pay tribute to the *Hansard* writers and editors, and also to our friends down at StatePrint for the work they do every day and evening to help make this an efficient operation. They certainly deserve their recent acclaim and awards for being Australian leaders in the work that they do. I pay tribute to the clerks and attendants for constantly giving us advice and assistance often late at night under difficult circumstances.

I particularly pay tribute to the Library and research staff, and the catering and kitchen staff for their service and good humour. Often we say that if you really want to know what is going on in Parliament you go and ask Bridie down in the blue room or other members of the catering staff who seem to have a few tips about when Parliament is going to get up and what is going to happen, often before the Deputy Premier or me.

I also pay tribute to the police. They must enjoy observing the debates, and it is probable that on the next day they grab a copy of the pulls from *Hansard*, take it home and share it with their colleagues and family, as we all do. Probably over the break we will all take the opportunity not only to spend our time working hard in our electorates but also to reflect on the individual contributions we have made over the past three or four months. The cleaners, too, have a very difficult task.

I look forward to coming back to the new session with renewed vigour. Two new members on this side of the House are already making a contribution and will continue to lift the standards of this Parliament—both have a major future in this place. I join with the Deputy Premier in reflecting on the security system which has turned this Parliament into a kind of legislative equivalent of the Hampton Court maze. People have been trapped in lifts and on the weekend have walked into doors that do not open because the thing that is supposed to make them open does not seem to work. We are pleased that there will be some major refurbishment of the building. I am sure that during that refurbishment some attention will be paid at least to streamlining the security system to make it more efficient for members as well as providing security.

I think it is important to take this opportunity, Sir, to pay tribute to your leadership of this Parliament. We know that during the term of this Parliament and this Government you will continue, with the experience you have gained as the grandfather of the Parliament and from your travels with the CPA, to apply those basic tenets that we expect from you as Speaker and which we know you will always apply.

I want to pay tribute to the relations I have had with the Deputy Premier. They have been affectionate, almost intimate, in trying to achieve the smooth running of the Parliament. Mistakes happen on both sides and will continue to happen. To add a slightly sour note, I register my disappointment that tomorrow we will not have a Question Time. Under similar circumstances, the House of Assembly proceeded with Question Time on Friday 23 April 1993 on the specific request, as I understand it, of the Deputy Premier in his previous role as Deputy Leader.

*The Hon. Frank Blevins interjecting:*

**The Hon. M.D. RANN:** That's right; he took advantage of the member for Giles, who in a softer moment said, 'Okay, let's go ahead, we have nothing to fear.' We are sure that the Government would want questions to be asked about the Audit Commission and IBM. We also hope that we will get an assurance from the Deputy Premier—although there will not be a Question Time tomorrow—that some effort will be made by the Ministry to supply replies to questions on notice during the break. This is very important and, as you know, Sir, that is an area in which the previous Government achieved national pre-eminence in terms of smooth responses to questions on notice.

In the next couple of days, if we are really going to sit through to Saturday and possibly Sunday, certain things should be taken into account such as the FA Cup final which should not be interfered with in any way. However, if we do sit into Saturday and Sunday it would seem odd if we do not have a Question Time tomorrow. I would be the last person to suggest that there is any sinister motive in that, particularly during such an adjournment motion as this. I congratulate all the people who help to make this Parliament work so well.

**The SPEAKER:** On behalf of the staff I would like to thank the Deputy Premier and the Deputy Leader of the Opposition for their kind remarks. I point out to members that I am not the architect of the security system; in fact, I have been its victim on a number of occasions, including when I was locked in centre hall, which made me late for an appointment at Government House. The security system was fortunate to last after that particular exercise. I thank members for their cooperation. This has been an interesting few weeks for me. I assure all members that I will continue to ensure that they are all treated fairly by the Chair.

Motion carried.

## OCCUPATIONAL HEALTH, SAFETY AND WELFARE (ADMINISTRATION) AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1 Page 1, lines 14 to 18 (clause 2)—Leave out the clause and insert new clause as follows:

2. Commencement of this Act (1) This Act will come into operation on a day to be fixed by proclamation.

(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 Workers Rehabilitation and Compensation (Administration) Amendment Act 1994; and

(b) all provisions of this Act (except section 24(d)) must be brought into operation simultaneously; and

(c) section 24(d) will come into operation independently of proclamation on 1 July 1994.

No. 2 Page 2, lines 6 and 7 (clause 4)—Leave out paragraph (c) and insert new paragraph as follows:

(c) in any other case—a public service employee authorised by the Minister to exercise the powers of the designated person under this Act:;

No. 3 Page 2, line 8 (clause 4)—Leave out paragraph (e) and insert new paragraph as follows:

(e) by striking out paragraph (b) of the definition of 'Director' in subsection (1) (and the word 'or' immediately preceding that paragraph);

No. 4 Page 2, lines 11 and 12 (clause 4)—Leave out paragraph (d) and insert new paragraph as follows:

(d) in any other case—a public service employee authorised by the Minister to exercise the powers of an inspector under this Act:;

No. 5 Page 2, lines 29 to 31 (clause 5)—Leave out subsection (2) and insert new 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 after consultation with associations representing employers and 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 under the Workers Rehabilitation and Compensation Act 1986) will be appointed on the Minister's nomination after consultation with associations representing employers; and

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

(d) one will be an expert in occupational health and safety appointed on the Minister's nomination after consultation with associations representing employers and the UTLC; and

(e) one will be a representative of the Corporation and, if the Corporation is not responsible for the enforcement of this Act, one will be a representative of the authority responsible for the enforcement of this Act.

No. 6 Page 2, lines 32 and 33 (clause 5)—Leave out proposed subsection 7(3).

No. 7 Page 3, lines 12 to 14 (clause 5)—Leave out paragraph (c) and insert new paragraph as follows:

(c) to recommend to the Minister regulations and codes of practice relating to occupational health, safety or welfare, to keep the regulations and codes of practice under review and, where appropriate, make recommendations for their revision;.

No. 8 Page 3 (clause 5)—After line 18 insert new paragraphs as follow:

(da) to keep the administration and enforcement of legislation relevant to occupational health, safety and welfare under review;

(db) to review the role of health and safety representatives;

(dc) to review the provision of services relevant to occupational health, safety and welfare;

(dd) to consult and co-operate with national authorities and the authorities of other States and Territories respon-

sible for the administration of legislation relevant to occupational health, safety and welfare on matters of common interest or concern and promote uniform national standards;

(de) to approve appropriate courses of training in occupational health, safety and welfare;

No. 9 Page 3, lines 32 to 34 (clause 5)—Leave out 'and' and paragraph (b).

No. 10 Page 4, lines 1 to 3 (clause 5)—Leave out proposed section 8(5).

No. 11 Page 4, lines 8 to 32 and page 5, lines 1 to 9 (clause 5)—Leave out proposed sections 9 to 11 and insert new proposed sections as follow:

9. Terms and conditions of office (1) A member of the Advisory Committee will be appointed on conditions, and for a term (not exceeding 3 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 indictable offence; or

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

(f) 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: Division 5 fine or imprisonment for two years.

(6) The court by which a person is convicted of an offence against subsection (5) may, on the application of an interested person, make an order avoiding a contract to which the non-disclosure relates and for restitution of property passing under the contract.

10. Allowances and expenses (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 under the Workers Rehabilitation and Compensation Act 1986.

11. Proceedings, etc., of the Advisory Committee (1) Meetings of the Advisory Committee must be held at times and places appointed by the Committee, but there must be at least 11 meetings in every year.

(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.

12. Confidentiality 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: Division 6 fine.

13. Immunity of members of Advisory Committee (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. 12 Page 5, lines 11 and 12 (clause 6)—Leave out all words after 'amended' and insert 'by striking out subsection (1)(e) and substituting the following paragraph:

(e) comply with any policy that applies at the workplace published or approved by the Minister on the advice of the Advisory Committee;'.

No. 13 Page 5, lines 14 and 15 (clause 7)—Leave out all words after 'amended' and insert 'by striking out "Commission" and substituting "Corporation"'.

No. 14 Page 5, lines 20 and 21 (clause 8)—Leave out paragraph (b) and insert new paragraph as follows:

(b) by striking out from subsection (5) 'Commission' and substituting 'Advisory Committee';.

No. 15 Page 5, line 32 (clause 10)—Leave out subparagraph (i) and insert new subparagraph as follows:

(i) the Minister acting on the advice of the Advisory Committee;.

No. 16 Page 6, line 4 (clause 11)—Leave out 'Corporation' and insert 'Advisory Committee'.

No. 17 Page 6, lines 5 and 6 (clause 11)—Leave out paragraph (b) and insert new paragraph as follows:

(b) by striking out from subsection (5) 'The Commission may' and substituting 'The Corporation may, acting on the advice of the Advisory Committee,'.

No. 18 Page 6 (clause 11)—After line 6 insert new paragraph as follows:

(c) by inserting after subsection (7) the following subsection:

(8) A health and safety representative who is entitled to take time off work to take part in an approved course of training under subsection (3) and whose workplace is more than 75 kilometres by road (taking the most direct route) from the place where the course is held is entitled to claim from the employer an allowance for travel, accommodation and living away from home expenses in accordance with, and at the rates prescribed by, the Conditions of Employment Manual for Weekly Paid Employees (Volume 5) published by the Department for Industrial Affairs (or if that document is replaced by another, that document).

No. 19 Page 6, line 11 (clause 12)—Leave out 'Minister' and insert 'Director or the Advisory Committee'.

No. 20 Page 6, line 13 (clause 12)—Leave out 'Minister' and insert 'Director or the Advisory Committee'.

No. 21 Page 6, lines 17 and 18 (clause 12)—Leave out paragraph (d).

No. 22 Page 6, lines 29 to 31 (clause 15)—Leave out the clause.

No. 23 Page 7, lines 1 to 4 (clause 16)—Leave out subsection (1) and insert new subsection as follows:

(1) The Minister or the Advisory Committee or a person authorised by the Minister or the Advisory Committee may, by notice in writing, require a person to furnish information relating to occupational health, safety or welfare that is reasonably required for the administration, operation or enforcement of this Act;.

No. 24 Page 8, line 13 (clause 18)—Leave out paragraph (a).

No. 25 Page 8, lines 26 and 27 (clause 21)—Leave out the clause and insert new clause as follows:

21. Amendment of s.65—Annual report Section 65 of the principal Act is amended by striking out 'Commission' wherever it occurs and substituting, in each case, 'Advisory Committee'.

No. 26 Page 8, line 30 (clause 22)—Leave out 'Minister' and substitute 'Advisory Committee'.

No. 27 Page 9, lines 1 to 19 (clause 23)—Leave out paragraphs (a) to (f) and insert 'by striking out 'Commission' wherever it occurs and substituting, in each case, 'Advisory Committee'.

No. 28 Page 10, lines 19 and 20 (clause 25)—Leave out paragraph (a).

No. 29 Page 10, lines 24 to 27 (clause 26)—Leave out paragraphs (a) and (b).

No. 30 Page 11, lines 3 and 4 (clause 26)—Leave out paragraph (f).

No. 31 Page 11, lines 5 to 7 (clause 27)—Leave out the clause.

*Amendment No. 1:*

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

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

I thank the Committee for bearing with us in this very important legislation and ensuring that the Government has been able to discuss matters with members opposite and come to a very satisfactory conclusion. This amendment principally allows all three Bills to be introduced at the one time. This is a reasonable and logical request from the other place, and we have great pleasure in agreeing with it.

**Mr CLARKE:** The Opposition will support each of the amendments put forward by the Legislative Council. I have been overwhelmed by the Deputy Premier's feelings of good cheer and friendship in this general lovefest, and I am anxious, like most other members, to get to my dinner at 6 o'clock. I understand that the Government has come to an arrangement with the Hon. Mr Elliott with respect to this matter. It is a foregone conclusion in another place. Therefore I will not take up the time of this Committee to draw attention to the points that I would otherwise have made with respect to each of the amendments.

We support the Minister's motion that amendment No. 1 moved by the Legislative Council be agreed to. The Minister will move to disagree with other amendments moved by the Legislative Council. Notwithstanding whatever arrangements which may have been reached between the Government and the Hon. Mr Elliott, we support the original point of view expressed by the Legislative Council because we believe that, if the Occupational Health and Safety Commission is to be abolished, as it will be under this legislation, the various powers and authorities deriving from that commission which are to be incorporated into the WorkCover Corporation should be incorporated in the manner provided for by the Legislative Council. In particular, the powers of the Minister to interfere directly in the affairs of the Occupational Health and Safety Division of the WorkCover Corporation should be diluted and removed and carried out by public servants discharging their functions impartially in a depoliticised atmosphere which, unfortunately, will not prevail under the amendments that have been put forward by the Government.

I also draw the attention of the Committee to the fact that, again, the Government continues to try to denigrate the role of the United Trades and Labor Council in its amendments, particularly the amendment to clause 5 regarding the establishment of an advisory committee which provides that the Minister will consult with associations representing employees. However, whilst it mentions the inclusion of the UTLC, it does not recognise the UTLC as the peak body representing organised labour in this State.

It is true, as the Minister has said on other occasions, that not all unions are affiliated to the Trades and Labor Council, and the most notable exception—and the only one I can think of—that is a registered association is the Shop Distributive and Allied Employees Association. It is nonetheless an affiliate of the ACTU and I do not believe that the SDA disputes the role of the UTLC in being the proper body that Government should consult with respect to appointments of persons representing the interests of employees regarding such important advisory committees as in the area of occupational health and safety.

For all those reasons, we will have pleasure in supporting those amendments for which the Government has indicated its support. Even though the Government has not seen fit to support the original intentions of the Legislative Council, we will nonetheless do so. Whilst I have often been tempted in this exercise to call for a division on each and every one of these amendments so that we can display our new found strength as an Opposition with the winning of the seat of Torrens at the last by-election, I will restrain my enthusiasm, except on one occasion so that the member for Torrens can have an opportunity to vote on this issue. I know this issue is close to her heart. Her family is very much involved in the trade union movement and its association with the representation of workers in such important areas as occupational health and safety. During the course of proceedings, I am aware of the numbers—albeit for only three years, seven months and so many days before we assume the Treasury benches—but we will have one division on which to close the proceedings.

**The Hon. G.A. INGERSON:** I never cease to be amazed by the comments expressed by the honourable member opposite in relation to his own long-term future. The principal changes that have been agreed to by the Government and our amendments relate principally to the functions of the advisory committee. We believe that it is an advisory committee; it should not have the powers of an inspector. But we have agreed that we need to clarify further the ability of the advisory committee to receive information on any matter referred to it, so I will move a consequential amendment.

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 amendment be made in lieu thereof:

Clause 4, page 2, lines 4 to 7—Leave out paragraph (d).

Motion carried.

*Amendment No. 3:*

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

That the Legislative Council's amendment No. 3 be disagreed to but that the following amendment be made in lieu thereof:

Clause 4, page 2, line 8—Leave out paragraph (e).

Motion carried.

*Amendment No. 4:*

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

That the Legislative Council's amendment No. 4 be agreed to with the following amendment:

After 'Public Service employee' insert ', or officer of the corporation,'.

Motion carried.

*Amendment No. 5:*

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

That the Legislative Council's amendment No. 5 be disagreed to but that the following amendment be made in lieu thereof:

Clause 5, page 2, lines 29 to 31—Leave out subsection (2) and insert—

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

(a) three will be appointed on the Minister's nomination after consulting with associations representing employers and with associations representing employees (including the UTLC); and

(b) three will be appointed on the Minister's nomination after consulting with associations representing employers; and

(c) three will be appointed on the Minister's nomination 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 the members appointed under subsection (2)(a).

The Committee divided on the motion:

AYES (30)

| | |
|---|---|
| Andrew, K. A. | Armitage, M. H. |
| Ashenden, E. S. | 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. |
| Gunn, G. M. | Hall, J. L. |
| Ingerson, G. A. (teller) | Kerin, R. G. |
| Kotz, D. C. | Lewis, I. P. |
| Matthew, W. A. | Meier, E. J. |
| Olsen, J. W. | Oswald, J. K. G. |
| Penfold, E. M. | Rosenberg, L. F. |
| Rossi, J. P. | Scalzi, G. |
| Such, R. B. | Venning, I. H. |
| Wade, D. E. | Wotton, D. C. |

NOES (10)

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

PAIRS

| | |
|---|---|
| Baker, D. S. | Arnold, L. M. F. |

Majority of 20 for the Ayes.

Motion thus carried.

*Amendment No. 6:*

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

That the Legislative Council's amendment No. 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.

Motion carried.

*Amendment No. 8:*

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

That the Legislative Council's amendment No. 8 be disagreed to and that the following amendment be moved in lieu thereof:

Clause 5, page 3, after line 18—Insert paragraphs as follows:

(da) to keep the administration and enforcement of legislation relevant to occupational health, safety and welfare under review;

(db) to keep the role of health and safety representatives under review;

(dc) to keep the provision of services relevant to occupational health, safety and welfare under review;

(dd) to consult and cooperate with relevant national, State and Territory authorities;

(de) to keep the courses of training in occupational health, safety and welfare under review;.

Motion carried.

*Amendment No. 9:*

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

That the Legislative Council's amendment No. 9 be disagreed to, and that the following amendment be made in lieu thereof:

Clause 5, page 3, lines 32 to 34—Leave out paragraph (b) (and the word 'and' immediately preceding that paragraph) and insert—

(b) ensure that an industry impact statement has been prepared; and

(c) if the Minister or the advisory committee considers that the proposed regulation, code of practice or standard should be tested—ensure that an appropriate pre-approval trial has been conducted.

Motion carried.

*Amendment No. 10:*

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

That the Legislative Council's amendment No. 10 be agreed to.

Motion carried.

*Amendment No. 11:*

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

That the Legislative Council's amendment No. 11 be agreed to with the following amendments:

New section 11(1)—Leave out '11 meetings in every year' and insert 'six meetings per year'.

New section 11(7)—Leave out subsection (7) and insert—

(7) The advisory committee may open its proceedings to the public unless the proceedings relate to commercially sensitive matters or to matters of a private confidential nature.

New section 12—Leave out the section and insert—

Confidentiality

12. A member of the advisory committee who, as a member of the committee, acquires information that—

(a) the member knows to be of a commercially sensitive nature, or of a private confidential nature; or

(b) the committee classifies as confidential information,

must not divulge the information without the approval of the committee.

Penalty: Division 7 fine.

Motion carried.

*Amendment No. 12:*

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

That the Legislative Council's amendment No. 12 be agreed to with the following amendment:

New paragraph (e)—Leave out 'on' and insert 'after seeking'.

Motion carried.

*Amendment No. 13:*

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

That the Legislative Council's amendment No. 13 be disagreed to and that the following amendment be made in lieu thereof:

Clause 7, page 5, lines 14 and 15—Leave out all words after 'amended' and insert 'by striking out from subsection (6) 'commission' and substituting 'corporation after seeking the advice of the advisory committee''.

Motion carried.

*Amendment No. 14:*

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

That the Legislative Council's amendment No. 14 be disagreed to and that the following amendment be made in lieu thereof:

Clause 8, page 5, lines 20 and 21—Leave out paragraph (b) and insert—

(b) by striking out from subsection (5) 'on the recommendation of the commission' and substituting 'after the Minister has consulted with the advisory committee'.

Motion carried.

*Amendment No. 15:*

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

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

Clause 10, page 5, line 32—Leave out subparagraph (i) and insert new subparagraph as follows:

(i) the Minister after seeking the advice of the advisory committee or the corporation;.

Motion carried.

*Amendment No. 16:*

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

That the Legislative Council's amendment No. 16 be disagreed to and that the following amendment be made in lieu thereof:

Clause 11, page 6, lines 3 and 4—Leave out paragraph (a) and insert—

(a) by striking out from subsection (3) 'the commission; and substituting 'the Minister after seeking the advice of the advisory committee or the corporation;'

Motion carried.

*Amendment No. 17:*

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

That the Legislative Council's amendment No. 17 be agreed to with the following amendment:

New paragraph (b)—Leave out 'corporation may, acting on' and substitute 'Minister may, after seeking'.

Motion carried.

*Amendment No. 18:*

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

That the Legislative Council's amendment No. 18 be disagreed to.

Motion carried.

*Amendment No. 19:*

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

That the Legislative Council's amendment No. 19 be agreed to with the following amendment:

Leave out 'advisory committee' and substitute 'corporation'.

Motion carried.

*Amendment No. 20:*

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

That the Legislative Council's amendment No. 20 be agreed to with the following amendment:

Leave out 'advisory committee' and substitute 'corporation'.

Motion carried.

*Amendment No. 21:*

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

That the Legislative Council's amendment No. 21 be disagreed to and that the following amendment be moved in lieu thereof:

Clause 12, page 6, lines 17 and 18—Leave out paragraph (d) and substitute—

(d) by striking out from subsection (11) 'and has obtained the Director's' and substituting 'or to the corporation and has obtained the Director's or the corporation's'.

Motion carried.

*Amendment No. 22:*

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

That the Legislative Council's amendment No. 22 be disagreed to and that the following amendment be moved in lieu thereof:

Clause 15, page 6, lines 29 to 31—Leave out this clause and substitute new clause as follows:

Substitution of s.53

15. Section 53 of the principal Act is repealed and the following section is substituted.

Delegation

53. (1) The Minister, the Director or the Corporation may, by instrument in writing, delegate a power or function under this Act.

(2) A delegation under this section—

(a) may be made subject to such conditions as the delegator thinks fit;

(b) is revocable at will; and

(c) does not derogate from the power of the delegator to act in any matter.

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:

New subclause (1)—Leave out 'advisory Committee' twice occurring and substitute, in each case 'corporation'.

Motion carried.

*Amendment No. 24:*

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

That the Legislative Council's amendment No. 24 be agreed to.

Motion carried.

*Amendment No. 25:*

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

That the Legislative Council's amendment No. 25 be disagreed to and that the following amendment be made in lieu thereof:

Clause 21, page 8, lines 26 and 27—Leave out this clause and substitute new clause as follows:

Substitution of s.65

21. Section 65 of the principal Act is repealed and the following section is substituted:

Annual report

65. (1) The advisory committee must, before 30 September in each year, prepare and forward to the Minister a report on its work during the financial year that ended on the preceding 30 June.

(2) The Minister must, as soon as practicable after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

Motion carried.

*Amendment No. 26:*

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

That the Legislative Council's amendment No. 26 be disagreed to.

Motion carried.

*Amendment No. 27:*

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

That the Legislative Council's amendment No. 27 be disagreed to.

Motion carried.

*Amendment No. 28:*

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

That the Legislative Council's amendment No. 28 be agreed to.

Motion carried.

*Amendments Nos 29, 30 and 31:*

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

That the Legislative Council's amendments Nos 29, 30 and 31 be agreed to.

Motion carried.

**The Hon. G.A. INGERSON:** I move a consequential amendment:

Clause 5, proposed new section 8—Insert new subsection (8) as follows:

(8) The advisory committee is entitled to access all information relating to all matters referred to it for advice.

Earlier in the Committee stage I referred to this matter. There was lack of clarity in the function clause that we put to the other House in terms of the ability for the advisory committee to reference any matters referred to it for advice. This amendment clarifies that issue.

Motion carried.

*[Sitting suspended from 5.52 p.m. to Friday 13 May at 4 p.m.]*

## LIMITATION OF ACTIONS (RECOVERY OF TAXES AND SUBSTANTIVE LAW) AMENDMENT BILL

At 4 p.m. the following recommendation of the conference was reported to the House:

*As to Amendments Nos 1 and 2:*

That the Legislative Council do not further insist on its disagreement to these amendments.

Consideration in Committee of the recommendation of the conference.

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

That the recommendation of the conference be agreed to.

This Bill was introduced to further limit the extent to which taxation which had already been collected would be affected by a rejection of that taxation in a court. We already have a living example of where the Capital Duplicators case could have severely impacted on this State, and I refer to the three areas which have been subject to challenge over the years where the States collect on licence, some companies believing that these are excise fees—and they relate to alcohol, tobacco and liquor.

In December we had a High Court ruling in relation to a video hire licence fee, and this tended to confirm that we have the right to collect these taxes by licence and that they do not, in the current situation, duplicate excise fees, which would be disallowed under the Commonwealth Constitution. However, whilst two matters were satisfied at that time by the High Court ruling, the matter involving petrol was left open, and we understand that is now under challenge.

We needed to shore up our revenues and there are a number of other examples where we would wish to ensure that State revenues are not affected by court challenge which, if successful, could leave the State in a very parlous situation. The conference was a very amicable one and resolved that the will of the House of Assembly should prevail and, indeed, that the Bill as it came to the House should remain unchanged. I thank all members of the conference for their involvement.

Motion carried.

## SUPPLY BILL

Returned from the Legislative Council without amendment.

## STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) BILL

Returned from the Legislative Council without amendment.

## CONTROLLED SUBSTANCES (DESTRUCTION OF CANNABIS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

## IRRIGATION BILL

Returned from the Legislative Council without amendment.

## CONSTITUTION (ELECTORAL DISTRICTS BOUNDARIES COMMISSION) AMENDMENT BILL

Returned from the Legislative Council without amendment.

## STAMP DUTIES (CONCESSIONS) AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3, lines 23 and 24 (clause 7)—Leave out 'real property' and insert 'land'.

No. 2. Page 5, line 10 (clause 8)—Leave out 'real property' and insert 'land'.

No. 3. Page 5, line 14 (clause 8)—Leave out 'real property' and insert 'land'.

No. 4. Page 5, line 15 (clause 8)—Leave out 'that comprises the real property'.

No. 5. Page 5, clause 8—After line 17 insert new paragraph as follows:

'(ca) that the sole or principal business of the mortgagor is the business of primary production;'.

Consideration in Committee.

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

That the suggested amendments be agreed to.

As members of the Committee would be aware, we dealt with the issue of stamp duty concessions in respect of three areas affecting the rural community. The first relates to the transfer of land in an inter-family relationship; the second is refinancing of debt; and the third is farm equipment. When the Bill was considered in the other place, two sets of amendments were moved. They are relatively minor but they do improve the Bill. A late submission to the Government raised the question of whether the transfer of a farm lease would be the transfer of an interest in real property. There is a fine legal argument that it does not as, traditionally, leases are personal property. The Government has always intended to include the ambit of the concession situation where the relevant land is held by crown lease.

The Stamp Duties Act is not completely consistent with its use of the words 'real property' and 'land'; however, the matter can be put beyond doubt by the amendments in the schedule. It should be noted that where the term 'real property' occurs in clauses 7 and 8 and in other places it has been substituted by the word 'land.' In the second set of amendments moved in another place, the Opposition moved the same amendments as those that were moved in this place, and they relate to the wider spectrum and allow the stamp duty concession to embrace small business and other businesses that want to change their financing arrangements as far as their debt is concerned. That did not succeed.

However, one amendment was moved in another place which we believe is appropriate. It relates to the situation prevailing where you have landlord farmers—commonly called 'Rundle Street' farmers—or absentee landlords or people involved in farming only from a pecuniary interest and not from a dedication to the land. The amendment is to clause 8, page 5, after lines 7, as follows:

Insert new paragraph as follows—

(ca) that the sole or principal business of the mortgagor is the business of primary production.

That amendment adds one further criterion with which the commissioner must be satisfied before granting the concession, namely, that the mortgagor's sole or principal business is in farming. This ensures that 'Rundle Street' farmers do not receive the benefit of the concessions. The Government is content with both of those amendments. We believe that they add to the fibre of the Bill and reflect its intent. We are pleased to accept the amendments.

**Mr QUIRKE:** I will not take up much of the Committee's

time on this issue. The Opposition supports the amendments and thanks the Government for being reasonable on these issues. There is no doubt that the amendments greatly strengthen the Bill and in fact direct it to where it was intended. The idea behind it was to provide relief for farmers in particular and not for those people whose primary business is not agriculture. Where this is concerned the Opposition believes the Bill has now gone through the parliamentary process, has been greatly strengthened and we support the amendments that are now before us.

**Mr LEWIS:** As it now comes to us from the other place, the legislation is very much the same as that which I was fortunate enough to introduce during the last Parliament. It astonishes me that members of the current Opposition, who were principally members of the Government at that time and simply refused to acknowledge the legislation that I proposed, now find it easy to accommodate it. That amazes me. I guess even a few months is enough time for them to come to the same kind of insight that Saul who became Paul had on his way to Damascus. We certainly did not have to go to Syria and back to discover it in this instance.

I am pleased that the Opposition finds it so. I believe we will go a considerable distance through this measure to relieve the cash/cost burden which was otherwise to be imposed on families that are so cash-strapped they would not even have been able to borrow the money to make the change let alone find it from within their annual income resources. I hope that, in those genuine circumstances, the Taxation Commissioner will give prompt and accurate accommodation to all applicants as they flood in in the initial phase of the legislation's operation so that relief can be obtained by those families who seek it. It will enable the older generation to go off the farm and brothers to choose whether to leave or stay, so there will not be a huge cost involved in the rearrangement of the ownership of the property.

My last remark is that I sincerely hope that people will transfer their land from its current ownership in the hands of natural persons to companies or trusts so that this problem will never again arise for their family, because across time governments change and, as you would know, Mr Chairman, so do acceptable politics, and in 10 years they might find themselves back where they came from.

**Mr VENNING:** It is a great pleasure to be at the end of a long road with this legislation. I have much pleasure in supporting the amendments because I do not think they take away from the original Bill; in fact, they may strengthen it. At this very moment, my constituents are waiting to hear the news that this Bill has passed both Houses, and hopefully it will be consented to in a few days. The economic situation in our rural areas is particularly bad at the moment. The feeling is very gloomy when we look at the weather. If we do not get rain tonight or tomorrow we will go into a crisis situation. If we do not get that break in the next two to three weeks, I say to members that the situation will be very grave indeed.

This is a small measure but a positive one which will tell the people that this Parliament cares and that it will do all it can to assist, albeit in a small way. I commend the member for Ridley, then the member for Murray-Mallee, for his efforts when we began this campaign with this parcel of Bills about two years ago. Finally tonight we see the end of the road. These Bills will be of assistance to the farming community and to younger farmers, in particular. This assistance will now become an actuality. I have much pleasure in supporting the amendments.

**The Hon. S.J. BAKER:** I would like to thank the members for Ridley and Custance. I know they have been very active participants in the process of gaining rural relief for their constituents. They have pursued this matter with a great deal of vigour over a long time. Of course, the member for Ridley has been in this House a lot longer than the member for Custance, but I know that the matter has come up before the Party room on a number of occasions and, of course, now that we are in government we have had the capacity to implement that policy. It is an important policy. We believe that the rural community will be a very vital element in the recovery of this State, particularly if we can start to get some downstream manufacturing and some value adding into the process which is most necessary for the future benefit of this economy. So, it is very much to the benefit of the rural community. It will not solve all the problems, but it is a positive step and a positive message to our country people that the Parliament and the Government believe in them, and now it is up to them. I thank members for their contributions.

Motion carried.

## SOUTH AUSTRALIAN PORTS CORPORATION BILL

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

## HARBORS AND NAVIGATION (PORTS CORPORATION AND MISCELLANEOUS) AMENDMENT BILL

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

## POLICE (SURRENDER OF PROPERTY ON SUSPENSION) AMENDMENT BILL

Returned from the Legislative Council without amendment.

## STATUTES AMENDMENT (CONSTITUTION AND MEMBERS REGISTER OF INTERESTS) BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

## STATUTES AMENDMENT (COURTS) BILL

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

Consideration in Committee.

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

That the House of Assembly insist on its amendments.

Motion carried.

## CROWN LANDS (LIABILITY OF THE CROWN) AMENDMENT BILL

Returned from the Legislative Council without amendment.

*[Sitting suspended from 4.33 p.m. to Saturday 14 May at 10 a.m.]*

**The Hon. S.J. BAKER (Deputy Premier):** It will now be necessary for the House to suspend further in order to allow the Upper House time to consider the legislation that has to be processed before the Parliament adjourns for the winter recess.

*[Sitting suspended from 10.2 a.m. to 5 p.m.]*

## SELECT COMMITTEE ON ORGANS FOR TRANSPLANTATION

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

That the select committee have power to sit during the recess and to report on the first day of the next session.

Motion carried.

## SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council with amendments.

## STATUTES AMENDMENT (COURTS) BILL

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

## STATUTES AMENDMENT (CLOSURE OF SUPERANNUATION SCHEMES) BILL

Returned from the Legislative Council with an amendment.

## LIMITATION OF ACTIONS (RECOVERY OF TAXES AND SUBSTANTIVE LAW) AMENDMENT BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

## STATUTES AMENDMENT (TRUTH IN SENTENCING) BILL

Returned from the Legislative Council without amendment.

## JOINT COMMITTEE ON THE FUTURE DEVELOPMENT AND CONSERVATION OF SOUTH AUSTRALIA'S LIVING RESOURCES

The Legislative Council intimated that it concurred in the resolution of the House of Assembly and that it would be represented on the committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee.

**The Hon. D.C. WOTTON (Minister for the Environment and Natural Resources):** I move:

That the members of the House of Assembly on the joint committee be Mr Buckby, Mrs Geraghty and the Hon. D.C. Wotton.

Motion carried.

**The Hon. D.C. WOTTON:** I move:

That the members of the House of Assembly appointed to the joint committee have power to act on the committee during the recess.

Motion carried.

## FORESTRY (ABOLITION OF BOARD) AMENDMENT BILL

Returned from the Legislative Council without amendment.

## STATUTES REPEAL (OBSOLETE AGRICULTURAL ACTS) BILL

Returned from the Legislative Council without amendment.

## HUGHES, MR LLOYD, DEATH

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

That this House expresses its regret at the recent death of Mr Lloyd Hughes, former member of the House of Assembly, and places on record its appreciation of his meritorious service and, as a mark of respect to his memory, the sitting of the House be suspended until the ringing of the Bells.

In moving this motion, I am aware of Lloyd Hughes' service to this Parliament. I know that he developed a reputation as a fierce fighter for his district during that time, even though I did not know him personally. Lloyd Hughes was the ALP member for Wallaroo for almost 13 years and served this Parliament between 1957 and 1970. For the last five years of his membership of this House he served on the Industries Development Committee, including three years as its Chairman. The seat of Wallaroo actually disappeared in the 1969 redistribution, and Mr Hughes contested the seat of Gouger for his Party at the 1970 election, losing it to the then Premier, Mr Steele Hall.

Wallaroo was a seat covering both rural and industrial activities. Mr Hughes lived in the district all his life. He was a very active participant in the community that he represented and was a highly respected member of that community. Before entering Parliament he had been a Methodist lay preacher with wide experience in local government. He also served as President of the Kadina High School council and on the Wallaroo Hospital board. He was patron of the Kadina and Moonta Show Societies, and the Northern Yorke Peninsula Agricultural Bureau Field Trial and Show Society. His other public offices included membership of the Wallaroo Ambulance Committee and the Wallaroo Progress League.

Mr Hughes was a rare breed of politician. He was an ALP representative in what was a very strong rural area, and he had many years direct experience in rural and primary production before entering Parliament. The fact that he was able to increase his majority at each election in a rural electorate demonstrated the strength and effectiveness of his local representations. As a result of those representations, he gained significant benefits for the community in which he lived, and the new bitumen road from Moonta to Port Hughes, a water main from Moonta Bay to Port Hughes and a new jetty for Moonta Bay were testimony to the strength of his representation.

I am sure that Lloyd Hughes will be remembered fondly by those who knew him well and by the community that he served for so long with so much dedication. On behalf of the Government and of the Liberal Party, I extend our sincere condolences to his family.

**The Hon. LYNN ARNOLD (Leader of the Opposition):** I second the motion of the Deputy Premier and convey the condolences of this side of the House to the family of the late Lloyd Clarence Hughes. The Deputy Premier has already

detailed some aspects of his career. He was elected at a by-election in August 1957 to fill a vacancy that had been left by the death of Mr L.R. Heath. He won that by-election and, in so doing, returned the seat of Wallaroo to the Labor Party—a seat that had been a Labor seat in the early decades of this century. In fact, it was a seat that was represented by the first Premier of a democratic socialist Government anywhere in the world, the Hon. John Verran.

So, it was a seat that had proud Labor traditions, albeit that it went into a drought until 1957 and returned to a drought in 1970. Lloyd Hughes represented the seat from August 1957 until May 1970, and served that seat with distinction as a local member, very proud to be a local member working on behalf of his constituency. All of us hope to be good local members, but there are some who do it with special skill. It is certainly true that Lloyd Hughes was one such active local member. He promised to be such in his maiden speech to Parliament, and in his campaign at the by-election in 1957. In his maiden speech he said:

> I am not ashamed to say that any parliamentarian would not be worth his salt if he was not prepared to fight for his own district.

Of course, what happened over the intervening years was precisely that: he did fight for his own district, and the Deputy Premier has already detailed the number of things he achieved for the people of the Wallaroo community.

In addition to that, he was also active in parliamentary affairs generally. He served on the Industries Development Committee from 1965 to 1970 and, indeed, he was Chair of that committee from 1965 to 1968. He stood for the seat of Gouger, as was said by the Deputy Premier, following the redistribution that increased the number of members of this place but on a fairer boundary system than had previously been the case. He did not win that election, but he stood later in 1970 for the Midland seat of the Legislative Council.

Lloyd Hughes came from Wallaroo. He was born on 15 October 1912 and had worked for many years in his local community, long before entering Parliament, serving on a number of organisations including the local hospital board. He was a firm, dedicated Christian and he represented an element that has been a unique feature of the South Australian Labor Party—it is somewhat different from other Labor Parties—where there has been a very strong Methodist or Wesleyan influence. Lloyd Hughes was one such person from that influence; in fact, he was a lay preacher. I believe that for many years the incidence of lay preachers from the Methodist or the Wesleyan church was higher in this branch of the Labor Party than anywhere else in Australia. Indeed, until the last election there was still one in the person of the Hon. Don Hopgood. He believed very strongly in his Christian beliefs and saw them as fitting very appropriately with his work for the community, which he expressed through his political representation in this Parliament.

I know of many who have known Lloyd Hughes well and who have spoken of his very impressive character and his integrity. His personality was upright and what he said was clearly what he believed, and what he promised is what he would do. However, he had some very strong views about promises. He believed that one should simply do or act. Again, returning to his maiden speech, on the declaration of the poll on 5 September, he said:

> I challenged any person, including the defeated candidate, to prove that I had made one promise during the campaign, but no person accepted. How could they? Right through the campaign I said I would not be a party to any promise.

Now, there are some who may say that and one may take that cynically. Lloyd Hughes was a person who more wanted to be measured by his actions and by his deeds on behalf of his community than by idle promises. So he was not one to make such promises.

His wife died a couple of years ago and he is survived by children and grandchildren, and I extend on behalf of my colleagues our condolences to them on the death of Lloyd Hughes.

**The Hon. J.W. OLSEN (Minister for Industry, Manufacturing, Small Business and Regional Development):** I will briefly contribute to the condolence motion of the Deputy Premier and the Leader of the Opposition at the passing of Lloyd Hughes, the former member for Wallaroo. I knew Lloyd Hughes in my early years of involvement in the Young Liberals and local government. I came to understand Lloyd Hughes as a person who worked hard and conscientiously for his community. It did not matter from which political background you came, he did not, as I guess is true of all good members of Parliament, differentiate between Liberal or Labor: he served the community and the individuals in that electorate exceptionally well.

He won his place here, as the Leader said, in a by-election in 1957. That was of particular interest to my family, because Leslie Roach Heath, who was killed on his way home from Parliament in 1957, was my uncle. He had actually wrested the seat of Wallaroo from the Labor Party after three or four decades of consistent Labor representation in that seat—something of which my family was obviously somewhat proud. Upon his death, at the resulting by-election, the seat was returned to the Labor Party and it was held constantly until a redistribution, as the Leader has said, in 1970.

Lloyd Hughes had a great capacity to speak. *Hansard* records show that he held the record for the longest speech in this Chamber—three hours and 20 minutes, or something of that order—having been called upon by his Party, I understand, to keep a debate going while the Whip organised members to return to the Chamber. During the course of that speech he referred constantly to newspaper clippings in order to spin out the debate. I can also vividly recall my years at Kadina Memorial High School, where Lloyd Hughes was Chairman of the school council (and where on one occasion the Chairman's speech lasted some considerable time, with speech night ending after midnight). So, Lloyd had a great capacity to speak when the occasion arose.

Lloyd was a devout Christian, and he practised those Christian values throughout his life. I join with other speakers, the Deputy Premier and the Leader, in expressing my condolences to his three sons and their families.

**Mr QUIRKE (Playford):** I had the pleasure of meeting Lloyd Hughes on several occasions, the last occasion being some four or five years ago at his home in Wallaroo. At that time he was in his declining years; his eyesight had failed him and he was almost blind, and I understand that he went blind shortly thereafter. However, he never lost that sparkle that he had as an old Labor member. Indeed, one of the first things he said to me was that, if the Government made the right decision on where the power station should go, we could win back the seat. He had a passion about the subject and spent some considerable time—and I can verify what the Minister just said in this regard—lobbying me strongly at that time, as I think he lobbied many other members, for the Labor Party, in essence, to return to the bush that he knew back in the

1940s, 1950s and 1960s when this Party was well represented in a number of different areas.

Lloyd Hughes served in five Parliaments in this House and indeed would have been very happy to have served into the 1970s. He regretted the fact that most of his time serving the Labor Party, except from 1965 to 1968, was in Opposition. Indeed, he missed out on the years when in the 1970s the Labor Party became—as indeed the Playford Government had previously been—the natural Party of Government in this State. It is ironic that the redistribution that brought about a reduction in the number of country seats also saw some of the last bastions of the Labor Party outside the Adelaide metropolitan area disappear.

Indeed, it was with great sadness that I heard that Lloyd Hughes had passed away, because with him has passed an era of representation in the country areas from which the Labor Party in essence has changed fundamentally. We sadly miss people in this world like Lloyd Hughes, because they made an enormous contribution in an area that is notoriously difficult for the Labor Party.

**Mr MEIER (Goyder):** I also support this motion of condolence moved by the Deputy Premier and seconded by the Leader of the Opposition, and I express my deepest sympathy to Mr Hughes' three sons—Trevor, Des and Philip—and their families. I first got to know Mr Hughes about nine years ago when he became a constituent of mine, with Wallaroo coming into the electorate of Goyder. The occasion was the end of year Christmas function for the Wallaroo RSL Club.

Lloyd made me feel very welcome there, because I knew few people in Wallaroo at that stage. I think it was that evening that he gave an address to the fallen. I could not help but admire him for the detail he went into and the obvious research he had undertaken for that address to the fallen, which always concluded with the playing of the *Last Post*.

I saw Lloyd in action at the RSL on many occasions, including those occasions on which he conducted ANZAC Day services. Lloyd always made me feel very much a part of Wallaroo and a part of ANZAC day and RSL activities. When I received invitations I was usually happy to sit in the general body of the audience, and each time Lloyd would say, 'John, we want you up on stage.' That was fine, except that on the first occasion it happened he also said, 'And we would like you to give a little address for this service.' Fortunately, on that occasion I had been to church in the morning, and while I was sitting there listening to Lloyd give his address I thought, 'I can't match it, but I'll do the best I can, and I'll keep it brief', and it worked out all right. I am always appreciative of Lloyd for having made me feel very much a part of the Wallaroo community.

It is ironic that late last year I moved there, and moved my electorate office there this year. The last occasion I had a chance to speak with Lloyd was at the opening of the Goyder electorate office on 18 March, when I extended an invitation to him and others to attend. He was very happy to see the renovated offices, which had not been touched for some 50 years.

I am very sad that Lloyd is no longer with us. The Minister for Infrastructure indicated that Lloyd probably has the record for the longest speech in this Parliament. It was interesting to read a description of that speech in the *Country Times* late last year, indicating that the House had been discussing a Bill about scientology; Lloyd was speaking to the Bill, and he was approached by his Party's Whip with an urgent request, 'We want you to keep going.' Lloyd was a little dismayed because, as I think the Minister for Infrastructure indicated, Lloyd was no expert on scientology and obviously referred to numerous newspaper clippings during that speech. He asked the Whip, 'How long do I have to keep going?' and the Whip replied, 'All night if you can.'

Three and a half hours later Lloyd was running out of steam, and at about that time he said, 'I looked around and thought, "What am I doing here, labouring on while the others are out there having a cup of tea?" So I stopped suddenly, throwing them all into a turmoil.' I can well imagine that Lloyd must have got a bit of a kick out of that. He obviously had a sense of humour, as I was able to observe on those occasions when I was in his company. The article in the *Country Times* indicates that there was a time when Lloyd had to stop speaking just before the dinner break, and he left his notes on his desk. When he returned to the House to continue with his speech after dinner, the notes had disappeared, and he said, 'John Freebairn had picked them up and taken them away for a joke. I had to go on without my notes and did. After a while John must have felt embarrassed, and gave them back to me.' I must ask John Freebairn the next time I see him whether he did have a sense of remorse at the time and felt that he should return the notes.

In the article in the *Country Times*, Lloyd also commented that he had approached Premier Playford to introduce legislation to have refrigerators dismantled so that they could not be accidentally locked if anyone got inside them. Premier Playford said that he was not interested in introducing such legislation, so Lloyd decided that he would go away and prepare a Bill himself. He said it was ironic that a couple of days later a small child at Murray Bridge had been trapped in a refrigerator but had been rescued. He said that he did not receive any opposition from the other side after that. Lloyd was always thinking of other people. In fact, his strong Christian beliefs have been referred to. His lay preaching of 65 years was acknowledged at the end of last year. There are many examples of where he preached. In fact, when he was on a parliamentary trip to look at the Snowy River scheme he received a telegram to ask whether he could lay preach at Maughan Church. He indicated from the Snowy River that that would be fine.

He was pre-deceased by his wife Lorna just over two years before his passing yesterday. I know that he will be missed by so many who knew him so well in Wallaroo, the northern Yorke Peninsula and throughout this State and beyond generally. The positive thing is that he is now with his wife Lorna and his Lord and Saviour, Jesus Christ, whom he advocated and preached from the pulpit on so many occasions. I have pleasure in supporting the condolence motion.

Members stood in their places in silence.

*[Sitting suspended from 5.47 p.m. to 8.55 a.m. (Sunday)]*

## SITTINGS AND BUSINESS

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

That Standing Orders be so far suspended as to enable me to move a motion forthwith to rescind an order of the House made on Thursday 12 May relating to the next day of sitting.

It has been a very long week—basically very long for those in another place—and I express my thanks to the staff of the Parliament for their forbearance. Whilst it was intended to finish the parliamentary session on Thursday, when Thursday

came we believed that in the circumstances that was a very difficult request to meet.

It is the Government's intention for the House to sit again to finalise some very important Bills that are left. There is still some negotiating to be done on one or two of mine, and I would like to think that that will be done in a very cool and calm atmosphere, when no-one is overly tired. I thank everybody for their forbearance.

**Mr CLARKE (Ross Smith):** I would like to speak on this matter, and I will not be so cheerful about it. I think the conduct of the Government in this matter has been an absolute disgrace. I have sat in the Legislative Council gallery for the last two weeks through until midnight and 1 o'clock in the morning, up until that Chamber just concluded the Industrial Employee and Relations Bill at around 8.45 a.m. It is all very well for the Government—

*The Hon. G.A. Ingerson interjecting:*

**Mr CLARKE:** I am not moaning. For a start there are a few things that could have happened. It must have been patently obvious to the Government, in the early hours of this morning, that there was no hope in hell of the House of Assembly dealing with the Industrial and Employee Relations Bill or any other matter sensibly on a Sunday. It is all right for members because we volunteered for this job and put ourselves up for election, but what about the staff of the Parliament? We have heard a lot of cant from the Minister for Industrial Affairs over the past few months about occupational health and safety and how he is going to issue directives to CEOs of Government departments and issue another Audit Commission report on health and safety standards of their departments. What is happening in the Parliament, of which the Government is in charge because it has the numbers? It has *Hansard* staff, clerks of the House and ancillary staff in attendance working for 24-hours. On top of that some staff have only just finished at about 1 or 2 o'clock in the morning with other staff finishing in the Legislative Council at 4 a.m. on the Saturday morning and expected to be on duty—

**Mr LEWIS:** I rise on a point of order. I understand that it is not permissible to refer to the other place, to the debates in that Chamber or the way it conducts its business in any way, derogatorily or otherwise, in the course of debates in this place.

**The SPEAKER:** The Chair is fully aware of the point the honourable member for Ridley is making; however, in the circumstances, I think it is not wise for the Chair to enforce the Standing Orders rigidly this morning and I ask the honourable member for Ross Smith to remember that we are debating a motion to suspend the Standing Orders.

**Mr CLARKE:** Thank you, Mr Speaker, I will conclude shortly. I want to make those points very clear because the Government has another 3½ years in office, and if it cannot organise itself better with respect to the passage of legislation our job will be impossible. There is no way in the world that the Industrial Employee and Relations Bill was going to be passed within the time frame originally set by the Government. We never filibustered the measure.

What I find very intriguing, and I will conclude on this remark, is that the Government passed the industrial relations legislation and it will go through next Wednesday by dint of numbers. The Government, by its own conduct and actions towards the staff of this Parliament, has sent a wonderful message to the private employers who will be operating under that legislation: work employees 24 hours a day, give them about five-hour breaks between shifts, and it is stuff all.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.J. BAKER:** I rise on a point of order. I do not believe the honourable member's language is parliamentary.

*Members interjecting:*

**The SPEAKER:** Order!

*Mr Clarke interjecting:*

**The SPEAKER:** Order! This is not the time for members to engage in personal attacks across the Chamber. I warn the member for Ross Smith that if he continues I will have no hesitation in applying the Standing Orders. I do not want particularly to get involved in that at this time.

Motion carried.

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

That the order of the House for the next day of sitting passed on Thursday 12 May be rescinded.

Motion carried.

## LIQUOR LICENSING (GAMING MACHINES) AMENDMENT 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 is a Bill to amend the Liquor Licensing Act 1985, to allow licensed clubs with gaming machine licences to seek approval to operate under trading conditions, some of which are similar to those enjoyed by hotels. The Bill, which results from an agreement between the Hotel and Hospitality Industry Association and the Licensed Club's Association, reflects the level playing field approach inherent in the Gaming Machines Act 1992 and applies that philosophy to the Liquor Licensing Act.

The hotel and club industries have argued that licence conditions applying to clubs, which are based on the traditional concept of a club as an association of members with common aims and interests, would disadvantage clubs from a gaming machines perspective. While the Gaming Machines Act seeks to establish a level playing field, the hotel and club industries believe that the more favourable position of hotels in respect of trading hours and access by the general public would result in the predomination of hotels in the gaming machine industry unless club trading hours and membership conditions are extended.

To protect the rights of local residents, a club seeking these trading rights will be required to advertise its application, giving local residents the opportunity to object on the grounds of disturbance, annoyance or inconvenience. Advertising will also alert local councils and police who have rights of intervention.

This Bill provides industry supported regulatory consistency for gaming and liquor licensees, while preserving the rights of those who live nearby licensed premises and the expectations of employees.

Some people do have misgivings about this Bill, for example, several small clubs without gaming machines have expressed a concern that they will be overwhelmed by the larger clubs. However, the general response from our consultation, including with smaller clubs, is that they support the proposal.

Some concern has been expressed that this amendment will change the character of clubs who apply for extensions. However, clubs and their members ultimately have control over whether or not they seek to install gaming machines in the first place and then make application for extensions.

Explanation of Clauses

*Clause 1: Short title*

*Clause 2: Commencement*

Clauses 1 and 2 are formal.

*Clause 3: Amendment of s. 34—Club licence*

Clause 3 amends section 34 of the principal Act to provide that the licensing authority may endorse a licence held by a licensed club that also holds a gaming machine licence, to authorise the sale of liquor to any person, whether or not a member or a visitor, during periods

specified in the licence, not exceeding ordinary hotel authorised trading hours, for consumption on the licensed premises. The licensing authority may only so endorse the licence if satisfied that to do so would be unlikely to result in undue offence, annoyance, disturbance, noise or inconvenience.

*Clause 4: Amendment of s.35—Conditions as to visitors*

Clause 4 amends section 35 of the principal Act to provide that the conditions in relation to visitors to which a club licence is subject do not apply to a licensed club that has been authorised to sell liquor to any person.

*Clause 5: Amendment of s. 50—Power of licensing authority to impose conditions*

Section 50 of the principal Act provides for the licensing authority to impose conditions on licences. The amendment provides for conditions to be imposed, varied or revoked on the endorsement of a club licence to authorise the sale of liquor to any person.

*Clause 6: Amendment of s. 58—Certain applications to be advertised*

Section 58 of the principal Act states that various applications must be advertised. The amendment provides that an application by the holder of a club licence and a gaming machine licence to sell liquor to any person is an application which must be advertised.

*Clause 7: Amendment of s. 84—Rights of intervention in relation to application for club licence*

Section 84 of the principal Act provides that on an application for a club licence any person with a proper interest in the matter may intervene in the proceedings. The amendment provides that this is also to apply to an application to vary a club licence to authorise the sale of liquor to any person.

*Clause 8: Amendment of s. 107—Contracts for provision of services*

Section 107 of the principal Act provides that a licensed club may enter into a contract for the provision of services to, or for the benefit of, the members of the club. The amendment provides that this is not to apply to a licensed club that has been authorised to sell liquor to any person.

**Mr De LAINE** secured the adjournment of the debate.

## ADJOURNMENT

At 9.1 a.m. the House adjourned until Wednesday 18 May at 2 p.m.